

IYRS

2016 ANNUAL SECURITY REPORT

The purpose of this annual security report is to provide IYRS's community, including students, prospective students and employees, with crime statistics (for the three previous calendar years) and other important information regarding campus safety and security, with the hopes of creating a safer and more secure environment by aiding in the prevention of crimes and enabling people to protect themselves on campus. This report is also prepared to fulfill the requirements of Title IV of the Higher Education Act of 1965, as amended, as well as the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act (the "Clery Act"). The Clery Act is a federal law requiring colleges and universities that receive federal financial assistance to disclose annually, certain statistics and information about campus crime, safety and security policies to current and prospective students and employees. The Manager of Student Services prepares this annual security report by collecting relevant information and statistics from campus security authorities, local police and other relevant agencies. IYRS distributes a notice of the availability of this annual security report by October 1 of each year to every member of the campus community. Anyone, including students, prospective students and employees, may obtain a paper copy of this report from the Manager of Student Services at (401) 848-5777 x205 or at eenos@iyrs.edu.

Notice of Non-Discrimination: IYRS does not discriminate unlawfully on the basis of race, religion, color, national origin, age, sex, sexual orientation, gender identity or expression, genetic information, disability, status as a protected veteran, pregnancy or marital status, or any other unlawful basis, in the administration of its education policies, admission policies, scholarship and loan programs, or other school administered programs. In accordance with Title IX, IYRS does not discriminate on the basis of sex in its programs, activities or employment. Complaints should be made to IYRS' Title IX Coordinator. Liz Enos, Manager of Student Services, serves as IYRS' Title IX Coordinator. The Title IX Coordinator's office address is 449 Thames Street, Newport, RI 02840. The Title IX Coordinator can be contacted at (401) 848-5777 x205 or at eenos@iyrs.edu. The Title IX Coordinator is responsible for monitoring compliance with Title IX and other applicable laws and regulations that prohibit discrimination and harassment. Inquiries may be referred to the Title IX Coordinator or the United States Department of Education, Office for Civil Rights, at OCR@ed.gov or (800) 421-3481. This Policy is in compliance with applicable legal requirements including Title IX of the Education Amendments of 1972; relevant provisions of the Violence Against Women Reauthorization Act of 2013; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; and other applicable federal and Rhode Island state laws.

I. Timely Warning Reports

A timely warning is a way to alert the IYRS community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. Timely warnings will be issued for all Clery Act crimes that occur in IYRS' Clery Act geography that are reported to the Manager of Student Services, campus security authorities, and local police and other relevant agencies, which are considered by the Manager of Student Services or designee to represent a serious or continuing threat to students and employees. Timely warnings will be issued as soon as pertinent

information is available. The Manager of Student Services or designee is responsible for issuing the timely warning. The timely warning will be disseminated by posting the warning in campus buildings, through emails, text messages and verbal announcements (due to the small size of the campus community, verbal announcements are possible). In some instances, internal facility alarms or communication systems are activated, as applicable. For the purpose of making timely warning reports and annual statistical disclosure, students and employees should report Clery Act crimes to the Manager of Student Services at (401) 848-5777 x205 or at eenos@iyrs.edu.

IYRS does not have a confidential resources, pastoral counselors or professional counselors available on campus. As such, IYRS does not have procedures for reporting crimes voluntarily and confidentially for inclusion in the institution's annual security report and Web-based report to the Department. Should students or employees wish to speak with a person confidentially, the Manager of Student Services will provide them with information for contacting third-party confidential resources, upon request. Or students and employees can call any of the off-campus resources listed in this report. IYRS does not allow voluntary, confidential reporting to any employee on campus.

II. Security of and Access to Campus Facilities

IYRS does not have campus residences. IYRS keeps its facilities secure by locking doors at the close of the school day. Faculty have keys to for access to buildings, as does the Facilities Manager. Additionally, student RAs are selected each term, and they are provided with a key to access buildings on the weekend for students who would like to work on their projects. Individuals gain access or are prevented from gaining access to campus facilities by IYRS does not have individuals monitoring access to campus buildings during the school day.

