

# FIDM/ Fashion Institute of Design & Merchandising

919 S. Grand Ave. Los Angeles, CA 90015



## **ANNUAL SAFETY AND SECURITY REPORT:**

Including Clery Act Disclosures of Campus Security Policy and Crime Statistics,  
Drug and Alcohol Abuse Prevention Program and Title IX Policy

Calendar Year 2020, 2021 and 2022 Crime Statistics

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## **INTRODUCTION**

Fashion Institute of Design & Merchandising (“FIDM”) is dedicated to providing a safe working and learning environment. To maintain compliance with Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (“Clery Act”), Higher Education Act (“HEA”) requirements, and related statutes and regulations, and in an effort to continuously promote and improve safety and security measures on campus, FIDM collects and publishes information regarding its security policies, available services and crime statistics. Once collected, the information is presented annually in this Annual Safety and Security Report (“Report”) to prospective and current students, prospective and current faculty and staff, and to the public. Any questions about this Report should be directed to Lisa Davis, Executive Assistant to the Vice President, Education & Title IX Coordinator, who serves as the Campus Security Survey Administrator at 213.624.1200, ext. 3017 or [ldavis@fidm.edu](mailto:ldavis@fidm.edu).

## **COMPLETION AND DISSEMINATION OF THE REPORT**

Prior to October 1<sup>st</sup> of each year, FIDM compiles this Report based on crime, arrest and referral information obtained from local law enforcement agencies and as reported to FIDM’s designated campus security authorities (Campus Security Survey Administrator/Title IX Coordinator and Director of Security). The Report is published every year by October 1<sup>st</sup> and contains three years of campus crime statistics and campus security policy statements. All crime statistics contained in this Report are for Clery Act reportable crimes occurring on the campus, as defined by 34 C.F.R. § 668.46(a), and on public property, including thoroughfares, streets, sidewalks, and parking facilities, within the campus or immediately adjacent to or accessible from the campus. The Report also includes FIDM’s current policies required pursuant to the current version of 34 C.F.R. § 668.46 and the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (“Clery Act”), as amended by the Violence Against Women Reauthorization Act of 2013 (“VAWA”), Pub. Law 113-4, and Violence Against Women Reauthorization Act of 2022 (as incorporated in the Consolidated Appropriations Act, 2022), Pub. Law 117-103.

FIDM administrators prepare this Report, which includes reported campus crime, arrest, and referral statistics, to local law enforcement agencies and designated campus officials. Additionally, FIDM reviews crime reports from local law enforcement agencies whenever published and maintains incident reports. Both of these sources of information are utilized in the review process regarding the annual report, and this information is retained by the Director of Security.

FIDM distributes this Report to all enrolled students and current employees via a notice by electronic mail that the current version of the Report has been posted to FIDM’s website; (<http://fidm.edu/en/about/policies+disclosures/general+information/>) and that a paper copy of the Report will be provided upon request by contacting Lisa Davis, Campus Security Survey Administrator, at 213.624.1200, ext. 3017 or [ldavis@fidm.edu](mailto:ldavis@fidm.edu). The Admissions Department provides written notice to all prospective students prior to enrollment regarding the availability and location of the Report. The Executive Assistant to the Vice President of Education provides all prospective employees with information regarding the availability and location of the Report and can also provide prospective employees with a copy of the Report. Additionally, a copy of the current Report is made available to the public on FIDM’s website. The crime statistics contained in this Report, as reported annually to the U.S. Secretary of Education, can also be viewed by searching FIDM’s name at <https://ope.ed.gov/campussafety/#/>

## **GEOGRAPHICAL AREA: DESCRIPTION OF THE CAMPUS**

The Clery Act requires each institution to disclose crime statistics that occur on three types of property: campus, non-campus buildings or property, and public property areas.

<sup>1</sup> FIDM’s San Diego campus closed in June 2020. FIDM’s San Francisco campus closed in July 2021. FIDM’s Orange County campus closed in September of 2021. Crime statistics were not collected or analyzed for the time period after the campus closure. The current Report only reflects the Crime Statistics for the Los Angeles campus.

“Campus” is defined in 34 CFR 668.46(a) as (i) any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to the institution’s educational purposes, including residence halls; and (ii) any building or property in that contiguous area identified in (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (e.g. a food or retail vendor).

“Public property” is defined in 34 CFR 668.46(a) as public property that is located within the same reasonably contiguous geographic areas of the campus, like a sidewalk, street or public parking lot, that is adjacent to a facility owned or controlled by the institution for purposes related to the institution’s educational purposes. Crimes occurring on “public property” must also be reported in the crime statistics. In order for this definition to apply, the property in question must satisfy all three conditions: (1) public (e.g., publicly owned); (2) within or immediately adjacent to campus; and (3) accessible from campus. This definition excludes any private property.

A “non-campus building or property” is defined in 34 CFR 668.46(a) as any building or property owned or controlled by a school-recognized student organization, or one that is owned or controlled by the institution and used by students or by the institution for education-related purposes and that is not within the same reasonably contiguous geographic area of the campus. Crimes occurring on “non-campus property” must be reported. However, incidents occurring on public property adjacent to “non-campus buildings or property” do not have to be included. Examples include industry classrooms and non-campus housing.

### **ACCURATE AND PROMPT CRIME REPORTING PROCEDURES**

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety-related incidents in an accurate and prompt manner. Whether it happens to a student or a student witnesses an event, they have a responsibility to call Campus Security and report the incident to the Director of Security or Title IX Coordinator or the local Police Department to report a crime.

*“In the First Two Minutes...”* When police arrive at the scene of a crime-in-progress within two minutes of receiving the call, the chances of apprehending a suspect are significantly increased. The odds of making an arrest decrease quickly as the minutes tick by. Timely reporting of a crime is essential and can help prevent it from happening again. Immediately go to a safe place and call. Stay on the line and tell the dispatcher everything you can remember about the suspect (clothing, vehicle, and direction of travel).

### **POLICIES FOR REPORTING AND RESPONDING TO CRIME AND EMERGENCIES**

#### **Reporting Crimes**

Students, faculty, and staff are strongly encouraged to report all crimes to local law enforcement, dial 9-1-1 (emergencies only). Any suspicious activity or person seen in the parking lots or loitering around vehicles or inside the building should be reported to the local law enforcement agency.

### Police Department Contact Information

Location	Police District	Phone #	Website	Address
<i>Los Angeles Campus</i>				
<b>Hope Street Annex</b> 800 S. Hope St. Los Angeles, CA 90017	CENTRAL COMMUNITY	213.486.6606	<i>lapdonline.org</i>	251 E. 6th St. Los Angeles, CA 90014
<b>G 12 Apartments</b> 1200 S. Grand Ave. Los Angeles, CA 90015				
<b>Metropolitan Apartments</b> 950 S. Flower St. Los Angeles, CA 90015				
<b>The Level Apartments</b> 888 S. Olive St. Los Angeles, CA 90015				
<b>Broadway Palace Apartments</b> 1026 S. Broadway St. Los Angeles, CA 90015				
<b>Broadway Palace Apartments</b> 928 S. Broadway St. Los Angeles, CA 90015				

In addition, crimes that should be reported to the Director of Security, the Title IX Coordinator or other Campus Security Authority (CSA) by students, faculty and staff include:

- Murder and non-negligent manslaughter, negligent manslaughter, rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug law violations, and illegal weapons possession using the definitions of those crimes from the “Summary Reporting System (SRS) User Manual” from the FBI's UCR Program.
- Fondling, incest, and statutory rape using the definitions of those crimes from the “National Incident-Based Reporting System (NIBRS) User Manual” from the FBI's UCR Program.
- Hate crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property using the definitions provided in the “Hate Crime Data Collection Guidelines and Training Manual” from the FBI's UCR Program.
- Dating violence, domestic violence, and stalking using the definitions provided in 34 CFR 668.46(a).

Where there is any question about whether an incident is a crime, a report should be made to the Director of Security, the Title IX Coordinator, or another CSA for assistance in determining the nature of the incident. Witnesses or victims of crimes may report crimes on a confidential basis for inclusion in FIDM’s annual crime statistics reporting.

Upon observing or involvement in any type of crime on campus or on public property, including thoroughfares, streets, sidewalks, and parking facilities, within the campus or immediately adjacent to or accessible from the campus:

- *A student should immediately notify the Director of Security, the Title IX Coordinator, another CSA, or the nearest available FIDM employee. All FIDM employees are trained to notify the Director of Security, the Title IX Coordinator, his/her on-site designee, or other CSA immediately of all crimes reported to them by students.*
- *Faculty and staff should immediately notify the Director of Security, the Title IX Coordinator or his/her on-site designee, or other CSA.*
- *FIDM security officers should immediately notify the Director of Security, the Title IX Coordinator or his/her on-site designee, or other CSA.*

#### Campus Security Authorities

<u>Staff Name/Email</u>	<u>Title</u>	<u>Phone Number &amp; Extension</u>
		<b>213.624.1200</b>
<b>Lisa Davis</b> <b>ldavis@fidm.edu</b>	<i>Title IX Coordinator, Executive Assistant to the VP, Education</i>	<b>Ext 3017</b>
<b>Todd Anderson</b> <b>tjanderson@fidm.com</b>	<i>Campus Security Director</i>	<b>Ext 2022</b>
<b>Joseph Allen</b> <b>jallen@fidm.com</b>	<i>Campus Security Director</i>	<b>Ext 2022</b>
<b>Kim Wetzel</b> <b>kwetzel@fidm.edu</b>	<i>Executive Director, Human Resources</i>	<b>Ext 3530</b>
<b>Rene Calvillo</b> <b>rcalvillo@fidm.edu</b>	<i>Hope St. Coordinator Education Content Manager</i>	<b>Ext 4019</b>

#### Keep the emergency numbers in the Annual Security Report handy.

Timely reporting of criminal activity enables FIDM to respond in a timely manner and potentially reduce the recurrence of that crime. Timely manner shall be defined to mean immediately or as immediately as possible under the circumstances. FIDM strongly encourages individuals to report all crimes in an accurate and timely manner to local law enforcement agencies. Upon written request, FIDM will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by FIDM against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

FIDM works cooperatively with local law enforcement agencies when necessary; however, there are no written memoranda of understanding agreements between FIDM and local law enforcement agencies to investigate alleged crimes. FIDM does, in a good faith effort, contact local law enforcement agencies to obtain data on Clery Act crimes that occurred on or near the campus. Not all agencies respond to our requests for data.

