



**CALIFORNIA AERONAUTICAL UNIVERSITY**

**Annual Security Report  
2022**

**4517 E. Mallory Circle, Suite 115  
Mesa, AZ 85215**

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## CONTACT US

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# Annual Security Report

## Introduction

California Aeronautical University (CAU) prepares and publishes the Annual Security Report every October 1<sup>st</sup> to comply with the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act)*. Institutions participating in federal student financial aid programs must present to current and future students as well as current and future employees certain crime statistics and policies in accordance with the *Clery Act*. The purpose of this report is to provide information relating to campus safety and security in an effort to aid current and future students as well as current and future employees in making informed decisions regarding the University. For the CAU-Bakersfield Campus, this Annual Security Report includes the requirements of California Senate Bill 967, which amended the Education Code. The Code requires postsecondary institutions to adopt policies concerning student safety and sexual assault.

CAU opened its campus in January 2016 and is located at the Meadows Field Airport (KBFL) in Bakersfield, CA. The on-campus facility includes a student residence-hall, cafeteria, recreation center (pool, basketball, tennis and volleyball courts), flight training and administrative buildings, and a large five-bay aircraft hangar.

In March 2021, CAU has opened its Mesa, AZ branch campus. It is located at the Falcon Field Airport. The on-campus facility provides classrooms, a lounge area, and administrative offices. The University's facilities and the equipment it utilizes fully comply with all state and local ordinances and regulations, including those requirements for fire safety, building safety and health safety. The Mesa branch does not have on-campus housing.

CAU also operates two flight-training centers at airports in California to support flight lab coursework. The centers DO NOT offer programs of study or provide any services to matriculating CAU students and are in operation to support local community interest for a quality flight-training provider. CAU operates flight courses at the following satellite locations:

California Aeronautical University  
San Diego County Flight Training Center  
3794 John J Montgomery Drive  
San Diego, CA 92123

California Aeronautical University  
Ventura County Flight Training Center  
1601 W 5<sup>th</sup> Street  
Oxnard, CA 93030

CAU does not maintain any additional buildings or properties located on or off campus that is own or control by officially recognized student organizations.

Dissemination of the report includes e-mail notifications to students, faculty, and staff providing the website address to the Annual Security Report. Potential students and employees have access to the report on our Consumer Information web page at <http://www.calaero.edu/consumerinformation/>. A printed copy of the report is also available upon request.

## Crime Reporting Procedures

### Reporting Crimes

Students, faculty, and staff are strongly encouraged to report all crimes accurately and promptly to local law enforcement. Any suspicious activity or person seen in the parking lots or loitering around vehicles or inside any University buildings should be reported to the local law enforcement agency.

Local Law Enforcement Agency	Campus or Flight Center Location	Local Phone Numbers	Emergency Number
Mesa Police Department	California Aeronautical University 4517 E. Mallory Circle, Suite 115 Mesa, AZ 85215	(480) 644-2211	9-1-1

In addition, students, faculty and staff should report a crime to the following individuals listed below who are designated as CAU's **Campus Security Authorities (CSA)**:

### Report crimes to:

Title	Name	Location(s)	Contact Phone #
President	Matthew Johnston	Bakersfield, CA Campus & Mesa, AZ Campus	(661) 615-5915
Provost	Dr. Michael Berry	Bakersfield, CA Campus	(661) 615-5915
Title IX Coordinator	Andrea Georges	Bakersfield, CA Campus & Mesa, AZ Campus	(661) 615-5915
On-Site Administrator/Director of Faculty Development and Learning	Elise Alva	Mesa, AZ Campus	(480) 716-2228

Timely reporting of criminal activity enables CAU to respond to crime in a timely manner and potentially reduce the recurrence of that crime. CAU will protect the confidentiality of any victim. CSAs will collect the information necessary to complete the CAU Crime Report form with the reporting individual(s).

### Campus Security and Daily Crime Logs

CAU does not have an internal police department but does have an On-Site Administrator who is responsible for campus security. The Administrator ensures that the University's premises and buildings are secure.

CAU works cooperatively with local law enforcement agencies when necessary. There are no written memoranda of understanding agreements between CAU and local law enforcement agencies to investigate alleged crimes. CAU does, in good faith effort, contact local law enforcement agencies to obtain data on *Clery Act* crimes that occurred on or near the campus and this data is incorporated within this report in the University's Campus Crime Statistics.