III. Security Considerations Used in the Maintenance of Campus Facilities

The Facilities Manager maintains the buildings and properties and regularly checks to make sure pathways are well lit and egress lighting is working in hallways and stairwells.

IV. Current Policies Concerning Campus Law Enforcement

IYRS does not have a campus police or any security personnel. Students and Employees are encouraged to accurately and promptly report all crimes and emergencies to 911 or Newport Police, including when the victim of a crime elects to, or is unable to, make such a report. IYRS does not have any written memoranda of understanding (MOU) or any other type of written agreement with any law enforcement agencies for the investigation of alleged criminal offenses.

V. Security Procedures and Practices

The students are informed of campus security procedures and practices and crime prevention at orientation. All students are expected to conform to the IYRS safety procedures and practices at all times.

VI. Student Organizations

IYRS does not have any officially recognized student organizations with noncampus locations.

VII. Possession, Use and Sale of Alcoholic Beverages and Illegal Drugs and the Enforcement of State Underage Drinking Laws and Federal and State Drug Laws

IYRS complies with all federal and state regulations pertaining to the abuse of alcohol and drugs, including the Drug-Free Schools and Communities Act Amendments of 1989. Accordingly, IYRS requires all employees, and all students (regardless of the length of the student's program of study), to be aware of and comply with the following:

Standards of Conduct: IYRS prohibits the unlawful possession, use, or distribution of drugs and alcohol by students and employees on IYRS's property or as part of IYRS's programs and activities. IYRS also prohibits any individual from being under the influence of any alcohol or drugs (regardless of whether the use is lawful) while in the shop or while operating any IYRS machinery or equipment.

Sanctions: IYRS will impose sanctions on students and employees who violate the Standards of Conduct set forth in this Policy. Students and employees who are found responsible for violating the Standards of Conduct will be subject to sanctions up to and including dismissal from enrollment at IYRS, termination of employment, and/or referral for prosecution. Sanctions may also include the completion of an appropriate rehabilitation program. For more information regarding local and state criminal prosecution for the unlawful possession or distribution of alcohol and illicit drugs and the criminal penalties related thereto, please see the State of Rhode Island General Laws Title 21, Chapter 21-28; Title 31, Chapter 31-27-2; Title 3, Chapter 3-8 and Title 31, Chapter 31-27, which can be found at: <http://webserver.rilin.state.ri.us/Statutes/>. For more information regarding legal sanction for violations of federal law, please see <https://www.deadiversion.usdoj.gov/21cfr/21usc/> and <https://www.dea.gov/druginfo/ftp3.shtml>.

Prevention and Resources: For information regarding alcohol and drug abuse prevention and other resources please visit: Prevention: <https://www.samhsa.gov/about-us/strategic-initiatives>; Resources: http://www.bhddh.ri.gov/sections/link_and_resource.php; Alcohol Fact Sheets: <https://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>; Drug Fact Sheet: <https://www.dea.gov/druginfo/factsheets.shtml>

Health Risks: The abuse of alcohol and illicit drugs can cause physical and mental injury, and some injury may be severe enough to cause death. The abuse of alcohol and illicit drugs can also negatively impact the body in many ways, including, but not limited to, creating an increased risk of cancer, cardiovascular disease, liver and kidney failure, hypertension, depression, immune and reproductive functions, and many other health problems. For more information please visit: <https://addiction.surgeongeneral.gov/>; <https://www.niaaa.nih.gov/alcohol-health> and https://www.dea.gov/pr/multimedia-library/publications/drug_of_abuse.pdf

If you have any questions about the information provided herein, need assistance or resources related to alcohol or illicit drugs, or for more information about drug or alcohol counseling,

treatment, or rehabilitation or re-entry programs that are available in the community, please contact the Manager of Student Services at eenos@iyrs.edu or 401-848-5777.

VIII. Victims of a Crimes of Violence or Non-Forcible Sex Offenses

IYRS will, upon written request, 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 IYRS 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. IYRS is required to provide both the accused and the accuser with simultaneous written notification of any result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault or stalking. In these cases, it is not necessary for a victim to make a written request.