#### Response to Reports of Crime or Emergency

Upon receipt of a report of a crime or emergency, the Director of Security, the Title IX Coordinator, or other CSA will:

- Immediately assess, based on their own judgment or after consultation with other FIDM employees, whether the situation warrants contacting 911 and/or following the emergency response and evacuation procedures contained below.

- Immediately assess, based on their own judgment and/or after consultation with other FIDM employees or the local police, whether a “timely warning” to the campus community should be issued pursuant to the Timely Warning policy below.
- With regard to a reported incident that is or may be a Title IX violation, immediately contact FIDM’s Title IX Coordinator who has the authority to evaluate and respond in accordance with the FIDM’s “Title IX” policy contained in this Report.
- For all reported crimes, the Director of Security, the Title IX Coordinator, or other CSA will contact the Campus Security Survey Administrator within 24 hours of the incident to provide all available and relevant information including the date, time, location, and description of the incident.
- The Director of Security, the Title IX Coordinator, or other CSA will cooperate with the Campus Security Survey Administrator and/or Title IX Coordinator to investigate and gather any additional information necessary to determine whether the incident must be reported in the crime statistics contained in this Report.

### **TIMELY WARNING POLICY**

In accordance with 34 CFR 668.46(e), timely warnings are issued to the campus community on crimes that are:

- (i) Reported to Campus Security Authorities and Mandatory Reporters.
- (ii) Included in and defined by Clery Act reporting, and
- (iii) Considered by the college to represent a threat to students and employees.

In the event that a situation arises, either on or off campus, that, in the judgment of the Director of Security, the Title IX Coordinator, or other CSA constitutes an ongoing or continuing threat to students and employees, including with regard to any crime reportable pursuant to the Clery Act, a campus-wide “timely warning” will be issued. Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the students and employees, FIDM will post a warning via one or more of the following means of communication: cell phone, email, text message or other appropriate verbal or written notice.

The intent of a timely warning is to provide adequate information necessary to enable the campus community to protect themselves when a significant emergency or dangerous situation occurs. The content of the timely warning will not disclose information that may compromise law enforcement efforts. Anyone with information that warrants a timely warning should report the circumstances immediately to the Director of Security, the Title IX Coordinator, or other CSA in person or by phone (contact information listed above).

Timely warnings are required for all Clery Act crimes that occur on Clery Geography that are reported to the Director of Security, the Title IX Coordinator, other CSA or local police agencies and are considered by FIDM to represent a serious or continuing threat to students and employees.

### **EMERGENCY ALERT NOTIFICATION PROCEDURE**

Emergencies are unexpected events that must be dealt with urgently to protect the health and safety of others. Upon determination of an emergency, without delay and taking into account the safety of the students, faculty, and staff, FIDM will determine the content of the notification and initiate the emergency alert, unless issuing a notification will, in the professional judgment of the Director of Security, the Title IX Coordinator, or other CSA or other responsible authority, compromise efforts to assist victims or to contain, respond to or otherwise mitigate the emergency. Directors of Security and executive administration will determine whom to notify, determine the content of the notification, and initiate the emergency alert. FIDM will communicate without delay via cell phone, email, text messaging, or other appropriate means to immediately inform individuals on campus of procedures to follow.

Depending on the situation, additional alerts will be disseminated as information becomes available. If deemed necessary, the front desk personnel and Director of Security, the Title IX Coordinator, or other CSA will notify the local police, fire, public health agency, or other appropriate first responder to assist with the emergency. FIDM’s

administrative staff will contact parents, guardians, spouses, and those listed as emergency contacts by the student via phone if the situation warrants. Other staff and faculty members may be designated as backups and to assist with assigned tasks. Local authorities will determine when and if it is necessary to notify the surrounding community. As soon as the condition that may compromise efforts is no longer present, an emergency notification will be issued to the FIDM community.

It is the student's responsibility to provide current contact information quarterly through the FIDM Portal to be sure they receive timely communications. To ensure the optimal level of performance in an emergency, FIDM will regularly conduct a test of the emergency alert notification system. Phone calls and text messages are subject to the conditions and rates of the student's particular calling plan. FIDM will not be held responsible for any charges billed by cell phone providers in efforts to relay information.

## **EVACUATION PROCEDURE**

Evacuations to safe locations will be implemented when necessary and proceed in an organized manner per policy and procedure. Evacuation procedure can be obtained in the Student Handbook. 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.

FIDM tests its emergency response and evacuation procedures (including fire and earthquake drills) at least once annually on an announced or unannounced basis. When tests are conducted, FIDM publicizes its emergency response and evaluation procedures to students, faculty, and staff, including making available a copy of this policy. FIDM maintains documentation of each test exercise including the date and time performed and whether it was announced or unannounced. The plan, including any updates, is reviewed with new students and employees during orientation, in classes at the start of each term, and at a number of faculty meetings during the year.

Additionally, the college has an Emergency Response Team (ERT) which, in all emergencies, is responsible for providing guidance and directions. The ERT manual is available on the FIDM Portal for staff and faculty to review. Instructors should familiarize themselves with this information. Emergency evacuation procedures are located on the back of the classroom and office doors. It is important that students familiarize themselves with fire evacuation procedures. If the fire alarm rings, students must evacuate the building by following the arrows marked on the maps to the nearest exit. In an earthquake, falling objects pose the greatest danger. Students should get under a sturdy desk or table if possible. Kneel down and cover their head with their arms. Duck, cover, and hold. If evacuation is necessary, students should follow arrows marked on maps to the nearest exit.

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. Students are required to wear their photo identification card at all times when on campus or participating in school-related functions.

The campus community is obligated to report all unsafe activities, potential and real emergencies, and/or criminal activities to the Director of Security, the Title IX Coordinator, or other CSA as soon as possible.

## **NON-EMERGENCY SCHOOL CLOSURES OR DELAYS**

Upon decision by the Director of Security, the Title IX Coordinator, or other CSA, after consultation with other FIDM officials as appropriate, to close a campus or delay opening for any reason, including for weather-related reasons; FIDM will notify students and staff using text message, email and/or social media. Notification for closure or delays will be sent separately for morning and evening schedules.



Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. The Director of Security, the Title IX Coordinator, or other CSA, regularly reviews the campus and reports malfunctioning lights and other unsafe physical conditions to FIDM's Facilities Department for correction.

FIDM does not maintain residential facilities, FIDM contracts for units with apartment buildings close to the campus to aid students with housing. The contracted apartment buildings are identified in this Report as Non-Campus properties. FIDM does not own or manage apartment buildings, including common areas. Each of the contracted apartment buildings requires a key or code to enter. Additional security measures vary by apartment building (information is available through the apartment building website—see below). Additionally, FIDM does not have any officially recognized student organizations with non-campus locations.

- Broadway Palace: <https://www.broadwaypalaceapartments.com/>
- G12: <https://www.g12.la/>
- The Met: <https://rent.brookfieldproperties.com/los-angeles-ca-apartments/the-met>
- The Level: <https://stayinglevel.com/destinations/los-angeles/>

### **CAMPUS LAW ENFORCEMENT AND RELATED POLICIES**

FIDM Campus Security Officers have the authority to ask persons for identification and to determine whether individuals have lawful business at FIDM. FIDM Campus Security Officers can make an arrest for crimes committed in their presence. Campus Security Officers are not generally available at off-campus FIDM activities.

FIDM will assist in notifying appropriate law enforcement authorities if a student requests assistance in contacting the police. Students, faculty, and staff are encouraged to accurately and promptly report all crimes and public safety-related incidents to FIDM, as set forth in the "Reporting Crimes" section of this Report, and to notify local police.

If you are a victim of or witness to a crime and do not want to pursue action through FIDM's procedures or the criminal justice system, FIDM encourages you to consider reporting the incident to the Director of Security, the Title IX Coordinator, or other CSA or the Campus Security Survey Administrator for the limited purpose of permitting FIDM to include the incident in its crime statistic reporting without revealing your identity. With such information, FIDM can keep an accurate record of the number of similar incidents, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. FIDM will make its best efforts, to the extent permitted by law, to maintain the privacy of that information and to comply with the Family Educational Rights and Privacy Act of 1974 (FERPA). Police reports are public records under state law, FIDM cannot hold reports of crime obtained from police records in confidence. Policies with respect to victims of sexual violence are contained in the "Title IX" section of this Report.

### **SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS**

Safety and security awareness programs are in place for students and employees. FIDM schedules crime prevention and campus safety seminars on all campuses. The common theme of awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. During new student and new employee (faculty and staff) orientations, individuals are informed of FIDM's current security and crime prevention policies and practices as well as the protection of personal safety and prevention of crime. Such orientations may include a PowerPoint presentation and/or review of the policies contained in this Report and the student catalog/employee handbook. The presentations include training required by Title IX of the Higher Education Act regarding preventing and responding to sexual harassment/violence and other topics discussed below in the "Title IX" section.