CAU maintains a daily crime log by calendar year. The log is maintained by the On-Site Administrator and all criminal incidents and alleged criminal incidents that have occurred and are reported. The crime log contains the dates and time crimes occurred and were reported, the general location and the status of the crime. The crime log for the most recent 60-day period is available to the public, free of charge, upon request during normal business hours. Requests for the daily crime log are available within two business days.

### Confidential Crime Reporting

Victims of crime may not wish to report the incident with CAU or local law enforcement and may still want to consider making a confidential report. With permission, the President, Provost or On-Site Administrator can complete a CAU Crime Report Form on the details of the incident without revealing the victim's identity. The

purpose of confidential reporting is to comply with the wish to keep matters confidential while taking measures to keep the campus community safe. With such information, CAU can keep accurate records and become aware of any patterns of crime that may warrant action. Crimes reported in this manner are included and disclosed in the annual crime statistics.

Third parties or witnesses to sexual assault, domestic violence, dating violence or stalking may also file a confidential report with CAU.

CAU does not employ or contract with any professional or pastoral counselors who provide confidentiality services to students or employees.

## **Clery Act Crimes**

CAU collects information for every alleged crime reported to Campus Security Authorities; however, only Clery Act Crimes are included within the Annual Security Report's statistics. These crimes occurred on the University's campus or on public property within and immediately adjacent to the University's property. Clery Act Crimes consist of: Murder/Non-negligent Manslaughter, Manslaughter by Negligence, Rape, Fondling, Incest, Statutory Rape, Robbery, Burglary, Aggravated Assault, Motor Vehicle Theft and/or Arson. Incidents of domestic violence, dating violence and stalking are also Clery Act Crimes.

Clery Act Hate crimes statistics are also included within the Annual Security Report. Hate crimes include all the crimes listed in the above paragraph but are committed on the bias of hate. Incidents or Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property committed on the bias of hate are included also. Additional details are described in the Hate Crime section.

Also included in the University's statistics are the number of arrests for Liquor Law Violations, Drug Abuse Violations and Weapons Violations (carrying, possessing, etc.).

## **Emergency Response and Evacuation Procedures**

Emergencies are unexpected events that must be dealt with urgently to protect the health and safety of others. Emergencies may be related to natural disasters such as earthquakes, criminal activity such as armed robberies, environmental disasters, or highly contagious health concerns.

CAU institutes an Emergency Action Plan (EAP) that includes emergency response and evacuation procedures, and outlines actions staff, faculty and students must take to protect their mutual health and safety.

CAU will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. The President, Provost or On-Site Administrator have the authority and are responsible for overall management and administration of the plan. The entire campus community will be notified when there is 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.

For emergency responses, a Campus Security Authorities will create an on-campus verbal notification and CAU's Registrar, Provost and/or Information Systems Department will be the responsible to notify students/employees through e-mail and/or text message. If deemed necessary, the local community will be notified of the emergency through local law enforcement and/or public health agency. In addition, if deemed necessary, CAU's administrative staff will contact parents, guardians, spouses and those listed as emergency contacts by the student via phone. Other staff and faculty members may be designated to assist with assigned tasks.

Emergencies are identified by campus staff, faculty, flight instructors, students, other campus community members, and forms of public media. Anyone wishing to report an emergency should contact the President, Provost, On-Site Administrator or other available administrative staff as soon as safely possible using the most efficient means available.

Upon confirmation of a significant on-campus emergency or dangerous situation involving an immediate threat to the health or safety of students and employees, a Campus Security Authority will issue an emergency notification and notify the appropriate local emergency response teams, law enforcement and individuals on-campus who are in harm’s way. Campus Security Authorities are:

<b>Title</b>	<b>Name</b>	<b>Location(s)</b>
President	Matthew Johnston	Bakersfield, CA Campus & Mesa, AZ Campus
Provost	Dr. Michael Berry	Bakersfield, CA Campus
Title IX Coordinator	Andrea Georges	Bakersfield, CA Campus & Mesa, AZ Campus
On-Site Administrator/Director of Faculty Development and Learning	Elise Alva	Mesa, AZ Campus

Local authorities will determine when and if it is necessary to notify the surrounding community. The President, Provost, or On-Site Administrator will determine what information should be contained in the emergency notification. The campus emergency notification may be issued via e-mail, text message, classroom announcement, alarm or any combination of methods determined to be necessary. Students and employees should regularly check their e-mail accounts or text messaging applications. The emergency notification will identify the appropriate action to take in an effort to have students and employees avoid the confirmed danger and minimize injuries. Depending on the situation, additional emergency notifications will be disseminated as information becomes available.