IX. Educational Programs and Campaigns to Promote the Awareness of Dating Violence, Domestic Violence, Sexual Assault and Stalking

IYRS prohibits dating violence, domestic violence, sexual assault and stalking, as they are defined for purposes of the Clery Act. IYRS provides primary and ongoing prevention and awareness programs for all incoming students and new employees, as well as current students and employees to promote awareness and to educate about preventing dating violence, domestic violence, sexual assault and stalking. These programs are presented during each term by a trained consultant.

X. Sexual Misconduct and Relationship Violence Policy

IYRS does not discriminate on the basis of sex in its programs, activities or employment. IYRS is committed to maintaining a safe and secure environment free from any form of unlawful discrimination or harassment, including sexual misconduct and relationship violence. *For purposes of this Policy, the person making the complaint (i.e., alleging that a violation has occurred), or the person who is directly impacted by the violation(s), will be referred to as the "Complainant." The student responding to the complaint (i.e., the student accused of committing the violation(s)) will be referred to as the "Respondent." This Policy outlines the rights of the Complainant and the Respondent when a violation(s) of this Policy is alleged.*

Title IX Coordinator: Liz Enos, Manager of Student Services, serves as IYRS' Title IX Coordinator. The Title IX Coordinator's office address is 449 Thames Street, Newport, RI 02840. The Title IX Coordinator can be contacted at (401) 848-5777 x205 or at eenos@iyrs.edu. The Title IX Coordinator is responsible for monitoring compliance with Title IX; and coordinating and implementing a prompt, fair, impartial and equitable grievance process from the time a report is made, or when IYRS learns about prohibited behavior, until the final result.

Application of this Policy: This Policy applies to complaints made against students enrolled in IYRS by other students, employees and/or third-parties. This Policy applies to all forms of sexual misconduct and relationship violence, including complaints of sexual harassment, sexual assault,

non-consensual sexual conduct, sexual exploitation, hostile environment, dating violence, domestic violence and stalking. *For more information on the grievance process for complaints made against employees, please contact the Title IX Coordinator.*

Privacy and Confidentiality: IYRS will protect the confidentiality of the Complainant, Respondent and other necessary parties by keeping all complaints and investigations private to the extent possible and will only disclose on a “need to know” basis. IYRS expects that all individuals involved in the enforcement of this Policy will do the same. Notwithstanding, the Complainant and the Respondent are not restricted from discussing and sharing information with others who may support or assist them in the Student Grievance Process. If the Complainant requests anonymity, IYRS will strongly consider the Complainant’s request. However, in certain circumstances, IYRS may not be able to grant the Complainant’s request due to various factors, including when there is a risk of imminent harm to an individual or others or a threat to the health and safety of the IYRS community. In cases where the Complainant’s request is granted, IYRS will continue to complete publicly available recordkeeping in accordance with relevant laws, including the Clery Act reporting and disclosures, without the inclusion of personally identifying information about the Complainant. IYRS will maintain, as confidential, any accommodations or protective measures provided to the Complainant, to the extent that maintaining such confidentiality does not impair the ability of the IYRS to provide the accommodations or protective measures.

Employees’ Responsibility to Report Violations of this Policy: Unless specifically designated as a confidential resource by the Title IX Coordinator, all employees of IYRS are deemed to be “Responsible Employees” and are required to immediately report incidents of alleged sexual misconduct and relationship violence (of which they are aware or should be aware) to the Title IX Coordinator or designee. The Responsible Employee must report all known details of incidents of prohibited conduct including the names of the Complainant and Respondent, other students involved, and relevant facts (including date, time, and location). Those individuals designated by the Title IX Coordinator as Confidential Resources (if applicable) can maintain the confidentiality of a Complainant’s disclosures and will not share any information with IYRS except to satisfy their obligations under the Clery Act.

Violations: The types of sexual misconduct and relationship violence prohibited by this Policy are defined below. (It is important to note that sexual misconduct and relationship violence is prohibited regardless of the sexual orientation, gender, gender identity, or gender expression of the Complainant or Respondent).

