



**CARRINGTON  
COLLEGE™**

2021-2022 Annual Disclosure  
Student Right-to-Know and Campus Security (Clery Act) Annual  
Security Report  
Sex and Gender Based Misconduct Response and Prevention Policy  
Alcohol & Substance Abuse Policy

This document includes information for: San  
Jose, California

October 1, 2021

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## CAMPUS WATCH

### **It's your campus - Protect it!**

A truly safe campus can only be achieved through the cooperation of students, faculty and staff. As a member of the Carrington College community, it is your responsibility to report a crime, suspicious activity or other emergencies on campus to the appropriate school official. Should you become a witness to or victim of a crime, immediately report the incident to local law enforcement officials, the Campus Director, Student Success Center, or to the campus Incident Commander (IC). All crimes will be investigated and when appropriate, brought to the attention of the Student Affairs office for disciplinary hearings. Reports of suspicious activities, crimes, or other emergencies can be sent to [studentaffairs@carrington.edu](mailto:studentaffairs@carrington.edu).

### **Purpose of the Annual Disclosure Report**

Carrington College prepares this report to comply with the *Jeanne Clery Disclosure of Campus Security and Crime Statistics Act*. The full text of this document can also be found on the <https://carrington.edu/admissions/student-consumer-information/> or by visiting the front desk. This report was prepared with the assistance of local law enforcement agencies. Campus crime, arrest and referral statistics include those that were reported to local law enforcement and campus faculty and staff. This data may also include crimes that have occurred in private residences or businesses adjacent to the campus.

## REPORTING CRIMES AND EMERGENCIES

When making your report of an incident you will be asked to provide the following information:

1. Description of the incident
2. Date, time and location of the incident
3. Description of the persons or vehicles involved in the incident
4. Detail regarding who was notified about the incident

Upon receipt of this report Carrington College will determine the appropriate response, which could include disciplinary action against the offender(s), notification to local law enforcement, notification to the campus community or other public safety alternatives deemed appropriate given the circumstances. Please note that your identity may not be confidential when reporting an incident. Carrington College does not have procedures for voluntary, confidential reporting of crimes.

Once each semester, Carrington College will contact local law enforcement and property management to monitor and record crimes that occur within the designated area surrounding the campus that have been reported to the local Police.

All Emergencies -Dial 911

## ANNUAL SECURITY REPORT

Carrington College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the Everbridge 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 campus Incident Commander will determine if there is a significant emergency or dangerous situation and what segment of the campus community will need to receive a notification.

Carrington College will:

- Test emergency response and evacuation procedures on an annual basis
- Document each test, including the date, time, and whether it was announced or unannounced
- Publicize emergency response and evacuation procedures in conjunction with at least one test per calendar year

## Everbridge EMERGENCY ALERT SYSTEM

In the event of an emergency or a potentially dangerous threat to the campus or center arises, students, faculty and staff will receive timely notification via the Everbridge system, on campus flyers, and/or email announcements. This includes any Clery Act crimes that are reported to the campus IC or local police and are considered to represent a serious or continuing threat to students, faculty, and staff. Please make sure to keep contact information updated in Everbridge through the student portal at <https://my.carrington.edu> for students.

### Area Police/Fire Non-Emergency Numbers:

| <u>County/City</u> | <u>Police</u> | <u>Fire/Paramedic</u> |
|--------------------|---------------|-----------------------|
| San Jose           | 480-277-8900  | 911                   |
| Sheriff Dept       | 480-808.4400  | 911                   |

## CAMPUS ACCESS, FACILITY SECURITY AND LAW ENFORCEMENT

### San Jose Campus

The Facilities department maintains the building and grounds with a concern for safety and security. Facilities staff inspect the facility regularly, promptly make repairs affecting safety and security hazards, and respond to reports of potential safety and security hazards such as broken windows, locks, etc. Students, faculty and staff can assist the Facilities staff by calling 480-960-0161 to report concerns. Additionally, Carrington College Staff routinely inspects the grounds and building to review lighting and other environmental concerns for safety.

There are fire alarms and pull stations throughout the facility that should be used only in the event of an emergency. If an emergency requires evacuation, there are signs clearly posted throughout the building indicating the best routes for evacuation.

The building is generally open from 7:30 a.m. to 10:30 p.m. Monday through Thursday, 8:00 a.m. to 5:00 p.m. on Friday, and 9:00 a.m. to 1:00 p.m. on designated Saturdays. When the building is closed, it is locked and monitored by a security company. Access to classrooms and laboratories is limited to those enrolled in the courses meeting there. Access to on- and off-campus activities is limited to actively enrolled students and their guests. Students are responsible for the behavior of their guests at all times at campus-arranged events. Carrington College reserves the right to require that Carrington College identification cards be presented for admittance to certain locations and events. Carrington College may also require students to register their guests with the front desk prior to attendance. Student, faculty and staff identification cards should be worn at all times.

A Carrington College colleague serve as an escorts and on-campus security from 7:30 a.m. to 10:30 p.m. Monday through Thursday, 8:00 a.m. to 5:00 p.m. on Friday and on designated Saturdays from 9:00 a.m. to 1:00 p.m. Any Carrington College colleague has the authority to ask questions and request identification at any time. Criminal incidents will be referred to local law enforcement. Criminal incidents will be referred to local law enforcement.

All crime victims and witnesses are strongly encouraged to report incidents to both campus security and local police. Prompt reporting will ensure timely warning notices to the campus community and timely disclosure of crime statistics.

Carrington College does not have any off-campus student housing facilities. Carrington College encourages students who are the victims of off-campus crimes to immediately report it to the Police department with jurisdiction over the area in which the student lives. Students are also encouraged to notify the Student Success Center if they may miss class or assignments as a result.

The campus Incident Commander maintains a policy concerning the monitoring and recording, through local police departments, of criminal activity in which students engaged at off-campus locations of student organizations officially recognized by the institution, including student organizations.

### Carrington College Campus

The campus is located on a small piece of land just outside the downtown San Jose area. The campus has a maintenance staff that clean the buildings each day. The campus is open to faculty, students, and the general public alike but all visitors must sign in and obtain a visitor badge or sticker in order to be on campus. The campus lists the open hours on all major entrances to both buildings. Admittance to the campus during closed hours must be arranged with the Campus Director, or with the program director of each individual program offered on campus. Access to classroom facilities and computer laboratories is limited to those enrolled in courses and is under the direction of each program director or their designated instructor per programmatic specific policies.

| <u>Location Address &amp; Phone #</u>           | <u>Building Phone #</u> | <u>Fire Dept. Phone #</u> | <u>Police Dept. Phone #</u> |
|---|-------------------------|---------------------------|-----------------------------|
| 5883 Rue Ferrari, Ste 125<br>San Jose, CA 95138 | 480-960-0161            | 911                       | 911                         |
| After hours<br>emergency #                      | 911                     | 911                       | 911                         |

### SAFETY AND SECURITY

Campus safety and security is the shared responsibility of students, faculty and staff. To enhance student, faculty and staff awareness of their responsibility for personal safety, various information and services, including but not limited to, the following are provided throughout the year:

- Pamphlets on personal safety
- Emergency safety information
- Safety/security displays in the library and/or student success center
- Use of institution publications as a forum for personal safety topics
- College inspections to consider security precautions
- Escort services provided by on-duty security officer

#### Safety and Security Tips Personal

Stay alert and tuned in to your surroundings.

Communicate that you are calm, confident and know where you are going.

Stay away from isolated areas.

Stay on the part of sidewalks furthest away from shrubs, dark doorways and alleys.

Walk with a companion whenever possible.

Check the back seat before getting into a car. Keep doors locked while driving.

Don't overload yourself with packages or wear shoes or clothing that restricts movement.

Avoid displaying large amounts of cash or jewelry.

Carry a purse close to your body. Carry a wallet in an inside coat or front trouser pocket.

If you think someone is following you, abruptly switch directions and walk toward an open store, restaurant or lighted home.

Don't hitchhike or pick up hitchhikers.

Park in well-lighted areas.

Avoid isolated bus stops at times when few other people are around.

Do not reveal your name, phone number or address to strangers.

Never admit that you are alone or that you will be away from home.

Keep an eye on neighbors' homes or apartments while they are away and have them do the same for you.

Keep your local police department's phone number next to your phone.