Evacuations to safe locations will be implemented when necessary and proceed in an organized manner per the University’s EAP policy and procedure. All students are required to comply with the plan and the directions given to them by campus safety staff, faculty, public emergency response teams or law enforcement agencies during actual emergencies and drills for their personal safety. At no time during an actual campus emergency or drill shall students be permitted to leave the campus unless directed to do so.

The plan, including any updates, is reviewed with new students and employees during orientation, in classes, and at a number of faculty meetings during the year. Evacuation routes are identified in each classroom and other areas deemed necessary.

Emergency response and evacuation drills are conducted, at minimum, annually and all student, faculty and staff participate and conduct themselves appropriately. Tests may be announced or unannounced at the discretion of the Campus President. Tests are evaluated for needed improvement. At a later drill, any needed improvements will be tested, and if successful, included in the campus procedures. If unsuccessful, different approaches will be tried until acceptable results are achieved.

Students and employees are encouraged to be responsible for their own security and the security of others. Employees and students are expected to follow safe practices while on-campus property. Following safe practices will reduce the possibility of accidental emergencies and increase the effectiveness of the campus response to unforeseen emergencies.

The campus community is obligated to report all unsafe activities, potential and real emergencies, and/or criminal activities to a **Campus Security Authorities** as soon as possible.

Persons responsible for carrying out the emergency response and evacuation procedures include the President, Provost or On-Site Administrator.

### Timely Warnings for an Emergency

In the event of a serious or an ongoing threat to the campus community, a Timely Warning will be issued. The University will also issue a Timely Warning for a Clery crime committed on-campus or near campus but only if, it poses a serious or on-going threat to the University community. The intent of a Timely Warning is to provide the information necessary to enable the campus community to protect itself when a significant emergency or dangerous situation occurs. Timely Warnings shall be issued in a timely fashion and are used in aid in the prevention of a similar occurrence. The content of the warning will not disclose information that may compromise law enforcement efforts.

Depending on the emergency, warnings may be issued in a variety of formats and a combination of ways. Warnings can be verbal, with announcement in classes and/or notices posted in common on-campus areas. Timely Warnings can be sent via email and/or text messages.

Anyone with information that warrants a timely warning should report it immediately to a Campus Security Authorities. Campus Security Authorities are responsible for ensuring timely warnings are issued to the campus community.

### Facilities Security and Access

The campus facilities are open during day and evening business hours and are accessible to students, employees, contractors, guests and invitees. The campus is secured during non-business hours by locking doors and is only accessible by issued key. Keys are issued to active employees and returned when employment terminates. The Mesa Campus has internal cameras that assist administrators with monitor security.

Personnel, including maintenance personnel, may enter campus facilities during the evening or early morning non-business hours by issued key. CAU does not have off campus residences or official off campus student organizations. CAU does not have an internal police department. Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. The President and On-Site Administrator regularly reviews the campus and reports malfunctioning lights and other unsafe physical conditions to CAU’s Facilities Department for correction.

CAU’s Safety Supervisors are as follows:

Safety Supervisor - Title	Name	Location
On-Site Administrator/Director of Faculty Development and Learning	Elise Alva	Mesa, AZ Campus

### Security Awareness Programs for Students and Employees

Safety and security awareness programs are in place for students and employees. The common theme of awareness and crime prevention programs is to encourage students and employees to be aware of their surroundings and to be responsible for their security and the security of others. The safety rules, including crime prevention, are available in CAU’s Student Handbook and reviewed with students during orientation. Security, including crime prevention, is reviewed with employees at hire dates and during staff and faculty meetings. Crime prevention handouts are also available to students and employees in the CAU Learning Resource Center.

Instructors are required at the start of each term to discuss emergency evacuation procedures and safety policy on the first day of class. Visual emergency exiting layouts are posted at the entrances of all campus rooms and Emergency Action Procedures are posted.