FIDM encourages all students, faculty, staff, and visitors to observe and practice common safety precautions:

#### ***Walking around campus***

- Familiarize the layout of the campus.

- Plan the safest route to the destination; choose well-lighted, busy pathways and streets.
- At night, stick to well-lighted areas whenever possible and avoid alleyways or “shortcuts” through isolated areas.
- Travel in groups when walking at night.
- If followed, change direction and go to the nearest business or safe place and call the Police. Note the description of the person.
- Walk near the curb and avoid shrubbery or other places of potential concealment.
- Stay alert to surroundings and the people around.
- Carry your purse close to your body and keep a firm grip on it.
- Carry your wallet in an inside coat pocket or front pant pocket.
- Keep keys separate from purses or backpacks.
- Don’t overload yourself with bags or packages.
- Avoid wearing shoes that restrict movement.
- Always carry and display campus identification cards.
- Be aware, stay alert, and report suspicious activity to Campus Security Authority.

### ***In the campus buildings***

- Don’t allow others to enter if unsure they are a current employee or student.
- Do not let unknown individuals “tailgate;” ask who they are visiting and offer to call the front desk.
- Do not prop any security or exterior doors open to allow unescorted visitors into the building.
- Report lost or stolen keys immediately to the front desk.
- Report any malfunctioning security system, locks, doors or windows to CSA or the front desk.
- Do not leave keys lying around in the room when not in the room.
- Report any suspicious persons or activities to CSA or the front desk.
- Secure valuables and engrave expensive items with identifying information.
- Do not leave identification, keys, wallets, or other valuables in open view, unattended, or not secured.

### ***Motor vehicle safety***

- Park in well-lighted areas, where the vehicle is visible.
- Keep all valuables out of sight. Remove or place CD players/cases, etc. in the trunk.
- Keep the vehicle locked and close windows at all times when parked.
- Unlock the vehicle only when you are within reach of your door.

### ***Safety Tips***

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

### ***Suggestions to Reduce the Risk of Sexual Violence***

- There is strength in numbers or group dates. Go to parties or clubs with a friend and be responsible for each other. Don't split up. Have a preplanned signal to let your friend know that you want to leave or need help.
- Control alcohol. Drink responsibly or not at all, especially on first dates.
- No substance abuse.

- Know limits. It's never too late to say "no." Don't be embarrassed or ashamed to say "no" or ask someone to stop.
- Verbalize expectations. Be upfront. Talk about sexual boundaries. A potentially embarrassing conversation could save you from a traumatic situation.
- Trust gut instinct. Guard personal space. If someone makes you uncomfortable, leave the situation.

In addition to the activities completed as discussed in the Emergency Alert Notification Procedure and Evacuation Procedure sections above, instructors are required at the start of every term to discuss emergency evacuation procedures, lockdown procedures and safety policy on the first day of class. Emergency evacuation procedures are located on the back of the classroom and office doors.

## **ORDERS OF PROTECTION**

FIDM abides by Orders of Protection (Restraining Orders). Orders of protection are issued by a Domestic Relations or a Municipal Court to protect a person or entity, and the general public, in a situation involving alleged assault, domestic violence, harassment, stalking, or sexual assault. In the State of California, forms can be obtained online at [www.courts.ca.gov](http://www.courts.ca.gov). An individual must complete the DV-100 Domestic Violence Description form and the DV101 form. Both completed forms must be submitted to the court clerk. FIDM's objective is to provide a safe and secure environment for students, faculty, staff, and visitors.

### **Procedures:**

- Students, staff, and faculty must notify the Director of Security, the Title IX Coordinator, or other CSA if they have an Order of Protection.
- The front desk person must be provided a copy of the Order of Protection with a picture of the suspect.
- The Department Chairperson, faculty, staff, and students who are involved with the Order of Protection and campus security guards will be informed of expected actions and security measures.
- If anyone sees the suspect, call 911 immediately.

In the event of imminent danger or immediate emergency, information is released through the emergency notification system.

## **POLICY ON POSSESSION, USE, AND SALE OF ALCOHOLIC BEVERAGES AND ILLEGAL DRUGS**

FIDM is committed to maintaining a drug-free school and workplace. All campus property is drug and alcohol-free. FIDM is committed to full compliance with the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act regulations as contained in 34 C.F.R. Part 86. New students, faculty, and staff are provided with this information during orientation. Annually, students and employees are provided this information by means of FIDM's publication of this Report and material posted on campus. FIDM also provides seminars on substance abuse prevention.

In accordance with federal regulations, FIDM conducts reviews at least biennially to determine the effectiveness of this policy to ensure consistent enforcement of applicable drug and alcohol-related statutes, ordinances, and institutional policies against students and employees found to be in violation. Annual Review reports and supporting documents will be maintained by FIDM and made available upon request. Students or employees with any questions concerning this policy should contact the Director of Security, the Title IX Coordinator, or another CSA. FIDM is committed to monitoring and assessing the effectiveness of the policy and program to determine any necessary changes. TPCA ensures the uniform application of sanctions to employees and students. To perform this review, FIDM uses both formal and informal assessments.

All students and employees are prohibited from the unlawful cultivation, manufacture, distribution, sale, purchase, possession, transportation, or use of illicit drugs and alcohol on FIDM's property or as part of any FIDM officially sponsored off-campus activities. Students are also prohibited from being under the influence of alcohol, illegal drugs, or any other substance that could adversely affect the health, safety, or welfare of students and staff on FIDM property or

at any of its officially sponsored activities. This includes all forms of marijuana, regardless of the state legality of the substance.

To provide information about the potential effects of dependence on drugs and alcohol, FIDM strives to:

- Educate students and employees about alcohol and drug abuse in an effort to encourage responsible decisions about their use;
- Provide referrals to students and employees who have experienced negative consequences with alcohol and drugs so as to reduce the harm and manage the risks associated with their use;
- Support students and employees who are in recovery from substance abuse and addiction;
- Promote constructive lifestyles and norms that discourage alcohol and drug abuse; and
- Develop social and physical environments that facilitate alcohol and drug abuse-free lifestyles.

### **Reporting of Violations to Local and/or State Law Enforcement**

FIDM may report to local and/or state law enforcement, as may be required by federal and state drug laws, any student who is found in possession of, using, or selling illegal drugs on campus as well as anyone who is found to have broken the state laws regarding underage drinking.

### **Disciplinary Sanctions**

Illegal possession or use of drugs or alcohol can have penalties, including loss of Title IV eligibility, community service, suspension or loss of driver's license, jail time, and fines. FIDM will impose disciplinary sanctions on students and employees consistent with federal, state, and local laws and ordinances. Students and employees who violate FIDM's prohibitions against drugs and alcohol are subject to disciplinary action up to and including termination of their employment or enrollment at FIDM. Federal, state, and local violations will be properly adjudicated by the appropriate government agency.

### **Treatment Programs**

Students and employees are encouraged to seek substance abuse treatment. There are no on-campus treatment, rehabilitation or re-entry programs available. The following is a list of outside services and support groups available to students and employees:

- Alcohol and Drug Abuse Hotline: (800)662-HELP(4357)
- Alcohol and Drug Recovery Center: (888)978-3685
- LA County Information line (Community Referral Hotline) (800) 339-6993 or 211
- Los Angeles County Department of Mental Health dmh.lacounty.gov (800)854-7771
- National Suicide Prevention Lifeline <http://www.suicidepreventionlifeline.org> (800)273-8255 or 988
- Alcoholics Anonymous [www.aa.org](http://www.aa.org) (323)936-4343
- Cocaine Anonymous [www.ca.org](http://www.ca.org) (310)559-5833
- Narcotics Anonymous [www.na.org](http://www.na.org) (818)773-9999 x771

### **Health Risks**

There are known health risks associated with the abuse of alcohol and drugs. Alcohol or any other drug used in excess over time can produce illness, disability, and death. The health consequences of substance abuse may be immediate and unpredictable, such as cardiac arrest with cocaine use, or more subtle and long-term, such as liver deterioration associated with the prolonged use of alcohol. In addition to health-related problems, other concerns relating to substance abuse include the following:

- People who abuse alcohol and other drugs often have erratic lifestyles that interfere with sleep, nutrition, and exercise.
- Alcohol and substance use and abuse may lead to financial difficulties, domestic violence, deterioration of the family structure, motor vehicle accident injuries, and reduced job performance.

- Repeated abuse of alcohol can lead to dependence.