#### Residence

Keep doors locked at all times

Draw shades and curtains whether or not you are at home

Keep money and jewelry locked in a safe place

Leave a light on while you are away or use a timer  
Secure sliding glass doors with commercially available locks or a rigid wooden dowel in the track  
Don't hide spare keys in mailboxes, planters or under doormats  
Make a record of your valuables and keep it in a safe spot  
Don't leave a note that says you are not in  
Never prop doors open  
Keep ladders and tools in a locked area  
Have someone cut your lawn while you're on vacation

### **Vehicle**

Always lock your car and remove the keys. Make sure the windows are closed.  
Lock all valuables in the trunk  
Never leave an ID tag on your key ring  
Leave only the ignition key with parking attendants  
Park in well-lit areas

### **Office**

Keep your purse, wallet and other valuable items with you at all times or locked in a drawer or closet  
Never leave keys lying out  
Never leave change or cash on the desk or in a top drawer  
Notify security personnel of any suspicious persons or vehicles  
Lock doors when working after normal hours  
Report any broken or flickering lights, and doors that don't lock properly

**CAMPUS CRIME STATISTICS ARE INCLUDED AT THE END OF THIS DOCUMENT.**

## Sex & Gender-Based Misconduct Response & Prevention Policy

### *Policy Statement*

This policy applies to complaints or reports of alleged sex and/or gender-based misconduct. Carrington College (“Carrington”) expressly prohibits sex and/or gender-based misconduct which includes sexual harassment, sexual assault, rape, domestic violence, dating violence, stalking, sexual exploitation, and gender-based harassment. Any acts that meet this policy’s definitions of sex and/or gender-based misconduct are a violation of Carrington’s policy, and potentially applicable state and federal law. Carrington is committed to fostering an environment where any alleged violation of this policy is promptly reported, and complaints are resolved in a fair and timely manner.

Creating a safe environment is the responsibility of all members of the community. Regardless of the definitions provided below, anyone who believes they are a victim of sex and/or gender-based misconduct should report the incident as soon as possible to the Title IX Coordinator (See “Coordinator” under “Definitions” below for contact information) or the campus complaint administrator in addition to seeking immediate medical and/or safety assistance.

### *Scope*

This policy applies to all members of the Carrington community, and includes, but is not exclusive to faculty, staff, students, Carrington visitors, volunteers, vendors, and persons related to, receiving or seeking to receive services, or otherwise pursuing studies with the organization. It also applies, as appropriate, to any alleged act of sex and/or gender-based misconduct that adversely impacts the Carrington community, whether those acts occur on or off campus.

### *Definitions*

“**Affirmative consent**” is the affirmative, knowing, conscious, voluntary, and mutual agreement to engage in sexual activity. Consent can only exist free from intimidation, force, threat of force or coercion. Under this policy, “No” always means “No,” and “Yes” may not always mean “Yes.” Anything but voluntary, conscious, affirmative consent to any sexual activity is equivalent to “no” for purposes of this policy. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other, or others, to engage in the sexual activity. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. While the legal definition of consent varies by jurisdiction (See “Related Information” for link to consent statutes by state), the following general rules apply when assessing whether consent has been/was given.

- Consent can never be assumed.
- The lack of protest or resistance does not constitute consent, nor does silence.
- Where there is use of threat, force or restraint by the accused, the lack of verbal or physical resistance or the submission by the victim does not constitute consent.
- The manner of dress of the victim does not constitute consent.
- The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never, by itself, be assumed to be an indicator of consent.
- Consent to sexual activity with one person does not constitute consent to sexual activity with another person.
- A person who initially consents to sexual contact including penetration may withdraw continued consent at any time during the course of that interaction. When consent is withdrawn or can no longer be given, engagement in sexual activity must stop.
- Consent to some form of sexual activity cannot automatically be taken as consent to any other form of sexual activity.
- A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following: the person is incapacitated due to use or influence of alcohol or drugs; the person is asleep or unconscious; the person is under age; or the person is incapacitated due to a mental disability.



- Consent is required regardless of whether the person initiating sexual activity is under the influence of drugs and/or alcohol.
- A power differential between people engaged in a sexual act presumes the inability to consent for the less powerful person (e.g. the student in a student-colleague interaction; the supervisee in a direct report-supervisor interaction).

It is not a valid excuse to alleged lack of affirmative consent that the Respondent believed the victim consented to sexual activity if the:

- Respondent's belief arose from the Respondent's own intoxication or recklessness.
- Respondent did not take reasonable steps to ascertain whether the Complainant affirmatively consented; or
- Respondent knew, or a reasonable person should have known, that the Complainant was unable to consent because the Complainant was asleep, unconscious, incapacitated due to the influence of drugs, alcohol, or medication, or was unable to communicate due to a mental or physical condition.

**“Clery Act”** refers to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. Section 1092(f); 34 C.F.R. Part 668.46. The Clery Act requires that institutions annually disclose certain crimes which have occurred within a geography that includes campus buildings and adjacent locations. Annual disclosures are released on or by the 1st day of October each year.

**“Complaint administrator”** is a Carrington colleague representative responsible for conducting an investigation when a complaint of sex and/or gender-based misconduct is raised. To find the complaint administrator at any given location or for a particular complaint, consult the location's student handbook, student services, or the Title IX Coordinator.

**“Conduct administrator”** is an official authorized to administer disciplinary proceedings for respondents who may have violated the Code of Conduct applicable to students. A conduct administrator may serve as the sole member or as a participant in the conduct panel. Nothing shall prevent Carrington from authorizing the same conduct administrator to impose sanctions in all cases at a single or multiple locations.

**“Conduct panel”** means any person or persons authorized by the conduct administrator to determine whether a respondent has violated the Code of Conduct applicable to students and to determine appropriate sanctions.

**“Coordinator”** refers to the Title IX Coordinator. Ms. Leigha Bentz is responsible for overseeing compliance with all aspects of this policy and designated to receive and monitor resolution for all Title IX reports.

**“Dating violence”** means sex or gender-based violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. While no form of violence is ultimately desirable, a distinction should be made between violent acts representing an effort to exert power and control within a dating relationship and defensive acts taken in response to ongoing verbal, psychological or physical abuse by a dating partner.

**“Domestic violence”** refers to sex or gender-based violence committed by either a current or former spouse of the victim; a person with whom the victim shares a child in common; a person who is or has cohabitated with the victim as a spouse; a person similarly situated to a spouse of the victim under the jurisdictional domestic or family violence laws; or any other person against a victim who is protected from that person's acts under the jurisdictional domestic or family violence laws. Based on jurisdictional definitions, domestic violence may constitute a felony or misdemeanor crime. While no form of violence is ultimately desirable, a distinction should be made between violent acts representing an effort to exert power and control within a domestic relationship and defensive acts taken in response to ongoing verbal, psychological or physical abuse by a domestic partner.

**“FERPA”** means the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 C.F.R. Part

99. FERPA sets certain limits on the disclosure of student records. This policy is designed to work in tandem with FERPA, and nothing in this policy is intended to require or encourage non-compliance with FERPA.

**“Gender-based misconduct”** refers to unwelcome conduct, including harassment, of an unacceptable nature based on actual or perceived biological sex including behaviors based on gender identity, expression and nonconformity with gender stereotypes.

**“Member of the Carrington community”** includes students, faculty members or staff, and any other individuals associated with Carrington. The conduct administrator or complaint administrator shall determine a person’s status in a particular situation.

**“Notice”** refers to any information regardless of whether it is direct, indirect, partial or complete received by a colleague that indicates possible sex or gender-based misconduct. When notice is received, colleagues are required to inform the Title IX Coordinator or their supervisor who in turn must make a report to the Title IX Coordinator.

**“One-up manager”** is a colleague’s manager’s manager. It is the person responsible for receiving a colleague’s complaint when his/her direct manager is implicated in that complaint.

**“Policy”** is defined as a general administrative or operational direction with broad application throughout Carrington College.

**“Rape”** is any 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 and/or by force. Rape may involve strangers or people who know one another (e.g. friend, classmate, relative, spouse or co-worker). In these instances, rape is often referred to as “acquaintance rape.” Rape is a crime regardless of a relationship or lack thereof between individuals.

**“Sexual assault”** is non-consensual sexual contact defined as physical contact of a sexual nature against the victim’s will or without the victim’s consent. It includes any intentional sexual touching, however slight, by direct physical contact or by use of any object, by a person upon another person, without consent and/or by force. Rape is a severe form of sexual assault.

**“Sexual contact”** means the deliberate touching of a person's intimate body parts (including lips, genitalia, groin, breast or buttocks, or clothing covering any of those areas), or using force to cause self-touching by another person of intimate body parts.

**“Sexual exploitation”** occurs when a person takes non-consensual or abusive sexual advantage of another for the advantage or benefit of themselves or any other person that is not the person being exploited by the behaviors. Examples include but are not limited to: invasion of sexual privacy; prostitution; non-consensual recording of nudity or sexual activity; voyeurism; knowingly exposing someone to an STI, STD or HIV; intentional exposure of genitals in non-consensual circumstances; and sex- based stalking or bullying.