In the event of eminent danger or immediate emergency, information is released through e-mail, text messaging, or classroom and campus announcements.

## **Alcohol and Drug Prevention Policy**

CAU is proud to be a drug-free workplace that complies with the Drug Free Work Place Act, and the Drug Free Schools and Campuses Act.

### **Prevention and Treatment**

CAU has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees on-campus or at off campus student related activities. The program provides services related to drug use and abuse including dissemination of informational materials, disciplinary actions and a list of educational programs, counseling service, and treatment programs.

The University provides students with an online, interactive program that provides immediate personalized feedback about their alcohol use and related risk factors to reduce consumption. Students are required to review and complete the online program within the first term (10-weeks) of enrollment at CAU.

The President, Provost and/or On-Site Administrator provide an overall coordination of the Drug-Free School Program. Drug and Alcohol education materials are available to students and employees in CAU's Learning Resource Center.

### **Alcoholic Beverages**

The possession, use, sale or the furnishing of alcohol at CAU is governed by CAU's Alcohol and Drug Policy and applicable California and Arizona state laws. Laws regarding the possession, use, sale, consumption or furnishing of alcohol are controlled by the California Department of Alcohol and Beverage Control (ABC) and the Arizona Department of Liquor Licenses. However, the enforcement of alcohol laws on-campus is the primary responsibility of the President, Provost, On-Site Administrator and local law enforcement agencies. CAU will not tolerate any persons being under the influence of alcohol and in no circumstances is the consumption of alcohol permitted. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession or use of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of CAU's Alcohol and Drug Policy for anyone to consume or possess alcohol in any public or private area of the CAU premises. Students and employees violating alcohol policies or laws will be subject to disciplinary action by CAU. For more information about CAU's Alcohol and Drug program, please refer to the most recent CAU Alcohol and Drug policy.

### **Illegal Drug Possession**

CAU has been designated as a "drug free" university. The possession, use, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. CAU will not tolerate any persons being under the influence of drugs. Such laws and policies are strictly enforced by the President, Provost, On-Site Administrator and/or local law enforcement agencies. Violators are subject to CAU's disciplinary action, criminal prosecution, fine and imprisonment. For more information about CAU's Alcohol and Drug program, please refer to the most recent CAU Alcohol and Drug policy.

### **Arizona Legal Sanctions – Laws Governing Alcohol**

The Clery Act requires CAU to inform students and employees of laws governing Alcohol.

The legal drinking age is defined by the State of Arizona is 21 years of age or older. Additional penalties are noted in the Arizona Revised Statutes (ARS [4-241](#)).

Activity	Classification	Penalties
A person who is under the legal drinking age and who misrepresents the person's age to any person by means of a written instrument of identification with the intent to induce a person to sell, serve, give or furnish spirituous liquor contrary to law.	Class 1 Misdemeanor	<p>A sentence of imprisonment for a misdemeanor shall be for a definite term to be served other than a place within custody of the state department of corrections. The court shall fix the term of imprisonment within the following maximum limitations:</p> <ul style="list-style-type: none"> <li>• For a class 1 misdemeanor, six months.</li> <li>• For a class 2 misdemeanor, four months.</li> <li>• For a class 3 misdemeanor, thirty days.</li> </ul> <p>Some crimes may include fines and the possibility of probation.</p>
A person who is under the legal drinking age and who solicits another person to purchase, sell, give, serve or furnish spirituous liquor contrary to law.	Class 3 Misdemeanor	
A person who is under the legal drinking age and who uses a fraudulent or false written instrument of identification or identification of another person or uses a valid license or identification of another person to gain access to a licensed establishment.	Class 1 Misdemeanor	
A person who knowingly influences the sale, giving or serving of spirituous liquor to a person under the legal drinking age by misrepresenting the age of such person or who orders, requests, receives or procures spirituous liquor from any licensee, employee or other person with the intent of selling, giving or serving it to a person under the legal drinking age.	Class 1 Misdemeanor	
A person who knowingly influences the sale, giving or serving of spirituous liquor to a person under the legal drinking age by misrepresenting the age of such person or who orders, requests, receives or procures spirituous liquor from any licensee, employee or other person with the intent of selling, giving or serving it to a person under the legal drinking age.	Class 1 Misdemeanor	

Additional Arizona laws for governing alcohol are included with the CAU Alcohol and Drug Policy.