### Descriptions of Dangerous Drugs

- **Alcohol** is a potentially addictive drug with significant physical and psychological consequences. Alcohol is a central nervous system depressant that affects all neurological functions. At relatively low levels it affects one's judgment and decision-making, and at higher levels, it impairs the functioning of one's vital organs and can result in a coma or death. Alcohol is an irritant to the gastrointestinal tract and moderate over-indulgence ordinarily results in nausea, vomiting, and diarrhea. In addition to these significant physical consequences, there are a number of less obvious consequences of alcohol use. For example, the effects of alcohol on sleep have been well documented. Consuming several drinks before bedtime has been found to decrease the amount of REM (rapid eye movement) or dreaming sleep. The consequences of being deprived of REM sleep are impaired concentration and memory, as well as anxiety, tiredness, and irritability. Additionally, research has demonstrated that alcohol tends to decrease fear and increase the likelihood that an individual will accept risks. This lack of inhibition and judgment is a major contributor to the extraordinarily high percentage of serious accidents and accidental deaths related to alcohol use. Prolonged and excessive use of alcohol usually causes progressively more serious erosion of the gastrointestinal tract lining ranging from gastritis to ulcers and hemorrhage. Damage to the pancreas is frequent among those who have used alcohol.
- **Marijuana (cannabis) (nicotina glauca)** is a drug that is illegal at the federal level and impairs memory, perception, judgment, and hand-eye coordination skills. The tar content in cannabis smoke is at least 50% higher than that of tobacco and thus smokers run the added risk of lung cancer, chronic bronchitis, and other lung diseases. Recently, the medical community has diagnosed the existence of an AA motivational syndrome that affects moderate to chronic users and includes symptoms of loss of energy, motivation, effectiveness, concentration, ability to carry out long-term plans, and performance in school and work.
- **LSD (Lysergic Acid Diethylamide)** is a semi-synthetic drug regarded as a hallucinogenic. Short-term effects of this drug are generally felt within an hour of consumption and may last from two to 12 hours. Physiologically the user experiences increased blood pressure, rise in body temperature, dilated pupils, rapid heartbeat, muscular weakness, trembling, nausea, chills, numbness, loss of interest in food, and hyperventilation. Fine motor skills and coordination are usually impaired, as are perception, thought, mood, and psychological processes. Long-term effects may include flashbacks, weeks and even months after taking the drug, mental illness, prolonged depression, anxiety, psychological dependence, and suicidal thoughts.
- **PCP (Phencyclidine Hydrochloride)** is a white crystalline powder that was originally used as a local anesthetic, but due to extreme side effects, was discontinued in 1967. In humans, PCP is a difficult drug to classify in that reactions may vary from stupor to euphoria and resemble the effects of a stimulant, depressant, anesthetic, or hallucinogen. Short-term effects include hyperventilation, increase in blood pressure and pulse rate, flushing and profuse sweating, general numbness of the extremities, and loss of muscular coordination. At higher doses, it causes nausea, vomiting, blurred vision, loss of balance, and disorientation. It produces profound alteration of sensation, mood, and consciousness, and can cause psychotic states in many ways indistinguishable from schizophrenia. Large doses have been known to cause convulsions, permanent brain damage, and coma.
- **Cocaine** is a naturally occurring stimulant drug that is extracted from the leaves of the cocoa plant. Cocaine is sold as a white translucent crystalline powder frequently cut to about half its strength by a variety of other ingredients including sugars and cleaning powders. It is one of the most powerfully addictive drugs in use today. Short-term effects of cocaine include constricted peripheral blood vessels, dilated pupils, and increased heart rate and blood pressure. It also causes appetite suppression, pain indifference, possible vomiting, visual, auditory, and tactile hallucinations, and occasionally paranoia. Long-term effects include nasal congestion, collapse of nasal septum, restlessness, irritability, anxiety, and depression. Overdoses or chronic use may result in toxicity which includes symptoms of seizures followed by respiratory arrest, coma, cardiac arrest, and/or death.
- **Amphetamines** are central nervous system stimulants that were once used medically to treat a variety of symptoms including depression and obesity. They may be taken orally, sniffed, or injected into the veins. Short-term effects disappear within a few hours and include reduction of appetite, increased breathing, and heart rate, raised blood pressure, dilation of pupils, dry mouth, fever, sweating, headache, blurred vision, and dizziness. Higher doses may cause flushing, rapid and irregular heartbeat, tremors, loss of coordination, and

collapse. Death has occurred from ruptured blood vessels in the brain, heart failure, and very high fever. Psychological effects include increased alertness, postponement of fatigue, a false feeling of well-being, restlessness, excitability, and a feeling of power. Long-term effects include drug dependence and the risk of drug-induced psychosis. Withdrawal includes extreme fatigue, irritability, strong hunger, and deep depression that may lead to suicide.

### **Federal Financial Aid Penalties for Drug Violations/Convictions**

Federal guidelines focus strongly on illicit drug use and distribution. The Higher Education Act, as amended by the *FAFSA Simplification Act (Act)* as part of the *Consolidated Appropriations Act, 2021*, removed the suspension of eligibility for Title IV aid for drug-related convictions that occurred while receiving Title IV aid. The Free Application for Federal Student Aid (FAFSA) asks students if they have been convicted of a drug-related offense: "Have you ever been convicted of possessing or selling illegal drugs while on federal financial aid?" If you answer "yes," FIDM will send a worksheet in the mail. Failure to answer the question automatically disqualifies students from receiving federal financial aid. Answering this question falsely could result in fines up to \$20,000, imprisonment or both.<sup>1</sup>

Under FIDM policy, any student involved in any way with drugs and their abuse shall be terminated or required to participate satisfactorily (at the student's expense) in an abuse assistance or rehabilitation program approved for such purposes by Federal, state, local health law, or other appropriate agency.

### **Convictions During Enrollment**

Federal regulations require enrolled students convicted of a drug offense after receiving federal financial aid to notify FIDM immediately. The student will then become ineligible for further federal financial aid and must repay federal financial aid received after the conviction.

### **Drug and Alcohol Laws**

Federal and California law consider the illegal use of drugs and alcohol to be a serious crime. The sanctions for violations of these laws range from fines to lengthy terms of incarceration, or both. The following provisions of the Federal, state, and municipal law serve as the foundation for FIDM's policy. (Note: This list is not a complete summary of relevant laws and ordinances regarding alcohol and drugs.)

#### **Alcohol Laws**

##### *Federal Laws*

- Federal law has set 21 as the minimum age to purchase or possess any alcoholic beverage. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal.

##### *California Laws*

- It is illegal for persons under the age of 21 to possess an alcoholic beverage in any public place or any place open to the public (California Business & Professions Code §25662).
- Any person who furnishes, gives or sells any alcoholic beverage to someone under the age of 21 is guilty of a misdemeanor (California Business & Professions Code §25658(a)).
- Any person under the age of 21 who attempts to purchase an alcoholic beverage is guilty of an infraction (California Business & Professions Code §25658.5).

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<sup>1</sup> 86 FR 32252. The U.S. Department of Education published a notice, as required by the FAFSA Simplification Act (Act), which was enacted into law as part of the Consolidated Appropriations Act, 2021, of early implementation of the Act's removal of requirements for Title IV eligibility related to Selective Service registration and drug-related convictions. <https://www.federalregister.gov/documents/2021/06/17/2021-12762/early-implementation-of-the-fafsa-simplification-acts-removal-of-requirements-for-title-iv>. This section has been modified to reflect those changes.

- Any person under the influence of alcohol in a public place and unable to exercise care for one's own safety or that of others is guilty of a misdemeanor (California Penal Code §647(f)).
- It is illegal for persons to operate a motor vehicle while under the influence of alcohol or other intoxicants or with a blood alcohol level of .08% or higher (California Vehicle Code §23152). NOTE: A golf cart is a motor vehicle.
- It is unlawful for a person under the age of 21 years who has 0.05 percent or more, by weight, of alcohol in his or her blood to drive a vehicle (California Vehicle Code §23140(a)).
- It is illegal for a person under the age of 21 to drive a vehicle when he or she has a blood alcohol concentration (BAC) of .01% or higher (California Vehicle Code § 23136).
- It is a misdemeanor to ride a bicycle under the influence of alcohol, drugs or both (California Vehicle Code § 21200.5).
- It is an infraction to possess an open container of an alcoholic beverage while in a motor vehicle (California Vehicle Code §23223).
- It is an infraction for an owner or driver of a motor vehicle to allow an open container of alcohol in a motor vehicle unless the container is in the trunk of the vehicle (California Vehicle Code § 23225).

## Drug Laws

### *Federal Laws*

- The Controlled Substances Act places all substances that are regulated under existing federal law into one of five schedules:

#### Schedule I Controlled Substances

Substances in this schedule have a high potential for abuse. Some examples of substances listed in schedule I are: heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), peyote, methaqualone, and 3, 4-methylenedioxymethamphetamine (“ecstasy”).

#### Schedule II Controlled Substances

Substances in this schedule have a high potential for abuse that may lead to severe psychological or physical dependence. Examples of single entity schedule II narcotics include morphine and opium. Other schedule II narcotic substances and their common name brand products include: hydromorphone (Dilaudid®), methadone (Dolophine®), meperidine (Demerol®), oxycodone (OxyContin®), and fentanyl (Sublimaze® or Duragesic®). Examples of schedule II stimulants include: amphetamine (Dexedrine®), Adderall®, methamphetamine (Desoxyn®), and methylphenidate (Ritalin®). Other schedule II substances include cocaine, amobarbital, glutethimide, and pentobarbital.

#### Schedule III Controlled Substances

Substances in this schedule have a potential for abuse less than substances in schedules I or II and abuse may lead to moderate or low physical dependence or high psychological dependence. Examples of schedule III narcotics include combination products containing less than 15 milligrams of hydrocodone per dosage unit (Vicodin®) and products containing not more than 90 milligrams of codeine per dosage unit (Tylenol with Codeine®). Also included are buprenorphine products (Suboxone®) and (Subutex®) used to treat opioid addiction. Examples of schedule III non-narcotics include benzphetamine (Didrex®), phendimetrazine, ketamine,

and anabolic steroids such as oxandrolone (Oxandrin®).

#### Schedule IV Controlled Substances

Substances in this schedule have a low potential for abuse relative to substances in schedule III. An example of a schedule IV narcotic is propoxyphene (Darvon® and Darvocet-N 100®). Other schedule IV substances include: alprazolam (Xanax®), clonazepam (Klonopin®), clorazepate (Tranxene®), diazepam (Valium®), lorazepam (Ativan®), midazolam (Versed®), temazepam (Restoril®), and triazolam (Halcion®).