**“Sexual harassment”** refers to unwelcomed sex or gender-based advances, requests for favors or other verbal, written, online and/or physical conduct. Sexual harassment occurs when a person is the recipient of conduct of a sexual nature where: (1) Submission to, or toleration of, such conduct is made either explicitly or implicitly a term or condition of the student’s education or colleague’s employment; or (2) Submission to or rejection of such conduct by an individual is used as the basis for academic decisions about the student or professional decisions about the colleague; or (3) Such conduct is sufficiently severe or persistently pervasive and objectively offensive thereby having the purpose or effect of unreasonably interfering with a person’s ability to participate in or benefit from Carrington’s educational, employment, social or other related programs.

**“Sex and gender-based misconduct”** is a broad term used to refer to all conduct prohibited by this policy. This encompasses sexual harassment, gender-based harassment, dating violence, domestic violence, rape, sexual assault, sexual exploitation and stalking. Sex and gender-based misconduct can occur between

strangers or acquaintances, including people involved in an intimate or sexual relationship. Sex and gender-based misconduct can be committed by any person regardless of sex, gender or sexual orientation of the victim or perpetrator.

“**Stalking**” is a course of behavior directed at a specific person that would cause a reasonable person to feel fear for personal safety, or repetitive, menacing pursuit, following, harassing and/or interfering with the peace and/or safety of another.

“**Code of Conduct applicable to students**” refers to the policy titled “Code of Conduct” which is accessible in the student handbook. It outlines students’ rights and responsibilities, as well as the process by which action may be taken against a student for Code violations.

“**Student complaint procedure**” is the vehicle by which students can bring to Carrington’s attention any complaint relating to their experience with Carrington or a member of the Carrington community. It is the mechanism for investigating and attempting to resolve complaints raised by students. The student complaint procedure can be found in the student handbook (<http://students.carrington.edu/student-handbook/>)

“**Stranger**” and “**Non-stranger**” are terms to describe the association between a Complainant of sexual harassment or sexual misconduct, and the Respondent. A “Stranger” is a person(s) not known by the Complainant at the time of the alleged sexual harassment or sexual misconduct. A “Non-stranger” is a person(s) known by the Complainant, whether the person(s) is known casually, intimately, or for a short or long period, at the time of the alleged sexual harassment or sexual misconduct. Carrington College’s Sex and Gender-Based Misconduct Response and Prevention Policy applies to misconduct involving both Strangers and Non-strangers, occurring on- or off-campus.

“**Title IX**” is a federal law which prohibits sex and gender discrimination in U.S. education. Under Title IX, sex and gender-based misconduct are forms of discrimination that require investigation and appropriate remediation when students, colleagues, or other members of the educational institution’s community are impacted. Title IX is enforced by the U.S. Department of Education.

“**VAWA**” refers to the Violence Against Women Act, 34 CFR Part 668. VAWA supports community resources for victims of rape, sexual assault, stalking, dating violence and domestic violence and articulates expectations regarding the management of related concerns when a report is made to representatives of U.S. colleges and universities.

“**Carrington**” means Carrington College.

## **Policy Statement**

### ***Prevention and Awareness***

Acts that are deemed to fall within the scope of this policy are violations of the Codes of Conduct, as well as the expectations of members of the Carrington community. These acts may also be crimes. In an effort to increase the likelihood of intervention and reduce the risk of sex and/or gender-based misconduct from occurring among its students and colleagues, Carrington is committed to providing primary and ongoing awareness and prevention programming.

Primary and ongoing awareness and prevention programs will cover the continuum of issues contemplated by this policy. Themes will include situational awareness and prevention strategies such as bystander intervention and other forms of risk reduction. While *bystander intervention* specifically refers to the safe and effective ways in which third parties can intervene to thwart sex and/or gender-based misconduct, *risk reduction* also encompasses various strategies to eliminate or reduce risk of harm by avoiding or removing oneself from situations that are dangerous or uncomfortable.

*Awareness programs* are events that occur online or in person that request active engagement of community members. It is the expectation and responsibility of each member of the Carrington community to participate in programming which will assist with ongoing prevention efforts, as well as effective and efficient identification and response when sex and/or gender-based misconduct does occur.

*Primary prevention and awareness programming* will include a comprehensive online education platform intended for viewing by all colleagues and students, as well as student-facing vendors if necessary and appropriate. The program will be completed by:

- New students and transfer students: within the student's first six week of education
- Returning and continuing students who did not take the training as a new or transfer student: within the student's first six weeks of return to education.
- Colleagues by the date stated in email notification.
- Specific vendors by the date stated in email notification

Access to the primary prevention program and its contents will be ongoing throughout the participant's relationship with Carrington. Members of the Carrington community are encouraged to visit this resource regularly for personal, professional and academic purposes.

*Ongoing prevention and awareness campaigns* are public service announcements and campaigns, as well as messages and activities integrated into the day-to-day fabric of the academic community. These initiatives are intended to reinforce increased awareness regarding sex and/or gender-based misconduct and prevention strategies throughout the year. Carrington will continually seek formal and informal ways to incorporate additional awareness and prevention strategies, e.g., active and passive educational campaigns such as social norms poster campaigns, newsletter articles, presentations and volunteerism with local community resource agencies. When additional ongoing education is provided, the organizer will report that event, activity, or effort to the Title IX Coordinator for recordkeeping and quality assurance purposes. Toolkits including ideas and resources that support ongoing efforts and are related to the primary prevention and awareness programming will be made available to any campus upon request.

*Additional training* will be delivered to colleagues responsible for responding to reports of sex and/or gender-based misconduct, including but not limited to complaint administrators, conduct administrators, conduct panelists, and appeal reviewers. These colleagues should complete the primary prevention and awareness programming described above, as well as remote or live training and/or consultation with the Title IX Coordinator before and during management of an allegation within the scope of this policy.

## **Reporting**

Victims may file a formal complaint with a designated local campus administrator or through the Title IX Coordinator.

**Leigha Bentz**

Manager, Student Affairs

Title IX Coordinator

630-829-0265

[studentaffairs@carrington.edu](mailto:studentaffairs@carrington.edu)

Reports can also be made by emailing [titleIX@carrington.edu](mailto:titleIX@carrington.edu).

If a victim wishes to access local community agencies and/or law enforcement for support, Carrington will assist the victim in making these contacts.

Anyone may make a report regarding any information pertaining to violations of this policy. All Carrington colleagues (faculty, staff, administrators, and student workers) are required to immediately provide any information received about any actual or suspected sex and/or gender-based misconduct impacting the Carrington community to appropriate officials with some very narrow exceptions discussed elsewhere in this policy (see "Confidentiality").

Regardless of how notice is received, reports may prompt a need for Carrington to investigate. Any individual wishing to discuss a situation within the scope of this policy without triggering an immediate investigation should seek referral to mental health counseling services. Individuals experiencing misconduct in violation of this policy are also always free to notify the U.S. Department of Education:

**Office of Civil Rights (OCR) - Headquarters**

400 Maryland Avenue, SW  
Washington DC 20202-1100

Customer Service Hotline #: (800) 421-3481

TDD#: (877) 521-2172

Email: [OCR@ed.gov](mailto:OCR@ed.gov)

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

Regional Offices: <http://www2.ed.gov/about/offices/list/ocr/addresses.html>

## **Support and Resources**

The Carrington official who receives notification of alleged sexual and/or gender-based misconduct will offer appropriate support or refer the victim directly to immediate assistance. Assistance may initially require supported access to local medical, mental health, legal or law enforcement resources and could include academic accommodations, changes in housing for the victim or a respondent student, changes in working situations and other arrangements as may be appropriate and available (such as limiting orders, campus escorts, transportation assistance, or targeted interventions). No victim is required to take advantage of these services and resources, but Carrington provides them in the hope of offering help and supporting minimal disruption to access to academic programming or the workplace. If circumstances related to an incident change over time, these and other supportive accommodation options may be revisited. Carrington may also provide referrals to counseling services, at the victim's option, including but not limited to the confidential colleague and student support services outlined above (See "Reporting"). Local resource lists can also be found through the Student Success Center. A brief list of national and international referral sites can be found at the end of this policy.