**CAU Sanctions**

A violation of any law regarding the unlawful possession, use or distribution of illicit drugs and alcohol by students or employees is also a violation of CAU’s Alcohol and Drug policy and will be treated as a separate disciplinary matter by CAU. For more information about CAU’s Alcohol and Drug program, please refer to the most recent CAU Alcohol and Drug Policy.

## Weapon Possession Policy

CAU is committed to maintaining a safe and secure environment that supports the mission of CAU. Individuals are prohibited from possessing, using, manufacturing, distributing and/or selling various weapons, including firearms, explosives, instruments that expel metal projectiles, such as a bb or pellet, specified knives and/or any item that may be construed as such, on the premises of CAU or in any building under its control. Exceptions include law enforcement personnel, honorably retired peace officers or a member of the military forces of this state or the United States who is engaged in the performance of their duties. Individuals are encouraged to report weapons violations to local law enforcement. In addition, report the violation to a Campus Security Authority. It is important to provide a description and location of the individual carrying the weapon. CAU will investigate any threat to the safety of CAU students and employees. Additionally, anyone found in violation of University's policies shall be subject to disciplinary policies and procedures applicable to students and employees and/or criminal prosecution by the appropriate jurisdiction.

## Disciplinary Action for Weapons, Drug, and Alcohol Violation

CAU is committed to helping students meet their educational and career goals. Employees are held to a high standard and are required to conduct themselves in a professional manner. Students or employees who violate weapon or drug laws or University policies will be dismissed from enrollment or terminated from employment and a referral may be made for prosecution. Students or employees who violate alcohol laws or University policies may be dismissed from enrollment or terminated from employment and a referral may be made for prosecution.

CAU can provide assistance in obtaining an appropriate referral to a counseling or rehabilitation agency.

The result of any investigation is available upon request to victims or if necessary, the victims next of kin as determined and required by Federal and State laws.

## Sexual Assault, Domestic Violence, Dating Violence and Stalking Policies

The US Department of Education issued a final rule regarding sexual harassment and other forms of sex discrimination prohibited under Title IX. These regulations went into effect on August 14, 2020, and amended the Clery Act and requires Colleges and Universities to provide students and employees the procedures that will be followed once a formal complaint of sexual harassment has been reported. CAU has compiled all Clery crime statistics, including the Violence Against Women Reauthorization Act of 2013 crimes, within the Annual Security Report. Also included is information about sexual assault, domestic violence, dating violence and/or stalking policies and procedures, prevention and how to access information on registered sex offenders. The following policy and procedures are CAU's written explanation of the student and employee's rights and options for a student or employee who reports to CAU that they have been a victim of sexual assault, domestic violence, dating violence or stalking.

### Sexual Assault, Domestic Violence, Dating Violence and Stalking Policy

Sexual Assault, domestic violence, dating violence or stalking by an employee or student is prohibited and will not be tolerated by CAU. CAU will promptly investigate all allegations of these alleged crimes and take appropriate action as required. The definitions of sexual assault, domestic violence, dating violence and stalking are stated in the VAWA Definition and Terms portion of this security report.

### What to do if you are a victim of sexual assault, domestic violence, dating violence or stalking

If you are a victim of sexual assault, domestic violence, dating violence or stalking, your first priority should be to get to a place of safety. If necessary, you should then obtain necessary medical treatment. CAU strongly advocates that a victim (complainant) of sexual assault, domestic violence, dating violence or stalking report the incident in a timely manner, especially if the alleged crime occurred at any location or event under the University's control. CAU will have actual knowledge of the complaint when the offense is formally reported to the Title IX Coordinator using a CAU Crime Report Form. In addition, at the complainant's discretion, the offense should report directly

to the local law enforcement agency. The CAU can assist with reporting an offense to local law enforcement. The Title IX Coordinator is:

Title IX Coordinator	Address	Contact Email/ Phone #
Andrea Georges	California Aeronautical University 4517 E. Mallory Circle, Suite 115, Mesa, AZ 85215	Andreag@calaero.edu (661) 615-5915

Complainants may not want to pursue action with CAU or the criminal justice system and may still want to consider making a confidential report to keep the campus community safe. With permission, the Title IX Coordinator can assist in completing a CAU Crime Report Form on the details of the incident without revealing the victim’s identity.