#### Schedule V Controlled Substances

Substances in this schedule have a low potential for abuse relative to substances listed in schedule IV and consist primarily of preparations containing limited quantities of certain narcotics. These are generally used for antitussive, antidiarrheal, and analgesic purposes. Examples include cough preparations containing not more than 200 milligrams of codeine per 100 milliliters or per 100 grams (Robitussin AC® and Phenergan with Codeine®).

#### *Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance*

- **21 U.S.C. 844(a)**
  - 1<sup>st</sup> conviction: Up to one-year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.
  - After one prior drug conviction: At least 15 days in prison, not to exceed two years and fined at least \$2,500 but not more than \$250,000, or both.
  - After two or more prior drug convictions: At least 90 days in prison, not to exceed three years and fined at least \$5,000 but not more than \$250,000, or both, if:
    - (a) - 1<sup>st</sup> conviction and the amount of crack possessed exceeds five grams.
    - (b) - 2<sup>nd</sup> crack conviction and the amount of crack possessed exceeds three grams.
    - (c) - 3<sup>rd</sup> or subsequent crack conviction and the amount of crack possessed exceeds one gram.
- **21 U.S.C. 853(a)(2) and 881(a)(7)**

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one-year imprisonment.
- **21 U.S.C. 881(a)(4)**

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.
- **21 U.S.C. 844a**

Civil fine of up to \$10,000.
- **21 U.S.C. 853a**

Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for a first offense, and up to five years for second and subsequent offenses.
- **18 U.S.C. 922(g)**

Ineligible to receive or purchase firearms.

#### *Miscellaneous*

Revocation of certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies.

#### California Laws

- Possession of more than 28.5 grams of cannabis, or more than eight grams of concentrated cannabis (defendant 18 and over) constitutes a misdemeanor punishable under California Health & Safety Code § 11357. A misdemeanor may be up to six months in jail and/or up to \$500.00 fine.

- Every person who sells, dispenses, distributes, furnishes, administers, or gives, or offers to sell, dispense, distribute, furnish, administer, or give, or possesses for sale any synthetic cannabinoid compound, or any synthetic cannabinoid derivative, to any person, is guilty of a misdemeanor, punishable by imprisonment in a county jail not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment. (California Health & Safety Code § 11357.5)
- Every person who possesses for sale any cannabis, except as otherwise provided by law is punishable under California Health & Safety Code § 11359.
- It is unlawful to sell controlled substances: Imprisonment in State prison for two to four years for possession or sale of specified controlled substances including opium derivatives and cocaine. (California Health & Safety Code §11351)
- It is unlawful to distribute prescription drugs: it is unlawful for any person who is not a pharmacist to manufacture, compound, furnish, sell, or dispense any dangerous drug or dangerous device, or to dispense or compound any prescription. (California Business & Professions Code § 4051 (a))
- It is unlawful to be under the influence of a controlled substance: No person shall use or be under the influence of any controlled substance. Any person convicted of violating this is guilty of a misdemeanor and shall be sentenced to serve a term of more than one year in a county jail. (California Health & Safety Code §11550 (a))

#### **DAILY CRIME LOG**

FIDM maintains a daily crime log that records any crime within our Clery geography that is reported to the campus security department. It is organized by the date the crime was reported and includes the date, nature, and general location of each crime. It also includes the disposition of the complainant, if known. The Daily Crime Log is available at the Security Desk. The crime log for the most recent 60-day period is open for public inspection, upon request, during normal business hours. Any portion of the log that is older than 60 days will be made available within two business days of a request for public inspection. Crime logs are kept for three years following the publication of the last Annual Security Report to which they apply (in effect, seven years).

#### **PERSONAL SAFETY TIPS**

Ultimately each individual is responsible for their own safety. Being aware of potentially dangerous situations is the first and most important component of self-protection. A complete brochure titled *Safety Tips for FIDM Students* is provided on Myportal.fidm.edu and hard copies are available from the Personal Counselor.

#### **VIOLENCE AGAINST WOMEN ACT (VAWA)**

FIDM prohibits the crimes of dating violence, domestic violence, sexual assault and stalking. The Violence Against Women Reauthorization Act of 2022 (VAWA) requires publication of the state law definitions for “dating violence,” “domestic violence,” “sexual assault,” “stalking,” and “consent.”

Please see the Title IX policy below for additional information including student and employee rights and disciplinary proceedings.

#### **California State Law Definitions**

- **Dating Violence** – included in the domestic violence definition in California Penal Code § 13700
- **Domestic Violence** – California Penal Code §13700  
Abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, “cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include but are not limited to, (1) sexual relations between the parties while sharing the same living

quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.

- **Sexual Assault** – California does not explicitly define “Sexual Assault.”
- **Stalking** – California Penal Code § 646.9  
Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment or by imprisonment in the state prison.
- **Consent** – California Penal Code § 261.6  
Consent shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 288a, or 289. Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent.

## **TITLE IX POLICY**

Fashion Institute of Design and Merchandising (“FIDM”) is committed to providing a work and educational environment free of unlawful harassment, discrimination and retaliation. In accordance with Title IX of the Education Amendments of 1972, FIDM does not discriminate on the basis of sex in its education programs or activities, which extends to admission and employment. FIDM also prohibits Sexual Harassment (as defined below) committed against persons in the United States as part of its education programs or activities.

If a student believes that they have experienced or witnessed other incidents of sexual misconduct or discrimination, please follow FIDM procedures outlined in the student Non-Discrimination and Code of Conduct policies (located in the Student Guide). If an employee believes that they have experienced or witnessed other incidents of sexual misconduct or discrimination, please refer to the employee Non-Discrimination and Sexual Harassment policies (located on Eportal.fidm.com) or contact the Director of Human Resources.

FIDM reserves the right to make changes to this policy as necessary, and once those changes are posted online, they are in effect. If government laws, regulations or court decisions change requirements in a way that affects this policy, the policy will be construed to comply with the most recent government regulations or holdings.

### Title IX Coordinator

The Title IX Coordinator coordinates FIDM’s efforts to comply with its Title IX responsibilities. The Title IX Coordinator is responsible for implementing FIDM’s Title IX policy, taking reports and Formal Complaints of Sexual Harassment, providing Supportive Measures and maintaining accurate Clery Act crime statistics.

**Title IX Coordinator: Lisa Davis, Executive Assistant to the Vice President, Education**  
**919 S. Grand Ave. Los Angeles, CA 90015**  
**(213) 624-1200 x3017 / ldavis@fidm.edu**

**Deputy Title IX Coordinator: Kim Wetzel, Executive Director, Human Resources**  
**919 S. Grand Ave. Los Angeles, CA 90015**  
**(213) 624-1200 x3035 / kwetzel@fidm.edu**

Any person can report sex discrimination, including Sexual Harassment (whether or not the person reporting is the alleged victim) in person, by mail, telephone, or email, using the contact information listed above for the Title IX

Coordinator. A report can be made at any time, including during non-business hours. However, responses to reports made outside of business hours, including during weekends and holidays, may be delayed.

## Key Definitions

**Sexual Harassment<sup>2</sup>:** Conduct on the basis of sex that satisfies one or more of the following:

1. An employee of FIDM conditioning educational benefits or participation on an individual's participation in unwelcome sexual conduct (i.e. quid pro quo);
2. Unwelcome conduct, determined by a reasonable person to be severe, pervasive, and objectively offensive that it effectively denies a person equal access to FIDM's Education Program or Activity; or
3. Sexual Assault (as defined in the Clery Act), or Dating Violence, Domestic Violence or Stalking as defined in the Violence Against Women Act (VAWA) (collectively referred to as "Sexual Violence")\*:
  - **Sexual Assault:** As defined in 20 U.S.C. 1092(f)(6)(A)(v), an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation<sup>3</sup>. As defined in 20 U.S.C. 12291(a)(11), sexual assault includes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks the capacity to consent.
  - **Dating Violence:** As defined in 34 U.S.C. 12291(a)(11), dating violence includes violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and, the frequency of interaction between the persons involved in the relationship.
  - **Domestic Violence:** As defined in 34 U.S.C. 12291(a)(12), domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic or technological abuse that may or may not constitute criminal behavior, by a person who: (a) is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim; (b) is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (c) shares a child in common with the victim; or (d) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

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<sup>2</sup> California Education Code Section 66262.5 states that "Sexual Harassment" has the same meaning as defined in Section 212.5 and includes sexual battery, sexual violence and sexual exploitation. California Education Code Section 212.5 defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions: (a) submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress; (b) submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual; (c) the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment; and (d) submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the institution.

<sup>3</sup> The FBI's Uniform Crime Reporting Program (FBI UCR) includes forcible and nonforcible sex offenses such as rape, fondling, and statutory rape, which contain elements of "without the consent of the victim."

- **Stalking:** As defined in 34 U.S.C. 12291(a)(36), stalking includes engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.<sup>4</sup>

\* Please note: In accordance with the Violence Against Women Reauthorization Act of 2022 (“VAWA”), state definitions for Sexual Assault, Dating Violence, Domestic Violence, Stalking and Consent are contained in FIDM’s Annual Safety and Security Report (“ASSR”). VAWA crimes are reported in the ASSR based on the definitions above.

**Affirmative Consent:** In accordance with California Education Code Section 67386, affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that the person has the affirmative consent of others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. 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.