## **Disciplinary Review and Action**

Acts of sex and/or gender-based misconduct are subject to disciplinary action. Disciplinary action is not intended to determine criminal responsibility. Rather it is intended to identify and respond to violations of Carrington policy and community standards. Separate and distinct disciplinary action may also be considered in instances of retaliation against those who, in good faith, report or disclose an alleged violation of the comprehensive policy, file complaint, or otherwise participate in the complaint resolution procedure. Failure by a respondent to adhere to interim protective measures will be considered a form of retaliation or an extension of the initial allegations. Carrington will utilize the preponderance of evidence standard to determine if a violation of the Sex and Gender-Based Misconduct Response and Prevention Policy occurred. The preponderance of evidence standard means that, based on all of the information available, it is more likely than not that the alleged sexual harassment or sexual misconduct occurred.

When the victim chooses, or Carrington believes it is necessary, a prompt, fair and impartial investigation will be initiated. In the event that a victim requests that an investigation not occur, their request will be honored when possible and unless Carrington determines in good faith that failure to investigate creates a potential risk of harm to the reporting individual or other members of the community. Factors used to determine whether to adhere to such a request include, but are not limited to whether: the accused has a history of violent behavior or is a repeat offender; the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior; there is an increased risk that the accused will commit additional acts of violence; the accused is alleged to have used a weapon or force; the reporting individual is a minor; Carrington possesses other means to obtain evidence; and/or available information reveals a pattern of perpetration by a specific person, at a given location, or by a particular group.

If allegations appear to be substantiated based on the totality of the circumstances, a respondent student may be subject to the Code of Conduct process, which will determine any violation of this policy based

upon a preponderance of evidence. The student complaint procedure which details the investigation and resolution processes, and the Code of Conduct applicable to students, which details the student disciplinary hearing process, can be found in the student handbook or online here:

<http://students.carrington.edu/student-handbook/>

If allegations of colleague misconduct are substantiated to the preponderance of evidence standard through the investigation, colleague discipline may be imposed. The colleague complaint procedure, which details the investigation and resolution processes and prohibited colleague conduct, can be obtained by contacting Human Resources.

The Title IX Coordinator will monitor the investigation and resolution of reports of sex and/or gender-based misconduct and facilitate compliance with this policy. Furthermore, the Title IX Coordinator will work with campus administration to identify and initiate strategies intended to remedy the effects on the victim and the Carrington community to the extent practicable and reasonable to prevent the recurrence of similar misconduct.

Privacy of the records specific to sex and/or gender-based misconduct investigations is maintained in accordance with applicable law, including FERPA. Any public release of information to comply with the timely warning provisions of the Clery Act will not include the names of victims or information that could easily lead to a victim's identification. In appropriate instances, pertinent interim actions and the results of disciplinary hearings regarding the alleged perpetrator of misconduct will be disclosed to the alleged victim and/or complainant. Confidentiality will be maintained whenever possible; however Carrington reserves the right to exercise discretion and disclose details of an incident or allegation to assure community safety or the safety of an individual.

It is Carrington's policy to hold perpetrators of sex and/or gender-based misconduct accountable for their actions through appropriate student conduct or personnel procedures, and by working with community agencies and law enforcement as appropriate.

Carrington's internal review processes shall run concurrently with any criminal justice investigation and proceeding, except for temporary delays as requested by external entities while law enforcement gathers evidence. Temporary delays should not last more than ten days except when law enforcement specifically requests and justifies a longer delay.

Internal mediation between the alleged victim and respondent will not be used to resolve an allegation of sexual misconduct.

Prior sexual history with persons other than the other party in a judicial or conduct process, as well as any mental health diagnosis and/or treatment will be excluded from student conduct hearings at the student's preference. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the stage of a review process that determines sanction.

Investigation and response to allegations of sex or gender-based misconduct will include the following, without limitation: trauma informed assistance to the victim/survivor as appropriate; an interview with the victim/survivor; identifying and locating witnesses; contacting and interviewing the respondent; cooperating with law enforcement.

In any complaint of sex or gender-based misconduct, the person bringing the accusation and the responding party are both entitled to the same opportunities for a support person or advisor of their choice throughout the process, consistent with any guidelines set forth applicable to students or colleagues. Once complete, the parties will be informed, in writing, of the outcome. Notice to both parties will include the findings, as well as the sanctions/discipline (if any) to the degree possible and always when the sanction/ discipline is directly relevant to that individual. Delivery of this outcome will not be unduly delayed to either party and should occur in the same form and format and as near to simultaneously as possible.

### **Sanctions for student misconduct**

Appropriate disciplinary sanctions for substantiated violations of this policy by students, up to and

including expulsion, will be imposed in accordance with the Code of Conduct applicable to students found here: <http://students.carrington.edu/student-handbook/>. The full list of available sanctions is provided in the Code of Conduct applicable to students. This policy statement is not intended to replace or substitute for the Code of Conduct applicable to students. This policy is a supplement to the community standards that the Code of Conduct applicable to students sets forth. Alleged violations of this policy will be referred to the applicable complaint administrator and/or conduct administrator for appropriate review. All parties in a student conduct proceeding will be informed at the same time and in the same manner of any final determinations, as well as Carrington's appeal process, and their rights to request an appeal. Should any change in outcome occur prior to finalization (e.g., a re-hearing ordered upon appeal), all parties will be informed at the same time and in the same manner, and will be notified when the results of the conduct process are finalized. In addition, violations of this policy may trigger application of sanctions to a student imposed under local, state, or federal law.

### **Sanctions for colleague misconduct**

Alleged violations of this policy by colleagues will be referred to Human Resources for appropriate review. Disciplinary sanctions for a colleague's violation of this policy may include written reprimand, warning, probation, suspension, housing suspension, housing expulsion, limiting order, change in job assignment, office relocation, reduction of awards under the management incentive plan, or termination of employment or contract, and will be imposed in accordance with applicable Carrington policies and procedures. Carrington reserves the right to impose further and/or different sanctions appropriate to an individual situation. In addition, violations of this policy may trigger application of sanctions to a colleague imposed under local, state, or federal law.

### **Reporting by colleagues to external authorities**

Colleagues who are made aware of a possible violation of this policy are required to contact their manager or one-up manager and also the Title IX Coordinator. Colleagues should contact the Title IX Coordinator with any questions about whether a report to law enforcement is appropriate. Nothing in this policy prohibits a student or colleague from reporting a crime directly to local authorities. Disciplinary procedures are independent of any and all procedures and proceedings under local, state, or federal criminal or civil law. In all cases, Carrington reserves the right to refer cases for parallel criminal prosecution or to pursue sanctions regardless of criminal prosecution. Violations of this policy by a visitor, volunteer, vendor, agents, or other third parties affiliated with Carrington may also result in the termination of pre-existing or future relationships.

### **Victim Rights**

Carrington will take interim steps to protect victims of sex and gender-based misconduct and maintain a positive learning and working environment by minimizing or eliminating contact between a complainant and a respondent and providing reasonable academic, employment, and administrative accommodations in accordance with the Clery Act and Title IX. Students who are victims of sex and/or gender-based misconduct may request a change in their academic arrangements by contacting student services, the Title IX Coordinator, or local leadership. Colleagues who are victims of sex and/or gender-based misconduct may request a change in their employment arrangements by contacting their one-up manager, Human Resources the Title IX Coordinator, or local leadership.

Victim's rights include:

1. The right to notify or not notify law enforcement, and to request and receive assistance from Carrington in making a report if desired.
2. The right to summary information on all available response options, such as complaint resolution procedures, including the necessary steps and potential consequences of each option whether or not a formal report is made to the institution.
3. The right to be free from undue coercion from Carrington to pursue or not pursue any course of action.
4. The right to be informed of the institution's role regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a civil, criminal, or tribal court (when applicable).

5. The right to request and receive information on how to make a confidential report for the purposes of tracking campus crime without otherwise divulging details that would require or permit Carrington to investigate and respond (when the incident has not yet been reported to a colleague required to notify the Title IX Coordinator).
6. The right to contact information for the Title IX Coordinator, available confidential advisors, community-based resources (sexual assault crisis centers or other appropriate support services), campus security and/or local law enforcement.
7. The right to be fully informed of any applicable disciplinary conduct process and procedures.
8. The same rights as the accused to attend and have a support person of their choice and/or witnesses present at student conduct hearings and any meetings leading up to such a hearing.
9. The right to be informed of the outcome of any student or colleague conduct process involving alleged sex or gender-based misconduct regardless of participation in the process leading to that outcome. In the case of student conduct proceedings, victims have the right to appeal the outcome.
10. The right to request interim protective measures and accommodations including a change in academic, employment, on-campus living, transportation or other arrangements after the alleged sex or gender-based misconduct and to be informed of the reasonably available options for those changes.
11. The right to obtain and have enforced a campus-issued limiting instruction or no contact order or a court issued order of protection or no contact order.
12. The right to be informed about Carrington's ability to provide assistance, upon request, in accessing and navigating campus and/or community resources for health, mental health, advocacy, and/or other services for survivors of sexual assault, relationship violence and other forms of sexual misconduct.
13. The right to be free from any suggestion that they are at fault or should have acted in a different manner to avoid reported sex or gender-based misconduct.
14. The right to not be required to describe the incident to more representatives than absolutely necessary for proper investigation and response and under no circumstances will a victim be required to repeat details of the incident to secure appropriate accommodations.
15. The right to make an impact statement during the point in any conduct review process where the decision maker is prepared to deliberate on appropriate sanctions.