Time is a critical factor for evidence collection and preservation. It is important that evidence be preserved as it may be necessary to prove a criminal case, or for obtaining an order of protection. Contacting law enforcement as soon as possible can help to preserve evidence. Victims of a sexual offense or sexual assault should not bathe, shower, or wash their clothes before going to the hospital. Preserving evidence is important in later pursuing a criminal or other judicial case, such as CAU’s investigative procedures.

CAU will respond and assist complainants of sexual assault at all times, regardless of stranger and non-stranger sexual assault. In addition, CAU will request complainants to provide the identification and if available, the location of all witnesses.

Numbers to local law enforcement agencies are as follows:

Local Law Enforcement Agency	Location	Phone #
Mesa Police Department	California Aeronautical University Mesa, AZ Campus	911 (480) 644-2211

Filing a police report with the local law enforcement agency will not obligate the complainant to prosecute nor will it subject them to scrutiny or judgmental opinions from officers. Filing a police report will:

- Ensure that the complainant receives the necessary medical treatment;
- Provide the opportunity for collection of evidence which may not be able to be obtained later;
- Provide the opportunity for collection of evidence as it may be necessary to the proof of criminal or institutional conduct proceeding or in obtaining a protection order; and
- Assure the complainant has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

**Sexual Assault, Domestic Violence, Dating Violence or Stalking Counseling Services**

CAU does not provide on-campus or off-campus counseling services. However, CAU can refer the complainant to a non-related, outside counseling service such as a local rape-counseling center and/or domestic violence agency. Such agencies can provide mental health, victim advocacy, legal assistance and other services. Complainants will be notified in writing of the non-related, outside services available.

**Disciplinary Action for Sexual Assault, Domestic Violence, Dating Violence and Stalking**

The complainant of sexual assault, domestic violence, dating violence or stalking may choose for the investigation to be pursued through the criminal justice system and for CAU to initiate disciplinary action against a student or employee. After a formal complaint is filed with the Title IX Coordinator, this will initiate the grievance process.

The following procedures will be conducted in cases of an alleged sexual assault, domestic violence, dating violence or stalking that occurs when the alleged is an employee or student:

1. CAU will simultaneously notify the complainant (victim) and accused (respondent) in writing of the allegation(s). Both parties will be treated equitably and will be provided the timeframes that CAU will conduct an investigation, live hearing and other applicable processes. Both parties will also be notified of the possible sanctions or remedies that may be implemented once a determination is made and the procedures and bases for appeal. For the investigation, both parties will be informed to submit any additional evidence and/or witnesses.
2. CAU must dismiss a formal complaint if the allegations do not meet the definition of sexual harassment, did not occur in the education program or activity and/or did not occur in the United States. CAU may dismiss a formal complaint if the complainant desires to withdraw the formal complaint, the respondent is no longer enrolled or employed by the institution and/or if specific circumstances prevent CAU from gathering sufficient evidence to reach a determination.
3. CAU will delegate an Investigator to provide a prompt, fair and impartial investigation of the specifics in the case. The Investigator will communicate and provide both parties equal opportunity to present fact and expert witnesses and evidence to support their positions. The Investigator will interview the complainant, respondent and any witnesses and, if necessary, conduct follow-up interviews.
4. The Investigator will review any and all evidence that was collected and will provide both parties and their advisors information about the evidence obtained and an opportunity for each party to review and comment in writing.
5. The Investigator will provide a written investigative report summarizing the relevant evidence to all parties. Each party will have the right to file a written response to the report.
6. The Title IX Coordinator will determine if the complaint is appropriate and/or eligible for the Informal Resolution Process, as opposed to the Live Hearing. If so, both parties must voluntarily agree to the informal process. Although the Informal Resolution Process is a simplified, quicker process, before agreeing to use it, both parties will be informed of the pros and cons of this process in comparison to a Live Hearing.
7. After the investigative report is complete, a Live Hearing will be conducted. At this time, each party must have an advisor. The advisor will orally question/cross-examine the other party and witnesses to any relevant questions, including follow up questions and questions about challenging credibility. The Live Hearing will be conducted by a trained Decision Maker appointed by the University. The determination of each allegation will be based on a clear and convincing evidence standard.
8. After the hearing, the Decision Maker will issue a written “determination regarding responsibility” to all/both parties simultaneously. It will include the
  - allegations;
  - description of the procedural steps undertaken;
  - findings of fact that support the determination regarding responsibility;
  - conclusions about the application of CAU’s code of conduct to the facts;
  - the result of each allegation, with a determination regarding responsibility, and disciplinary actions against Respondent, and any
  - procedures and basis for appeal
9. The Title IV Coordinator will implement remedies necessary to prevent the recurrence of sexual misconduct, as appropriate.
10. The respondent and/or the complainant have a right to appeal the results of CAU’s disciplinary proceedings. The appeal must be in writing and must address the specific concern or concerns he or she