**Complainant:** An individual who is alleged to be the victim of conduct that could constitute Sexual Harassment, regardless of whether a Formal Complaint has been filed. A Complainant must be the alleged victim unless a parent or legal guardian has a legal right to act on the alleged victim’s behalf.

**Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

**Parties:** include the Complainant(s) and Respondents(s) collectively.

**Advisor:** An individual chosen by a party to accompany the party to meetings related to the resolution process, to advise the party on that process and to conduct cross-examination for the party at any hearing, if any. If a party does not have an Advisor at the hearing portion of the Grievance Process, FIDM will appoint an advisor.

**Formal Complaint:** A document (hardcopy or electronic) filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that FIDM investigate. A Formal Complaint must be signed (physical or digital) by the Complainant, the Title IX Coordinator, or otherwise indicate that the Complainant is the person filing the Formal Complaint. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in FIDM’s Education Program or Activity with which the Formal Complaint is filed.

**Program or Activity:** On or off-campus locations, events, or circumstances over which FIDM exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurred and also includes FIDM Housing.

**Mandatory Reporter:** Designated FIDM employees who must share knowledge, notice and/or reports of Sexual Harassment, discrimination and/or retaliation with the Title IX Coordinator.

**Discretionary Reporter:** Designated FIDM employees who may, with the Complainant’s consent, report instances to the Title IX Coordinator.

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<sup>4</sup> This includes stalking that occurs online or through messaging platforms, commonly known as cyber-stalking when it occurs in the school’s education program or activity.

**Clery Act:** Meaning the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (20 U.S.C. Section 1092(f); 34 C.F.R. Part 668.46). In accordance with the Clery Act, FIDM publishes required crime statistics and policy statements in its Annual Safety and Security Report (ASSR) on or before October 1<sup>st</sup> of each year.

**Clery Geography:** As defined in the Clery Act, includes (A) buildings and property that are part of FIDM 's campus; (B) FIDM's non-campus buildings and property; and (C) public property within or immediately adjacent to and accessible from the campus.

**VAWA:** Meaning the Violence Against Women Reauthorization Act of 2022 (34 CFR Part 668).

### Procedure for Reporting

If a student believes they have experienced or witnessed Sexual Harassment, discrimination or retaliation, FIDM encourages them to notify the Title IX Coordinator as soon as possible after the incident.

A report may be made to either or both the police and the Title IX Coordinator<sup>5</sup>. The criminal process is separate from FIDM's Grievance Process. It is FIDM's policy not to notify local law enforcement when Sexual Violence occurs unless a Complainant wishes or there is an emergency threat to health or safety. Complainants have the option to notify law enforcement directly or be assisted in doing so. If requested, FIDM will assist a victim of Sexual Violence in contacting the police. A Complainant is not required to contact the police in order to pursue FIDM's grievance process.

FIDM does not issue orders of protection. Orders of protection, restraining orders, injunctions or similar lawful orders may be obtained through the court system and can be enforced by FIDM. Individuals who have obtained an order of protection is encouraged to provide a copy to the Title IX Coordinator as soon as possible. Although FIDM does not issue orders of protection, information on how to obtain a protective order is located in this Report.

### Reporting Considerations

In order to make informed choices, it is important to be aware of confidentiality and reporting requirements when consulting FIDM resources. Campus Directors/Managers, Department Chairpersons and Staff Supervisors are Mandatory Reporters who will share knowledge, notice and/or reports of Sexual Harassment, discrimination and/or retaliation with the Title IX Coordinator. FIDM's Housing Director is also a designated Mandatory Reporter. FIDM faculty members/staff members and FIDM Housing Resident Advisors (RAs) are Discretionary Reporters who will only report instances of Sexual Harassment, discrimination or retaliation to the Title IX Coordinator with the Complainant's consent.

FIDM will keep confidential the identity of the Complainant, Respondent, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out the Grievance Process.

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to FIDM's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide Remedies may be more limited or impossible. Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

### Confidential Resources

If students wish to speak to someone confidentially, students may contact the FIDM Personal Counselor. A Personal Counselor permits discussion of an incident without beginning the investigation process. State or professional-specific

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<sup>5</sup> In accordance with the California Education Code, FIDM grants victims and witnesses amnesty, when appropriate, for potential FIDM policy violations unless FIDM determines 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.

mandatory reporting laws related to certain types of concerns (i.e., child sexual abuse) may still trigger requirements for a confidential resource to report and incident to identified enforcement agencies.

### **FIDM Personal Counselor**

Name	Address	Phone Number/Email
Katherine Besignano, MS, NCC	919 S. Grand Ave. Los Angeles, CA 90015	(213) 624-1200 x4556 kbesignano@fidm.edu

Off-campus confidential resources are available through local rape crisis counselors, victim advocacy centers, domestic violence resources, local or state agencies, and emergency care facilities. Information about these resources and other resources may be obtained from the Personal Counseling department and at on the “Title IX and Equity” tab of FIDM’s website (fidm.edu).

An individual who seeks completely confidential assistance may do so by speaking with professionals who have legally protected confidentiality. FIDM does not have confidential reporting resources, such as pastoral or professional counselors on campus available to employees. Crisis, mental health and victim resource hotline information is available on the “Title IX and Equity” tab of FIDM’s website (fidm.edu). Information shared with confidential resources will not be shared with FIDM (including the Title IX Coordinator) or anyone else without express, written permission of the individual seeking services unless required by law or court order.

### Supportive Measures

The Title IX Coordinator will provide Supportive Measures as necessary. Supportive Measures are individualized services reasonably available to ensure equal educational access, protect safety or deter prohibited conduct. Supportive Measures are available, as appropriate, to either or both the Complainant and Respondent and are non-punitive, non-disciplinary and not unreasonably burdensome to the other party. Examples include counseling, extensions of time or other course-related adjustments, modifications to work or class schedules, campus escort services, restrictions on contact between the Parties, leave of absence, increased security and monitoring of certain areas on campus, and other similar accommodations.

Supportive Measures are individualized and appropriate based on the information gathered by the Title IX Coordinator. The Supportive Measures needed by the Complainant and/or Respondent may change over time, and the Title IX Coordinator will communicate with each party to ensure that any Supportive Measures are necessary and effective based on evolving needs.

Victims of Sexual Violence will also be provided with written notification about existing counseling, health and/or mental health services, victim advocacy, legal assistance, visa and immigration assistance, safety planning, timely warnings, student financial aid and other services available to victims within the FIDM and in the community.

Once the Title IX Coordinator receives a report, the Title IX Coordinator will promptly contact the Complainant confidentially to discuss the availability of Supportive Measures (available with or without filing a Formal Complaint) and explain the process for filing a Formal Complaint and provide a copy of this policy. The Title IX Coordinator will consider the Complainant’s wishes with respect to Supportive Measures.

FIDM will keep confidential the identity of the victim of Sexual Violence and any accommodations or Supportive Measures provided, to the extent that maintaining such confidentiality will not impair FIDM’s ability to provide the accommodations or Supportive Measures.

## Dismissal of a Formal Complaint

Dismissal of a Formal Complaint may occur under several circumstances. FIDM must dismiss a Formal Complaint if the allegations do not meet the definition of Sexual Harassment, did not occur in FIDM's Education Program or Activity, or did not occur against a person in the United States.

FIDM may dismiss a Formal Complaint if the Complainant informs the Title IX Coordinator, in writing, that he, she, or they withdraw the Formal Complaint or allegations therein; the Respondent is no longer enrolled or employed by FIDM; or if specific circumstances prevent FIDM from gathering sufficient evidence to reach a determination.

If a Formal Complaint is dismissed, the Parties will be provided written notice of the dismissal outlining the reason(s) for dismissal. A dismissal does not preclude action by FIDM under the student Code of Conduct policy (located in the Student Catalog) or employee Sexual Harassment policies (located on Eportal.fidm.com).

## Grievance Process

Investigation and adjudication of alleged misconduct is not an adversarial process between the Complainant, the Respondent and the witnesses, but rather a process for postsecondary institutions to comply with their obligations under existing law. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation or allegations of misconduct.

FIDM utilizes a prompt, equitable, and impartial Grievance Process to evaluate Formal Complaints of Sexual Harassment. Title IX personnel (Title IX Coordinator/Deputy, Investigators, Decision-Makers, and individuals who facilitate the Informal Resolution process) will be free from conflicts of interest or bias for or against Complainants or Respondents. Title IX personnel will objectively evaluate all relevant evidence and avoid credibility determinations based on a person's status as a Complainant, Respondent or witness.

Both Parties will receive an equal opportunity to provide information, witness statements, evidence, and other information that may be necessary to fully evaluate the alleged offense. Both Parties will be afforded equitable rights and access during the Grievance Process. The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Process.

Generally, the Grievance Process consists of a Formal Complaint, investigation, Live Hearing, determination, Disciplinary Actions, Remedies and appeal (if applicable). The Grievance Process, barring extenuating circumstances, will conclude within ninety (90) days from the date a Formal Complaint is filed.

### *Advisor*

A party may be accompanied by an Advisor of their choice during the Grievance Process. The Parties may choose Advisors from inside or outside the FIDM community. If the Complainant or Respondent does not have an Advisor present at the Live Hearing, FIDM will select and provide an Advisor, without fee or charge, to conduct cross-examination of witnesses on behalf of that party. A party may reject a FIDM-appointed Advisor and choose their own Advisor, but they may not proceed without an Advisor. The Complainant and Respondent may not conduct cross-examination.

Choosing an Advisor who is a witness in the Grievance Process creates the potential for bias and conflict of interest. A party that chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-Maker.

The Parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the Grievance Process. Advisors are expected to advise without disrupting proceedings. For example, advisors should not address FIDM officials in a meeting or interview unless invited to. An Advisor may not make a presentation during any meeting or proceeding and may not speak on behalf of the party to the investigation or other Decision-Maker except

during a Live Hearing, during cross-examination. If an Advisor is disruptive or otherwise fails to respect the limits of the Advisor role, the meeting or interview may be ended.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third Parties, disclosed publicly, or used for purposes not explicitly authorized by FIDM. FIDM may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by FIDM's privacy expectations.

### *Investigation of Formal Complaints*

FIDM will investigate Sexual Harassment (including Sexual Violence) allegations in a Formal Complaint filed by a Complainant or signed by the Title IX Coordinator. The Title IX Coordinator will respect the Complainant's wishes as to whether FIDM investigates an allegation of Sexual Harassment, unless the Title IX Coordinator determines that not investigating would be deliberately indifferent or harmful to the FIDM community. FIDM may consolidate Formal Complaints where the allegations arise out of the same facts.

Upon receipt of a Formal Complaint, written notice will be sent to the Parties. The Notice of Investigation will include: details of the allegations (including identities of the Parties involved, specific section of the policy alleged to have been violated, the conduct that would be considered Sexual Harassment, the date of the incident(s) and the location of the incident(s)); a statement that the Respondent is presumed to be not responsible for the alleged conduct until a determination is made according to FIDM's Grievance Process; a statement that the Parties may have an Advisor of their choice; and a reminder of the expectation of truthfulness including consequences for submitting false information. The Parties will also be provided with separate written notice of any investigative interview, meeting or hearing. Interview/meeting notices will include the date, time, location, participants and purpose of the investigative interview or meeting. The burden of gathering evidence and burden of proof rest on the school, not on the parties.

Formal Complaints involving employees will also be referred to Human Resources and simultaneously evaluated under employee conduct policies and procedures.

During the investigation, the Title IX Coordinator or his/her designee ("Investigator") will conduct interviews and gather evidence. No unauthorized audio or video recording of any kind is permitted during investigation interviews/meetings. The Parties will be provided an equal opportunity to present fact and expert witnesses or other evidence. The Parties (and their Advisors) will be provided with evidence directly related to the allegations, in electronic format or hardcopy, with at least ten (10) days for the Parties to inspect, review, and respond to the evidence. The Investigator will consider the responses received from the Parties before issuing the investigative report.

Once the investigation has concluded, the Investigator will draft an investigative report (hardcopy or electronic) that fairly summarizes relevant evidence. The investigative report will be sent to the Parties (and their Advisors) at least ten (10) days prior to a Live Hearing. The Parties may provide a written response to the investigative report.

### *Informal Resolution*

If the Complainant and Respondent voluntarily consent in writing, Formal Complaints can be resolved through Informal Resolution, such as mediation. The Title IX Coordinator will coordinate an appropriate Informal Resolution process depending on the nature of the allegations, the Parties involved, and the overall circumstances. Informal Resolution will be conducted by a facilitator, who may or may not be the Title IX Coordinator. It is not necessary to pursue Informal Resolution first in order to pursue FIDM's Grievance Process. At any time prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and resume the Grievance Process. Informal Resolution is unavailable to resolve allegations that an employee sexually harassed a student.

## *Live Hearing*

If a Formal Complaint is not or cannot be resolved through Informal Resolution, FIDM will conduct a Live Hearing. Live Hearings are facilitated by designated Decision-Maker, separate from the Title IX Coordinator or Investigator. The Decision Maker will be selected by the Title IX Coordinator.

Cross-examination during a Live Hearing will be conducted directly, orally, and in real time by the party's Advisor and not by a party personally. The Decision-Maker will permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-Maker must first determine whether the question is relevant and explain to the party's Advisor asking cross-examination questions any decision to exclude a question as not relevant.

Rape shield protections are applied to Complainants, deeming irrelevant questions and evidence about a Complainant's prior sexual behavior unless offered to prove that someone other than the Respondent committed the alleged Sexual Harassment or offered to prove consent.

The Decision-Maker may consider statements made by a party or witness even if the party or witness does not submit to cross-examination at the Live Hearing. A Decision-Maker may consider emails or text exchanges between the parties leading up to the alleged sexual harassment, police reports, Sexual Assault Nurse Examiner documents, medical reports, and other documents. All statements must be relevant to be considered. The Decision-Maker will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the Live Hearing or refusal to answer cross-examination or other questions.

At the request of either party, FIDM will provide for the entire Live Hearing (including cross-examination) to occur with the Parties located in separate rooms with technology enabling the Parties to see and hear each other. Live Hearings may be conducted with all Parties physically present in the same geographic location or, at FIDM's discretion, any or all Parties, witnesses, and other participants may appear at the Live Hearing virtually. An audio or audiovisual recording, or transcript, of any Live Hearing will be created and maintained for seven (7) years.

During the Grievance Process, FIDM will not use, rely on or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. FIDM will not access or use a party's medical, psychological, and similar treatment records unless the party provides voluntary, written consent.

## *Standard of Evidence*

For all Formal Complaints of Sexual Harassment (including where employees are Respondents), FIDM utilizes the preponderance of the evidence standard, which means "more likely than not."

## *Disciplinary Actions and Remedies*

Disciplinary Actions against the Respondent will not be imposed before completion of FIDM's Grievance Process. Following a determination of responsibility, appropriate corrective action will be taken, and FIDM will take steps to prevent recurrence. Disciplinary Actions taken will be determined on a case-by-case basis. Factors considered when determining Disciplinary Action may include but are not limited to: Nature, severity of, and circumstances surrounding the violation(s); Respondent's disciplinary history; Previous allegations or allegations involving similar conduct; Need for disciplinary action to bring an end/prevent future reoccurrence of the violation; Need for disciplinary action to remedy the effects on the Complainant and FIDM community; Impact on the parties; Any other information deemed relevant by the Decision-Maker.

Disciplinary Action for student-related claims may include, but are not limited to, additional training, a restriction on contact, warning, suspension, or termination. Disciplinary Action will be placed in a student's permanent academic file. Any employee determined by FIDM to be responsible for an act of Sexual Harassment will be subject to appropriate

Disciplinary Action, up to and including termination. Disciplinary Action will be placed in an employee's permanent personnel file. Employees are also subject to processes and discipline determined by the Human Resources Department. The HR process is separate and apart from the Title IX process and not constrained by the outcome of the Title IX process.

Failure to abide by imposed Disciplinary Actions (whether by refusal, neglect or any other reason), may result in additional Disciplinary Action, including suspension or termination.

Remedies are provided to a Complainant whenever a Respondent is found responsible. Remedies are implemented by the Title IX Coordinator and may be disciplinary and punitive. Student Remedies are designed to maintain the Complainant's equal access to education. Remedies will be determined on a case-by-case basis and may include supportive measures.

### *False Allegations and Evidence*

Deliberately false and/or malicious accusations under this policy, as opposed to allegations made in good faith (even if erroneous), are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and Parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under FIDM's Code of Conduct policies.

### *Written Determination*

The Decision-Maker will issue a Written Determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, the rationale for the result as to each allegation, a description of the procedure from Formal Complaint through the Live Hearing, Disciplinary Actions imposed on the Respondent and whether Remedies will be provided to the Complainant. The determination will be sent simultaneously to the Parties along with information on how to file an appeal.

### *Appeal*

Both Parties have the right to appeal a determination regarding responsibility, FIDM's dismissal of a Formal Complaint or any allegations therein if: (1) procedural irregularity affected the outcome of the matter; (2) there is newly discovered evidence that could affect the outcome of the matter; and/or (3) Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter.

An appeal must be submitted in writing to the Title IX Coordinator within ten (10) days of the delivery of the Written Determination.

### Retaliation Prohibited

Retaliation (including intimidation, threats, coercion or discrimination) against an individual for raising an allegation of Sexual Harassment, or for cooperating in the Grievance Process is prohibited.

Complaints alleging retaliation may be filed according to the school's prompt and equitable grievance procedures. If a student believes they have been retaliated against, they should notify the Title IX Coordinator. FIDM employees can also follow the process outlined in the Retaliation policy located on [Eportal.fidm.com](http://Eportal.fidm.com).

### Training

FIDM ensures that its Title IX personnel have adequate training. The Title IX Coordinator and Investigators are trained on the definition of Sexual Harassment, the scope of FIDM's Education Program or Activity, how to conduct an investigation, FIDM's Grievance Process (including Live Hearings, appeals, and Informal Resolution processes, as

applicable) and how to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-Makers are trained on the definition of Sexual Harassment, the Live Hearing process, technology to be used in Live Hearings, and issues of relevance (including how to apply the rape shield protections provided for Complainants). Informal Resolution facilitators are trained in the Informal Resolution process.

Materials used to train Title IX personnel are posted on the “Title IX and Equity” tab of FIDM’s website (fidm.edu).

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (“Clery Act”) and the Violence Against Women Reauthorization Act of 2022 (“VAWA”), FIDM will provide primary prevention and awareness programs to prevent Sexual Assault, Dating Violence, Domestic Violence and Stalking to incoming students (online interactive training completed prior to Orientation Day) and new employees (upon hire) and generally every year thereafter.

### Bias/Conflict of Interest

To raise any concern involving bias or conflict of interest by the Title IX Coordinator/Deputy, contact the Vice President of Education, Barbara Bundy, at bbundy@fidm.edu; 213-624-1200 x3000. Concerns of bias or potential conflict of interest by any other Title IX personnel should be raised with the Title IX Coordinator.