*For all colleagues:* In the event that a violation of this policy is reported to you, the victim should be provided with the above-listed options and a copy of this policy. For more specific instructions on how to properly comply with this policy, please consult the Title IX Coordinator.

### **Amnesty for Victims and Witnesses**

Carrington will investigate allegations of sex and gender-based misconduct, including when drugs or alcohol may have been involved. Carrington encourages the reporting of sex and gender-based misconduct by victims and witnesses who are sometimes hesitant to report to Carrington officials or participate in the resolution processes because of concern that they may be accused of policy violations, such as underage drinking or drug use at the time of the incident. It is in the best interest of the community that victims and witnesses come forward to share what they know regarding violations of this policy. To encourage reporting, Carrington grants victims and witnesses amnesty, when appropriate, for potential Carrington policy violations, and provides all parties and witnesses other interim measures, as appropriate or needed.

Similarly, Carrington encourages direct assistance to those in need as a result of sex or gender-based misconduct. In instances where minor policy violations are revealed as a result of a person providing assistance to a victim, policy violations should not be overlooked, however the Carrington may provide educational options, rather than punitive sanctions, to those who offer their assistance.

### **Retaliation**

Carrington prohibits retaliation against anyone who reports an incident of sex and gender-based misconduct or any person who assists or participates in a proceeding, investigation or hearing relating to such allegations. Any allegation of retaliation related to the investigation or resolution of a sex or gender-based misconduct allegation will be treated as an independent Title IX complaint requiring consideration of appropriate reparative interim action, as well as investigation and resolution as described in this policy. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. All



complaints of retaliation should be reported in accordance with Carrington's complaint procedures. If Carrington's procedures would result in students or colleagues being required to submit a complaint to the person whom they believe is retaliating, students or colleagues may submit the retaliation complaint directly to the Title IX Coordinator, or to the campus or location leader or one-up manager, who should also inform the Title IX Coordinator.

Submission of a good-faith complaint or report of sexual or gender-based misconduct will not adversely affect the complainant's future academic or work environment. Carrington will discipline or take other appropriate action against anyone who retaliates against any person who reports an incident of alleged sexual or gender-based misconduct or who retaliates against any person who assists or participates in a proceeding, investigation or hearing related to such allegations.

## **Confidentiality**

Carrington wishes to create an environment in which individuals feel free to discuss concerns and make complaints. Carrington understands that complainants, witnesses, and others involved in the investigation process may be concerned about the confidentiality of the information they are sharing. In some cases, however, Carrington may be obligated to take action when it becomes aware of information relating to a complaint.

Confidentiality in cases of sex and/or gender-based misconduct will be maintained to the extent permissible by law and consistent with Carrington's obligations in investigating complaints. Once an individual discloses identifying information to Carrington through the processes described above and in the applicable complaint procedures, that person will be considered to have filed a complaint with Carrington. While the confidentiality of information received, the privacy of individuals involved, and compliance with the wishes of the complainant or witnesses cannot be guaranteed, they will be respected to the extent possible and appropriate.

## **Resources & Tools**

### ***Risk Reduction Tips***

Responsibility for sexual misconduct rests with those who commit such acts. Risk reduction tips are not intended to blame the victim. There are precautions we all can take which may limit our exposure to situations which may result in non-consensual sexual acts.

- Communicate limits/ boundaries and respect the limits/ boundaries of others.
- Clearly and firmly say "No" to a sexual aggressor.
- If possible, leave the physical presence of a sexual aggressor or otherwise violently aggressive person.
- If someone is nearby, ask for help.
- Take responsibility for your alcohol/ drug use. Acknowledge that alcohol/ drugs lower sexual inhibitions and may make you vulnerable to someone who sees an impaired person as a sexual opportunity.
- Do not take advantage of someone's intoxication or altered state even if alcohol or drugs were consumed willingly.
- If you choose to share intimate images, pictures, videos or content with others, even those you trust, be clear about your expectations regarding how the information may be used, shared or disseminated. If such information is shared with you, do not share it with others.
- Take care of friends and ask that they take care of you.
- As a sexual initiator, clearly communicate your intentions and give your sexual partner the opportunity to clearly communicate the same.
- Do not make assumptions about consent, sexual availability, sexual attraction, how far an interaction can go, or about physical and/or mental ability to consent.
- Remember that consent should be affirmative and continuous. If there is any question or ambiguity, you should proceed as if you do not have consent.
- Consider mixed messages from a partner to be an indication that sexual conduct should stop so that better communication can occur.
- Recognize the potential for a sexual partner to feel intimidated or coerced by you as a result of a power advantage, your gender, your demeanor or your physical presence. Do not use or abuse that power

## ***Bystander Intervention Strategies***

Intervention by classmates, colleagues and others within proximity to the precursors or signs of possible sexual assault, sexual exploitation, dating violence, domestic violence or stalking can significantly impact the course of an interaction between a latent perpetrator and victim. Bystanders may also encourage friends, classmates and colleagues who are already experiencing victimization to seek assistance sooner than they may have without encouragement, support, or acknowledgement. Community members are encouraged to recognize warning signs and to consider possible methods of interference in various scenarios before opportunities to intervene arise. By planning ahead, we all maximize the likelihood of being empowered to take safe actions to either prevent sexual misconduct or offer paths to eliminate ongoing victimization.

When a member of the Carrington community observes threatening, coercive, forceful, aggressive or harassing behavior, it is important to assess the situation to determine the best possible course of action for all concerned. Some forms of intervention are direct, while others will be less apparent to the perpetrator or others within range of the interaction. Examples include but are not limited to:

- Making up an excuse to get someone out of a dangerous situation.
- Stepping in to change the course of an interaction.
- Warning potential or perceived perpetrators that their actions may lead to severe consequences.
- Refusing to leave the company of a potential victim despite efforts by an aggressor or pursuer to get the potential victim alone.
- Remaining on the scene of observed misconduct and offering to make a statement or act as a witness subsequent to intervention by security, administration or the police.
- Taking steps to reduce alcohol or drug consumption within a potentially dangerous social situation.
- Calling and cooperating with security, administration, the police or others to assist with intervention and accountability.
- Expressing concern or offering resources when you notice someone with unexplained or frequent injuries.
- Refusing to consider sex and/or gender-based misconduct a personal or private matter between the victim and the perpetrator.

## ***Procedures to Follow After a Sexual Misconduct Incident***

Victims of any sexual misconduct that might constitute a crime, including domestic violence, dating violence, sexual assault, stalking, and rape (including acquaintance rape) that impacts the Carrington community have the option and are encouraged to contact local law enforcement authorities. Whenever possible, victims should report a violation of this policy as soon as possible and preserve evidence as may be necessary to prove that domestic violence, dating violence, sexual assault, or stalking occurred, or to obtain a protection order. Victims of sexual assault or rape are strongly encouraged to report the incident as described in this policy to deter future assaults and to ensure that victims receive the services they need. Steps should be taken to help deal with physical and emotional trauma associated with the violation. Recommended steps include:

1. Go to a safe place; go somewhere to get emotional support.
2. Consider reporting the incident to the police. If requested, Carrington will assist with notification.
3. Report the misconduct to the one-up manager, campus incident commander, Title IX Coordinator, or Human Resources.
4. For your safety and well-being, immediate medical attention is encouraged. Being examined as soon as possible, ideally within 120 hours, is important especially in the case of rape and other forms of sexual assault. The hospital will arrange for a specific medical examination at no charge. To preserve evidence, it is recommended that, if at all possible, you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate or change clothes before that exam. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care. Additionally, you are encouraged to gather bedding, linens or unlaundered clothing and any other pertinent articles that may be used for evidence. Secure them in a clean paper bag or clean sheet.

5. Even after the immediate crisis has passed, consider seeking professional counseling and the support of local and specialized support agencies such as sexual assault recovery centers and domestic violence safe houses. This can help to recover from psychological effects and provide a safe environment for recovery.
6. Contact student services, one-up manager, or the Title IX coordinator if you need assistance with Carrington related concerns, such as implementing no-contact orders or other protective measures. Carrington may also liaise with local authorities to assist an individual who wishes to obtain protective or restraining orders.