is not in agreement with and/or any newly discovered evidence. The appeal must be received by CAU within 30 calendar days of the initial determination. If an appeal is received and accepted, it will be reviewed by another trained Decision Maker and if appropriate, another Live Hearing will be conducted. In addition, the other Decision Maker will review all documentation, evidence and reports available and repeat the steps outlined in this process and a final determination will be made. The final determination will not be appealable.

### **Affirmative Consent**

During the investigation process, the Investigator will determine if alcohol or drugs were involved during the incident. In evaluating the allegation, the Investigator will not consider it a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

- The complainant was asleep or unconscious.
- The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
- The complainant was unable to communicate due to a mental or physical condition.

The Investigator will not consider it to be a valid excuse to alleged lack of affirmative consent that the respondent believed that the complainant consented to the sexual activity under either of the following circumstances:

- The respondent's belief in affirmative consent arose from the intoxication or recklessness of the accused.
- The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the complainant affirmatively consented.

The victim or the witness of a sexual assault, domestic violence, dating violence or stalking will not be subject to disciplinary sanctions for violation of CAU's student conduct policy at or near the time of the incident unless CAU determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

### **Sanctions**

A student or employee found guilty of sexual assault, domestic violence, dating violence or stalking will be dismissed from school and/or terminated from employment.

### **Supportive Accommodations**

After receiving a formal complaint, CAU will offer the complainant and respondent supportive accommodations if such accommodations are reasonably available. Both parties may have an option to change their academic, living, transportation and working situations. In addition, CAU will offer supportive accommodations to assist with schedule and/or academic changes if an order of protection, order of no contact, restraining order or similar lawful order is issued by a criminal, civil or tribal court. CAU will maintain confidentiality of any accommodations or protective measures provided, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Both parties will receive a written notification of available accommodations for their circumstance and the method for selecting these options. These accommodations or protective measures can be provided if requested by either party, regardless of whether the complainant chooses to discontinue with the formal complaint. The notification may also include information of CAU's existing services and other outside services available in the local community. These outside services include health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available.

### **Bystander Intervention - Safe and Positive Options**

Every situation is different and there is no universal response when intervening to prevent sexual violence. Safety is the key in deciding when and how to respond to sexual violence. Everyone must decide for himself or herself the safest and most meaningful way to become an engaged bystander. The following are ideas on how one can maintain safety while being an engaged bystander:

- If you witness sexual violence, get support from people around you. You do not have to act alone.
- Practice with friends and family about what you would say and how you would say it.
- When intervening, be respectful, direct and honest.
- If you know the offender, ask them to leave the potential victim alone.
- If you see or hear something and you do not feel safe, call 911 instead of putting yourself in danger.
- Remain at the scene as a witness instead of leaving. The perpetrator will be less likely to commit the assault with a witness there.

Additional information about safe ways to prevent sexual assault is available in the CAU Learning Resource Center.

### **Risk Reduction**

There are some things that can be done to help reduce the risk of being assaulted.

- Walk with a friend, especially at night.
- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you do not know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably best to leave that area as soon as possible.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged.
- Do not allow yourself to be isolated with someone you do not trust or someone you do not know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

### **Prevention Programs**

Students are required to complete the online Sexual Violence Prevention program, which serves to promote this endeavor. The program assists students in learning about consent, characteristics of healthy vs unhealthy relationships, and how to identify and interrupt sexual violence.

CAU maintains literature and other information to educate students and employees about the prevention and awareness of sexual assault, domestic violence, dating violence, date rape, risk reduction and stalking in CAU's Learning Resource Center. In addition, CAU has a list of resources available locally that can provide counseling and additional information.