### Clery Act Reporting

FIDM administrators will issue timely warnings for incidents reported that pose a substantial threat of bodily harm or danger to other members of the campus community. FIDM will make every effort to ensure that a victim’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. FIDM reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

Personally identifiable information for victims of Sexual Assault, Dating Violence, Domestic Violence and Stalking will not be included in any publicly available recordkeeping, including Clery Act Reporting and disclosures such as the ASSR.

### Emergency Removal

FIDM can remove a Respondent entirely or partially from the Education Program or Activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical or safety of any student or other individual justifies removal. The risk analysis is performed by the Title IX Coordinator in conjunction with the Director of Security.

In cases in which an emergency removal is imposed, the Respondent will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

FIDM will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include but are not limited to temporarily reassigning an employee, restricting a student’s or employee’s access to the campus, allowing a student to withdraw or take grades of incomplete without financial penalty, and authorizing an administrative leave.

## Disability Accommodations

FIDM is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to FIDM's Grievance Process. Anyone needing an accommodation should contact the ADA/504 Compliance Coordinator to request an accommodation.

**ADA/504 Compliance Coordinator: Kim Wetzel, Executive Director of Human Resources**  
**919 S. Grand Ave. Los Angeles, CA 90015**  
**(213) 624-1200 x3530 / kwetzel@fidm.edu**

## Additional Information

Students and employees may contact the Title IX Coordinator with any questions related to this policy. In addition, the U.S. Department of Education Office for Civil Rights ("OCR") investigates complaints of unlawful harassment of students in educational programs or activities. This agency may serve as a neutral fact finder and will attempt to facilitate the voluntary resolution of disputes with the Parties. For more information, visit the OCR website at <http://www.hhs.gov/ocr/>. To the extent that an employee or contract worker is not satisfied with FIDM's handling of a complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

## Recordkeeping and Privacy

FIDM's records of investigations and resolutions are maintained for seven (7) years. FIDM will maintain records of Title IX procedures as required by law, including records of:

- Sexual Harassment investigations, including any determination regarding responsibility and any audio or audiovisual recording or transcript, any Disciplinary Actions imposed on the Respondent, and any Remedies provided to the Complainant designed to restore or preserve equal access to the education Program or Activity;
- Any appeal and the result therefrom;
- Any informal resolution; and
- All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

FIDM will create, and maintain records of any actions (including any Supportive Measures) taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, FIDM will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the education Program or Activity. If FIDM does not provide a Complainant with Supportive Measures, FIDM will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Information is shared internally between administrators who need to know in order to complete their job duties. When information must be shared to permit the investigation to move forward, the Parties will be informed. Privacy of the records specific to the investigation is maintained in accordance with state law and the federal FERPA statute. Irrespective of state law or public records access provisions, information about Complainants is maintained privately in accordance with Title IX and FERPA.

## Sexual Violence- Immediate Care and Preservation of Evidence

If a student experiences Sexual Violence, some or all of these safety suggestions may guide them after an incident has occurred:

1. Go to a safe place. If there is any immediate danger, contact the Director of Security if on campus or call 911 if you are off campus.
2. Consider securing immediate professional support (e.g., counseling, victim advocacy, medical services, etc.)

Students can contact the Personal Counselor for support who can also refer victims to other resources available outside of FIDM. FIDM does not have a Personal Counselor available to employees, however, community resources are available on the “Title IX and Equity” tab of FIDM’s website (fidm.edu).

3. For safety and well-being, immediate medical attention is encouraged. Further, being examined (through a forensic examination) as soon as possible, ideally within 120 hours, is important in the case of rape or Sexual Violence. Completing a forensic examination does not require someone to file a police report. To find a location near you that performs free forensic examinations, call the National Sexual Assault Hotline at (800) 656-4673. Resources are also available through the Rape Abuse & Incest National Network (RAINN); [www.RAINN.org](http://www.RAINN.org).

- To preserve evidence, it is recommended not to bathe, shower, douche, eat, drink, smoke, brush teeth, urinate, defecate, or change clothes before receiving medical attention. Even if any of these actions were taken, students are still encouraged to have prompt medical care, and evidence may still be recoverable.
- Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing, and any other pertinent items that may be used for evidence. It is best to allow police to secure items in evidence containers, but if involved in the transmission of items of evidence, such as to the hospital, secure them in a clean paper bag or clean bedsheet to avoid contamination.
- If physical injuries, photograph or have them photographed, with a date stamp on the photo.
- Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a FIDM policy violation.
- Try to memorize details (e.g., physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details of time and the ability to do so.

### Prevention and Education

In accordance with the Clery Act and VAWA, FIDM offers a range of campaigns, strategies, and initiatives to promote awareness, education, risk reduction, and prevention in an effort to reduce the frequency of sex or gender-based discrimination, harassment, and violence amongst members of the campus community.

FIDM offers programming to identify and prevent Sexual Assault, Dating Violence, Domestic Violence (including stranger and known offender assaults), and Stalking each year. Educational programs are offered to raise awareness for all incoming students and employees and are often conducted prior to new students and during new employee orientation.

Programs and other campaigns offered throughout the year to students and employees include information regarding awareness and primary prevention (including normative messaging, environmental management, and bystander intervention), and discuss FIDM’s policies. Programs also offer information on risk reduction that strives to empower individuals who experience these incidents, how to recognize warning signs, and how to avoid potential attacks, and do so without biased approaches.

Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies, and/or creating distractions. Bystander empowerment training highlights the need for those who intervene to ensure their own safety in the intervention techniques they choose and motivates them to intervene as stakeholders in the safety of the FIDM community when others might choose to be bystanders.

### **POLICY STATEMENT ADDRESSING SEX OFFENDER REGISTRATION INFORMATION**

The Campus Sex Crimes Prevention Act provides for the tracking of convicted sex offenders enrolled at or employed at institutions of higher education. As of October 28, 2002, the State of California (Penal Code section 290) requires sex offenders to register within the state and also register within five (5) working days with a Campus Security Authority at the location where the person is employed, carries on a vocation, or is a student. In addition, such institutions of higher education are required to provide information to their campus community regarding where to obtain law enforcement

information concerning such registered sex offenders (Megan’s Law sex offenders). A Registered Sex Offender Locator map is available at the following link: [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov). In addition, the Los Angeles County Sheriff’s Department website (<http://www.lasd.org>) has a link entitled “Sexual Offenders (Megan’s Law)” that contains more information that can assist a student in obtaining information regarding sex offenders. Please note, however, that it is illegal under California law to use any disclosed public information to commit a crime against any registrant or to engage in illegal discrimination or harassment against any registrant.

#### FIDM ON-CAMPUS AND NON-CAMPUS LOCATIONS

FIDM On-Campus and Non-Campus Locations				
Campus	Authority	Clery	FIDM Classification	Street Address
Los Angeles	Todd Anderson Joseph Allen	On Campus	Main Campus	919 S. Grand Ave. Los Angeles, CA 90015
Los Angeles	Todd Anderson Joseph Allen	Non-Campus	Industry Classroom	Hope Street Annex 800 S. Hope St., 1 <sup>st</sup> floor Los Angeles, CA 90017
Los Angeles	Alex Veliz	Non-Campus	Housing	G 12 Apartments 1200 S. Grand Av. Los Angeles, CA 90015
Los Angeles	Alex Veliz	Non-Campus	Housing	Broadway Palace Apartments 928 S. Broadway St. Los Angeles, CA 90015
Los Angeles	Alex Veliz	Non-Campus	Housing	The Metropolitan Apartments 950 S. Flower St. Los Angeles, CA 90015
Los Angeles	Alex Veliz	Non-Campus	Housing	Broadway Palace Apartments 1026 S. Broadway St. Los Angeles, CA 90036
Los Angeles	Alex Veliz	Non-Campus	Housing	The Level Apartments 888 S. Olive Street Los Angeles, CA 90014

#### CLERY ACT CRIME REPORT STATISTICS

Appendix A: Los Angeles Campus Crime Statistics (2020-2022)

# Appendix A

LOS ANGELES					
Offense	Year	On-Campus	Non-Campus		Public Property
			Industry Classrooms	Housing	
MURDER/NON NEGLIGENT MANSLAUGHTER	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
RAPE	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
FONDLING	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
INCEST	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
STATUTORY RAPE	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
ROBBERY	2020	0	0	0	2
	2021	0	0	0	2
	2022	0	0	0	0
AGGRAVATED ASSAULT	2020	0	0	0	0
	2021	0	0	0	1
	2022	0	0	0	1
BURGLARY	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
MOTOR VEHICLE THEFT	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	1
ARSON	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	1
VAWA OFFENSES: SEXUAL ASSAULT	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
VAWA OFFENSES: DOMESTIC VIOLENCE	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
VAWA OFFENSES: DATING VIOLENCE	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
VAWA OFFENSES: STALKING	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
HATE CRIMES: RELATED TO ANY OF THE ABOVE LISTED CRIMES, AND HATE CRIMES INVOLVING SIMPLE ASSAULT, LARCENY-THEFT, INTIMIDATION OR DESTRUCTION/DAMAGE, VANDALISM OF PROPERTY	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
ARRESTS: WEAPONS: CARRYING, POSSESSING, ETC.	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSING, ETC.	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2020	0	0	2	0
	2021	0	0	3	0
	2022	0	0	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	2020	0	0	3	0
	2021	0	0	0	0
	2022	0	0	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2020	0	0	2	0
	2021	0	0	2	0
	2022	0	0	0	0
UNFOUNDED CRIMES	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0

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