Victims are not required to report an incident to law enforcement authorities, but campus authorities will assist victims who wish to do so. Anyone with knowledge about a sexual assault or other sex or gender-based misconduct is encouraged to report it immediately to the Title IX Coordinator in order to permit a coordinated report to the applicable law enforcement authorities when appropriate. Nothing in this policy prohibits a student or colleague from reporting a crime directly to local authorities.

Please refer to the “Related Information” section of this document for a link to local resources for advice and assistance to victims.

### **Related Information**

#### ***Resources for Victims of Sexual Misconduct***

Local Resources can be found in the Annual Disclosure reports distributed to each campus community and posted on the Student Consumer Information page of Carrington’s web site. The reports are available by location in a drop-down menu and contain lists of local resources available to victims of sex and gender-based misconduct. The resource lists are updated annually.

To access this information, go to: <https://carrington.edu/admissions/student-consumer-information/> Additionally, the following resources exist to provide information and links to local assistance:

*National Sexual Assault Hotline*

1-800-656-HOPE (4673)

<https://www.rainn.org/>

*National Domestic Violence Hotline*

1-800-799-7233

(TTY) 1-800-787-3224

<http://www.thehotline.org/>

*National Network to End Domestic Violence*

<http://nnev.org>

<http://womenslaw.org/> [Legal information and resources]

*National Stalking Resource Center*

<http://victimsofcrime.org/>

*National Teen Dating Abuse Helpline*

1-866-331-9474

1-866-331-8453 (TTY)

<http://www.loveisrespect.org/>

*National Suicide Prevention Hotline*

1-800-273-TALK (8255)

<https://suicidepreventionlifeline.org/>

*School and College Organization for Prevention Educators*

Consent Statutes Listed by State:

<https://www.schoolandcollegelistings.com/US/Berwyn/210590308979486/School-and-College-Organization-for-Prevention-Educators-%28SCOPE%29>

*Child Welfare Information Gateway*

<https://www.childwelfare.gov>

*State Statutes Including Mandatory Reporting Laws*

<https://www.childwelfare.gov>

## *Local Resources*

### **Tribal Coalition Resources**

Northern California Tribal Court Coalition (530) 575-5818

<http://nctcc.org/>

### **State Domestic Violence Coalition Resources**

California Partnership to End Domestic Violence. 916-444-7163

<http://www.cpedv.org/>

### **State Sexual Assault Coalition Resources**

California Coalition Against Sexual Assault 916-446-2520

<http://www.calcasa.org/> (800) 656-HOPE

## **CAMPUS SEX CRIMES PREVENTION ACT**

The Campus Sex Crimes Prevention Act requires sex offenders already required to register in a State to provide notice, as required under State law, to each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student. The act requires that state procedures ensure this registration information is promptly made available to law enforcement agencies with jurisdiction where the institutions of higher education are located and that it is entered into appropriate state records or data systems. These changes became effective two years after enactment of the law (2002).

This act amends the Higher Education Act of 1965 to require institutions of higher education to issue a statement, in addition to other disclosures required under that Act, advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. This change takes effect two years after enactment (2002).

This act amends the Family Educational Rights and Privacy Act of 1974 to clarify that nothing in that Act may be construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders; requires the Secretary of Education to take appropriate steps to notify educational institutions that disclosure of this information is permitted.

To check registered sex offenders, see the State Sexual Offender Registry List section.

## **STATE SEXUAL OFFENDER REGISTRY LIST**

### **ARIZONA**

Website: <https://www.azdps.gov/services/public/offender>

Phone Number: 602-223-2000

### **CALIFORNIA**

Website: <https://oag.ca.gov/sex-offender-reg>

Phone Number: 916-227-4974

### **IDAHO**

Website: [http://www.isp.idaho.gov/sor\\_id/](http://www.isp.idaho.gov/sor_id/)

Phone Number: 208-884-7305

### **NEW MEXICO**

Website:

[http://sheriffalerts.com/cap\\_office\\_disclaimer.php?office=55290&fwd=aHR0cDovL2NvbW11bml0eW5vdGlmaW\\_NhdGlvbi5jb20vY2FwX21haW4ucGhwP29mZmljZT01NTI5MA==](http://sheriffalerts.com/cap_office_disclaimer.php?office=55290&fwd=aHR0cDovL2NvbW11bml0eW5vdGlmaW_NhdGlvbi5jb20vY2FwX21haW4ucGhwP29mZmljZT01NTI5MA==)

Phone Number: 505-827-9297

OREGON

Website: <http://sexoffenders.oregon.gov/>

Phone Number: 503-934-1258

UTAH

Website: [http://sheriffalerts.com/cap\\_main.php?office=54438](http://sheriffalerts.com/cap_main.php?office=54438)

Phone Number: 801-495-7700

WASHINGTON

Website: <http://www.icrimewatch.net/washington.php>

Phone Number: 360-486-2386

## ALCOHOL AND SUBSTANCE ABUSE POLICY

Carrington College expects all members of its community; students, faculty and staff, to be familiar with and to abide by applicable state, federal and local laws regarding alcohol and drugs. Carrington College forbids the use, possession, distribution or sale of drugs, except permitted substances when taken under a doctor's prescription and consistent with a doctor's instructions. Carrington College specifically prohibits the use, possession, distribution or sale of medical marijuana on its premises or at any Carrington College-sponsored event. The unauthorized possession, distribution, sale or consumption of alcoholic beverages anywhere on Carrington College property or at Carrington College-sponsored events is also forbidden. Violation of state, federal or other local regulations with respect to illegal drugs or alcohol are subject to both criminal prosecution and campus disciplinary action. Please refer to the following sections for additional information: Drug Free Schools and Communities Act, Laws Regarding Alcohol and Drugs, School Sanctions, and Local Treatment Resources, and the Code of Conduct in the Student Handbook <http://students.carrington.edu/student-handbook/>.

## DRUG FREE SCHOOLS & COMMUNITIES ACT

### Educational Guidelines Pertaining to Drug Free Schools & Communities Act

Carrington College expects all members of its community including students, faculty and staff, to be familiar with and to abide by applicable state, federal and local laws regarding alcohol and drugs. Students are also responsible for knowing school regulations concerning alcohol use on campus. Carrington College forbids the unauthorized use, possession, distribution or sale of drugs or alcohol by a student anywhere on Carrington College property. Violation of these laws or regulations may subject a student to both criminal prosecution and campus disciplinary action.

Use of illicit drugs and abuse of prescription drugs pose a serious threat to mental and physical health. Alcohol is a drug. Its use in even the smallest amounts may be harmful to some people, and when used to excess, alcohol is harmful to everyone. For this reason, responsible drinking is essential and is expected of those who choose to drink.

### **Substance**

Alcohol (at .08 Blood Alcohol Concentration & Above)

Impaired motor abilities; reduced judgment; sleepiness; increased sexual desire but reduced ability to perform; nausea, vomiting; liver disorders-alcoholic hepatitis, alcoholic cirrhosis; cancer of the-tongue, mouth, throat, esophagus, liver, breast; fetal alcohol syndrome (most common symptom is mental retardation).

Cannabis Marijuana Hash/Hash Oil THC

Diminished-short term memory, motivation & cognition, coordination & concentration, oral communication, reaction time; anxiety & panic reactions; carcinogenic elements in smoke; damaged lungs & respiratory system.

Cocaine (includes Crack Cocaine)

Increased likelihood of risk taking; seizures; sleeplessness; paranoia; irregular heartbeat; can cause sudden death by stroke or heart failure, even in young users; cocaine psychosis (paranoia & hallucinations); ulceration of mucous membranes in the nose; sexual dysfunction; during pregnancy can cause severe physical & emotional problems in babies.

Depressants, Tranquilizers, Barbiturates, Methaqualone

Dangerous effects when mixed with alcohol; calmness & relaxed muscles; slurred speech, staggering gait, loss of motor coordination; altered perceptions; respiratory depression which can result in coma or death; disruption of normal sleep cycle; during pregnancy-birth defects, brain tumors in children; tolerance develops severe withdrawal symptoms; physical & psychological dependence.

Other Stimulants (Excluding Cocaine), Amphetamines, Methamphetamines

Increased heart & respiratory rates; elevated blood; decreased appetite; headaches; blurred vision; dizziness; sleeplessness; anxiety; amphetamine psychosis-violent behavior, hallucinations, delusions, paranoia; drug tolerance & dependency; mood swings; ulcers; mental confusion.