### **Availability of Sex Offender Registry**

In accordance with 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 Educational Rights and Privacy Act of 1974, require institutions to advise their campus community where law enforcement information provided by the State concerning registered sex offenders can be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student.

The Arizona Department of Public Safety maintain these websites to provide information to the public concerning the location of registered sex offenders.

For Arizona residents, the registry is available at: <https://www.azdps.gov/services/public/offender>

## Hate Crimes

A *Clery Act* hate crime is committed when the victim was intentionally targeted because of bias. Bias for the purpose of *Clery Act* hate crime reporting is *a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, national origin, sexual orientation, gender identity, ethnicity or disability of the victim.*

Hate crime categories include murder/non-negligent manslaughter, negligence manslaughter, sex offenses: rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, simple assault, larceny-theft, intimidation, destruction/damage/vandalism of property.

CAU takes hate crimes and all criminal offenses seriously and encourages the campus community to report any crime to a Campus Security Authority. Crimes also can be reported by calling 911.

Hate crime statistics are presented in narrative format when there are no hate crimes to report or if there are a limited number of hate crimes reported.

There were no reported incidents of hate crimes reported for 2019, 2020 and 2021. CAU is also required to disclose the number of hate crimes unfounded. Since there were no incidents of reported hate crimes, there were no incidents of false or baseless (unfounded) hate crimes.

## Campus Crime Statistics

California Aeronautical University-Mesa, AZ Campus 4517 E. Mallory Circle, Suite 115, Mesa AZ 85215 Crime Statistics 2019 – 2021* Criminal Offenses – On-Campus and Public Property						
	On-Campus			Public Property		
	2019	2020	2021	2019	2020	2021
Murder & Non - Negligent Manslaughter			0			0
Negligent Manslaughter			0			0
Rape			0			0
Fondling			0			0
Incest			0			0
Statutory Rape			0			0
Robbery			0			0
Aggravated assault			0			0
Burglary			0			0
Motor Vehicle Theft			0			0
Arson			0			0
Domestic Violence			0			0
Dating Violence			0			0
Stalking			0			0
<b>Totals</b>			<b>0</b>			<b>0</b>

\*California Aeronautical University, Mesa AZ Campus opened March 15, 2021. Crime statistics are not available prior to this date.

## VAWA Definitions & Terms

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

**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.

- 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,
- 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,

**Domestic Violence:** A felony or misdemeanor crime of violence committed

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

**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,
- 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,
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**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,
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

## Arrests & Disciplinary Actions

California Aeronautical University-Mesa, AZ Campus 4517 E. Mallory Circle, Suite 115, Mesa AZ 85215 Crime Statistics 2019 – 2021* Arrests – On-Campus and Public Property						
	On-Campus			Public Property		
	2019	2020	2021	2019	2020	2021
Liquor Law Violations			0			0
Drug Abuse Violations			0			0
Weapons Possession			0			0
<b>Totals</b>			<b>0</b>			<b>0</b>

\*California Aeronautical University, Mesa AZ Campus opened March 15, 2021. Crime statistics are not available prior to this date.

California Aeronautical University- Mesa, AZ Campus 4517 E. Mallory Circle, Suite 115, Mesa AZ 85215 Crime Statistics 2019 – 2021* Disciplinary Actions – On-Campus and Public Property						
	On-Campus			Public Property		
	2019	2020	2021	2019	2020	2021
Liquor Law Violations			0			0
Drug Abuse Violations			0			0
Weapons Possession			0			0
<b>Totals</b>			<b>0</b>			<b>0</b>

\*California Aeronautical University, Mesa AZ Campus opened March 15, 2021. Crime statistics are not available prior to this date.

## Unfounded Crimes

CAU may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section.

California Aeronautical University, Mesa, AZ Campus 4517 E. Mallory Circle, Suite 115, Mesa, AZ 85215 Crime Statistics 2019 – 2021* Unfounded Crimes– On-Campus and Public Property						
	On-Campus			Public Property		
	2019	2020	2021	2019	2020	2021
Unfounded Crimes			0			0

\*California Aeronautical University, Mesa AZ Campus opened March 15, 2021. Crime statistics are not available prior to this date.