Psychedelics, LSD, Mescaline, Psilocybin, Phencyclidine (PCP), MDMA (Ecstasy), MDA

Distorted sense of distance, space and time; blockage of pain sensations; nausea, vomiting & diarrhea; severe mood disorders, panic depression, anxiety; greater suggestibility & feelings of invulnerability; unpredictable reactions if drugs are "cut" with impurities; tolerance after (3-4 daily doses-higher doses are required to produce same effects).

Narcotics, Opium, Morphine, Codeine, Thebaine, Heroin, Methadone, Darvon, Demerol

Feeling of euphoria followed by drowsiness; nausea & vomiting; respiratory depression; central nervous system depression; use of unsterile needles promotes-AIDS, hepatitis B, endocarditis (infection in the heart); women dependent on opiates have multiple pregnancy complications-spontaneous abortions, still births, anemia, diabetes.

## LAWS REGARDING ALCOHOL AND DRUGS

### California Code

Laws relating to Alcohol and drug possession and consumption in California may be accessed at <http://leginfo.legislature.ca.gov/faces/codes.xhtml>. State laws are subject to change and citizens of California are encouraged to review this site for additional details. An excerpt of some California Code include, but are not limited to, the following:

### ARTICLE 1. Offenses Involving Controlled Substances Formerly Classified as

#### Narcotics [11350 - 11356.5] 11350.

- (a) Except as otherwise provided in this division, every person who possesses (1) any controlled substance specified in subdivision (b), (c), (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in a county jail for not more than one year, except that such person shall instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.
- (b) Except as otherwise provided in this division, whenever a person who possesses any of the controlled substances specified in subdivision (a), the judge may, in addition

to any punishment provided for pursuant to subdivision (a), assess against that person a fine not to exceed seventy dollars (\$70) with proceeds of this fine to be used in accordance with Section 1463.23 of the Penal Code. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.



- (c) Except in unusual cases in which it would not serve the interest of justice to do so, whenever a court grants probation pursuant to a felony conviction under this section, in addition to any other conditions of probation which may be imposed, the following conditions of probation shall be ordered:
  - (1) For a first offense under this section, a fine of at least one thousand dollars (\$1,000) or community service.
  - (2) For a second or subsequent offense under this section, a fine of at least two thousand dollars (\$2,000) or community service.
  - (3) If a defendant does not have the ability to pay the minimum fines specified in paragraphs (1) and (2), community service shall be ordered in lieu of the fine.
  - (d) It is not unlawful for a person other than the prescription holder to possess a controlled substance described in subdivision (a) if both of the following apply:
    - (1) The possession of the controlled substance is at the direction or with the express authorization of the prescription holder.
    - (2) The sole intent of the possessor is to deliver the prescription to the prescription holder for its prescribed use or to discard the substance in a lawful manner.
- 11350. (e) This section does not permit the use of a controlled substance by a person other than the prescription holder or permit the distribution or sale of a controlled substance that is otherwise inconsistent with the prescription.

5.

(a) Except as otherwise provided in this division, every person who possesses a controlled substance specified in paragraph (3) of subdivision (e) of Section 11054 of this code with the intent to commit sexual assault shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.

(b) For purposes of this section, "sexual assault" means conduct in violation of Section 243.4, 261, 262, 286, 287, or 289 of, or former Section 288a of, the Penal Code.  
(Amended by Stats. 2018, Ch. 423, Sec. 35. (SB 1494) Effective January 1, 2019.)

### 11351.

Except as otherwise provided in this division, every person who possesses for sale or purchases for purposes of sale (1) any controlled substance specified in subdivision (b), (c), or (e) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, three, or four years.  
(Amended by Stats. 2011, Ch. 15, Sec. 152. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

### 11351.5.

Except as otherwise provided in this division, every person who possesses for sale or purchases for purposes of sale cocaine base, which is specified in paragraph (1) of subdivision (f) of Section 11054, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of two, three, or four years. (Amended by Stats. 2014, Ch. 749, Sec. 3. (SB 1010) Effective January 1, 2015.)

### 11352.

- (a) Except as otherwise provided in this division, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport (1) any controlled substance specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, four, or five years.
- (b) Notwithstanding the penalty provisions of subdivision (a), any person who transports any controlled substances specified in subdivision (a) within this state from one county to another noncontiguous county shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, six, or nine years.
- (c) For purposes of this section, "transports" means to transport for sale.
- (d) This section does not preclude or limit the prosecution of an individual for aiding and abetting the commission of, or conspiring to commit, or acting as an accessory to, any act prohibited by this section.  
(Amended by Stats. 2014, Ch. 54, Sec. 7. (SB 1461) Effective January 1, 2015.)

11352.1.

- (a) The Legislature hereby declares that the dispensing and furnishing of prescription drugs, controlled substances, and dangerous drugs or dangerous devices without a license poses a significant threat to the health, safety, and welfare of all persons residing in the state. It is the intent of the Legislature in enacting this provision to enhance the penalties attached to this illicit and dangerous conduct.
- (b) Notwithstanding Section 4321 of the Business and Professions Code, and in addition to any other penalties provided by law, any person who knowingly and unlawfully dispenses or furnishes a dangerous drug or dangerous device, or any material represented as, or presented in lieu of, any dangerous drug or dangerous device, as defined in Section 4022 of the Business and Professions Code, or who knowingly owns, manages, or operates a business that dispenses or furnishes a dangerous drug or dangerous device or any material represented as, or presented in lieu of, any dangerous drug or dangerous device, as defined in Section 4022 of the Business and Professions Code without a license to dispense or furnish these products, shall be guilty of a misdemeanor. Upon the first conviction, each violation shall be punishable by imprisonment in a county jail not to exceed one year, or by a fine not to exceed five thousand dollars (\$5,000), or by both that fine and imprisonment. Upon a second or subsequent conviction, each violation shall be punishable by imprisonment in a county jail not to exceed one year, or by a fine not to exceed ten thousand dollars (\$10,000), or by both that fine and imprisonment.

**ARTICLE 2. Cannabis [11357 - 11362.9] 11357.**

- (a) Except as authorized by law, possession of not more than 28.5 grams of cannabis, or not more than eight grams of concentrated cannabis, or both, shall be punished or adjudicated as follows:
  - (1) Persons under 18 years of age are guilty of an infraction and shall be required to:
    - (A) Upon a finding that a first offense has been committed, complete four hours of drug education or counseling and up to 10 hours of community service over a period not to exceed 60 days.

**DIVISION 11.5. SENTENCING FOR DRIVING WHILE UNDER THE INFLUENCE [23500 - 23675] 23536.**

- (a) If a person is convicted of a first violation of Section 23152, that person shall be punished by imprisonment in the county jail for not less than 96 hours, at least 48 hours of which shall be continuous, nor more than six months, and by a fine of not less than three hundred ninety dollars (\$390), nor more than one thousand dollars (\$1,000).
- (b) The court shall order that a person punished under subdivision (a), who is to be punished by imprisonment in the county jail, be imprisoned on days other than days of regular employment of the person, as determined by the court. If the court determines that 48 hours of continuous imprisonment would interfere with the person's work schedule, the court shall allow the person to serve the imprisonment whenever the person is normally scheduled for time off from work. The court may make this determination based upon a representation from the defendant's attorney or upon an affidavit or testimony from the defendant.
- (c) The person's privilege to operate a motor vehicle shall be suspended by the department under paragraph (1) of subdivision (a) of Section 13352 or Section 13352.1. The court shall require the person to surrender the driver's license to the court in accordance with Section 13550.

## FEDERAL

Federal law penalizes the unlawful manufacturing, distribution, use, sale, and possession of controlled substances. The penalties vary based on many factors, including the type and amount of the drug involved, and whether there is intent to distribute. Federal law sets penalties for first offenses ranging from less than one year to life imprisonment and/or fines up to \$10 million. Penalties may include forfeiture of property, including vehicles used to possess, transport, or conceal a controlled substance; the denial of professional licenses or Federal benefits, such as student loans, grants, and contracts; successful completion of a drug treatment program; community service; and ineligibility to receive or purchase a firearm. Federal law holds that any person who distributes, possesses with intent to distribute, or manufactures a controlled substance on or within one thousand feet of an educational facility is subject to a doubling of the applicable maximum punishments and fines. See the Federal Controlled Substances Act at 21 USC 800.

## SCHOOL SANCTIONS \*\*

(APPLIED TO ALL CATEGORIES OF SUBSTANCES)

The following are prohibited under the Code of Conduct applicable to students:

- Use, possession or distribution of narcotic or other controlled substances, except as expressly permitted by law, or being under the influence of such substances.
- Use, possession or distribution of alcoholic beverages, except as expressly permitted by law and Carrington College regulation; or public intoxication.

The sanctions listed below may be imposed upon any covered person found to have violated the Code of Conduct. The listing of the sanctions should not be construed to imply that covered persons are entitled to progressive discipline. The sanctions may be used in any order and/or combination that Carrington College deems appropriate for the conduct in question.

- a. Warning - A verbal or written notice that the respondent is in violation of or has violated Carrington College regulations.
- b. Probation - A written reprimand with stated conditions in effect for a designated period of time, including the probability of more severe disciplinary sanctions if the respondent is found to be violating any Carrington College regulation(s) during the probationary period.
- c. Fines may be imposed, as determined or approved by Carrington College.
- d. Restitution - Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- e. Carrington College Suspension - Separation of the respondent from Carrington College for a definite period of time, after which the respondent is eligible to return. Conditions for readmission may be specified.
- f. Carrington College Expulsion - Permanent separation of the respondent from all Carrington College locations..

Colleagues of the institution are prohibited from:

- While performing school business under the influence of a controlled substance
- possession, use, sale of a controlled substance
- Furnishing a controlled substance to a minor.

Sanctions for this violation could lead up to termination of employment.

\*\*These sanctions are in addition to any criminal sanctions that may be imposed. Student colleagues are subject to both colleague and student sanctions.

## LOCAL TREATMENT RESOURCES

The following is a sampling of local area information and treatment resources. A more comprehensive listing of available counseling and treatment programs can be obtained in the Student Central.

Alcoholics Anonymous: 408-374-8511

Narcotics Anonymous: 408-988-4200

Online Resources for Drugs and Alcohol [www.aa.org](http://www.aa.org)

## **UNAUTHORIZED DISTRIBUTION OF COPYRIGHTED MATERIALS**

Carrington College strives to provide access to varied materials, services and equipment for students, faculty and staff and does not knowingly condone policies or practices that constitute an infringement of Federal copyright law. Transmitting or downloading any material that you do not have the right to make available and that infringes any patent, trademark, trade secret, copyright or other proprietary rights of any party is prohibited.

Installing or distributing pirated or unlicensed software is also forbidden. Violation of these requirements may subject students, faculty and staff to civil and criminal liabilities. Students, faculty or staff who violate federal copyright law do so at their own risk. Copyright status is applied to a work as soon as it is created. Users should assume that all writings and images are copyrighted.

Title 17 of the United States Code (17 USC §501 et seq.) outlines remedies for copyright infringement that may include some or all of the following: obtaining an injunction to stop the infringing activity; impounding and disposing of the infringing articles; an award to the copyright owner of actual damages and the profits of the infringer, or in the alternative, an award of statutory damages which may be increased if the infringement is found to be willful; an award of two times the amount of the license fee a copyright owner could have gotten; an award of

the full costs incurred in bringing an infringement action, and the award of attorney's fees; and for criminal copyright infringement, fines and imprisonment.

Carrington College maintains a campus network to support and enhance the academic and administrative needs of our students, faculty and staff. Carrington College is required by Federal Law – H.R. 4137 to make an annual disclosure informing students that illegal distribution of copyrighted materials may lead to civil and/or criminal penalties. Carrington College takes steps to detect and punish users who illegally distribute copyrighted materials.

Carrington College reserves the right to suspend or terminate network access to any campus user that violates this policy and Network access may be suspended if any use is impacting the operations of the network. Violations may be reported to appropriate authorities for criminal or civil prosecution. The existence and imposition of sanctions do not protect members of the campus community from any legal action by external entities.

## Alternatives to Illegal Downloading

Illegal downloads hurt artists and deter the incentive to create. U.S. laws protect the rights of individuals regarding their own works. Below are lists of sites that offer free or inexpensive products that you can use without violating copyright law.

### FREE AND LEGAL

**Clipart:** <http://www.coolarchive.com/>  
<http://www.clipart.com/>

**Fonts:** <http://www.blambot.com/>  
<http://www.fonts.com/>

**Photos:** <http://www.freefoto.com/index.jsp>  
<https://www.photospin.com/Default.asp?>

**Music:**  
<http://download.cnet.com/windows>  
[/ http://www.epitonic.com/](http://www.epitonic.com/)  
<http://betterpropaganda.com/>

**CARRINGTON COLLEGE-SAN JOSE ANNUAL CAMPUS CRIME STATISTICS**  
 Reported in accordance with Uniform Crime Reporting procedures and the Jeanne Cleary Disclosure of  
 Campus Security Policy and Campus Crime Statistics Act

|  | <u>On Campus</u> |      |      | <u>Public Property</u> |      |      |
|--|------------------|------|------|------------------------|------|------|
| Total Crimes Reported for:   | 2018             | 2019 | 2020 | 2018                   | 2019 | 2020 |
| <b><u>Criminal Offenses (includes attempts)</u></b>  |                  |      |      |                        |      |      |
| Murder/Non-negligent manslaughter  | 0                | 0    | 0    | 0                      | 0    | 0    |
| Negligent manslaughter   | 0                | 0    | 0    | 0                      | 0    | 0    |
| Sexual Assault-Rape  | 0                | 0    | 0    | 0                      | 0    | 0    |
| Sexual Assault-Fondling  | 0                | 0    | 0    | 0                      | 0    | 0    |
| Sexual Assault-Incest  | 0                | 0    | 0    | 0                      | 0    | 0    |
| Sexual Assault-Statutory rape  | 0                | 0    | 0    | 0                      | 0    | 0    |
| Robbery  | 0                | 0    | 0    | 0                      | 0    | 0    |
| Aggravated assault   | 0                | 0    | 0    | 0                      | 0    | 0    |
| Burglary   | 0                | 0    | 0    | 0                      | 0    | 0    |
| Motor vehicle theft  | 0                | 0    | 0    | 0                      | 0    | 0    |
| Arson  | 0                | 0    | 0    | 0                      | 0    | 0    |
| <b><u>HATE CRIMES</u></b>  |                  |      |      |                        |      |      |
|  | 2018             | 2019 | 2020 | 2018                   | 2019 | 2020 |
| If there are any hate crimes to report, please enter count here and narrative description below. | 0                | 0    | 0    | 0                      | 0    | 0    |
| <b><u>VAWA Offenses</u></b>  |                  |      |      |                        |      |      |
|  | 2018             | 2019 | 2020 | 2018                   | 2019 | 2020 |
| Domestic Violence  | 0                | 0    | 0    | 0                      | 0    | 0    |
| Dating Violence  | 0                | 0    | 0    | 0                      | 0    | 0    |
| Stalking   | 0                | 0    | 0    | 0                      | 0    | 0    |
| <b><u>Arrests</u></b>  |                  |      |      |                        |      |      |
|  | 2018             | 2019 | 2020 | 2018                   | 2019 | 2020 |
| Weapons: carrying, possession, etc.  | 0                | 0    | 0    | 0                      | 0    | 0    |
| Drug abuse violations  | 0                | 0    | 0    | 0                      | 0    | 2    |
| Liquor law violations  | 0                | 0    | 0    | 0                      | 0    | 0    |
| <b><u>Referral for Disciplinary Actions</u></b>  |                  |      |      |                        |      |      |
|  | 2018             | 2019 | 2020 | 2018                   | 2019 | 2020 |
| Weapons: carrying, possession, etc.  | 0                | 0    | 0    | 0                      | 0    | 0    |
| Drug abuse violations  | 0                | 0    | 0    | 0                      | 0    | 0    |
| Liquor law violations  | 0                | 0    | 0    | 0                      | 0    | 0    |

| <b>Hate Crimes</b>            | 2018 | 2019 | 2020 | 2018 | 2019 | 2020 |
|-------------------------------|------|------|------|------|------|------|
| Prejudice Categories:         | 0    | 0    | 0    | 0    | 0    | 0    |
| Race, Religion                | 0    | 0    | 0    | 0    | 0    | 0    |
| Sexual Orientation            | 0    | 0    | 0    | 0    | 0    | 0    |
| Gender, Gender Identity       | 0    | 0    | 0    | 0    | 0    | 0    |
| Disability                    | 0    | 0    | 0    | 0    | 0    | 0    |
| Ethnicity                     | 0    | 0    | 0    | 0    | 0    | 0    |
| National Origin               | 0    | 0    | 0    | 0    | 0    | 0    |
|                               |      |      |      |      |      |      |
| On campus or public property: | 2018 | 2019 | 2020 |      |      |      |
|                               | 0    | 0    | 0    |      |      |      |