Sexual Harassment: Sexual Harassment prohibited by this Policy includes unwelcome behavior of a sexual nature that is severe, persistent or pervasive. Sexual harassment includes the following:

Sexual Assault: Sexual assault is any oral, anal or vaginal penetration, to any degree, with any part of the body or other object, by any person upon another, without consent.

Non-Consensual Sexual Contact: Non-consensual sexual contact includes any touching (however slight) with any part of the body or other object, by any person upon another, without consent, for the purpose of sexual gratification.

Sexual Exploitation: Sexual Exploitation is purposefully taking sexual advantage of another person without consent. (Sexual exploitation may include, but not be limited to, voyeurism; disseminating, streaming, or posting pictures or videos of another in a state of undress or of a sexual nature without the person's consent; exposing one's genitals to another person without consent, etc.)

Hostile Environment: Severe, persistent or pervasive conduct that includes unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or a student's status in a course, program or activity; (2) submission to or rejection of such conduct is used as the basis for employment or academic decisions; or (3) viewed from the perspective of both the individual and a reasonable person in the same situation, the conduct interferes with performance, limits participation in IYRS programs or activities, or creates an intimidating, hostile, or offensive environment. Examples of conduct that may create a hostile environment include, but are not limited to: persistent and inappropriate personal attention in the face of repeated rejection; inappropriate verbal conduct, including unwelcome sexual jokes, language, advances or propositions; unwelcome comments about an individual's sexual orientation, gender, gender identity, or gender expression; inappropriate written conduct containing comments, words, jokes, or images that are lewd or sexually suggestive or relate in an unwelcome manner to an individual's sexual orientation, gender, gender identity, or gender expression. IYRS will consider the effects of both on and off campus conduct when evaluating whether there is a hostile environment on campus.

Dating Violence: Dating violence is defined as physical violence or the threat of physical violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with an individual. The existence of such a relationship shall be determined based on factors such as the length and type of relationship, and frequency of interaction between the persons involved.

Domestic Violence: Domestic violence is defined as physical violence or the threat of physical violence committed by a current or former spouse of an individual, by a person with whom the individual has a child in common, by a person who is cohabiting or has cohabited with the individual (as determined under applicable law), or by any other person against an individual who is protected from that person's acts by applicable domestic or family violence laws.

Stalking: Stalking occurs when a person engages in a course of conduct directed at a specific person that would cause a person to fear for the person's safety or the safety of others, or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant. Substantial

emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Other Relevant Definitions

Consent: Consent is an affirmative and willing agreement to engage in specific forms of sexual contact with another person. Consent requires an outward demonstration, through mutually understandable words, conduct or action, indicating that an individual has freely chosen to engage in sexual activity or contact. Consent cannot be obtained through: (1) the use of coercion or force; or (2) by taking advantage of the incapacitation of another individual. Silence, passivity, or the absence of resistance does not imply consent. Consent can be withdrawn at any time. When consent is withdrawn, sexual activity must immediately stop. Prior consent does not imply current or future consent; even in the context of an ongoing relationship, consent must be sought and freely given for each instance of sexual activity or contact.

Incapacitation: Incapacitation means the person is incapable of giving consent. A person is incapacitated if that person is in a physical or mental state that causes the person to be unable to make a knowing and voluntary choice to engage in the sexual activity or contact. A person may also become incapacitated due to many factors, including the use of alcohol and/or drugs, or when the person is asleep or unconscious. When alcohol and/or drugs are involved, incapacitation requires more than impairment or intoxication. When determining incapacitation, the inquiry is whether the Respondent knew, or whether a sober, reasonable person in the Respondent's position should have known, that the Complainant was incapacitated and could not provide consent.

Procedures Individuals Should Follow to Report a Complaint: To report violations of this Policy, individuals (including students, employees and/or third-parties) should follow the procedures outlined below:

Reporting a Complaint: Violations of this Policy may be reported to the Title IX Coordinator or to any IYRS employee. The employee(s) will provide all known details of the violation(s) to the Title IX Coordinator or designee. The Title IX Coordinator or designee will review the report(s) in accordance with IYRS' [Student Grievance Process](#). **Confidential**

Reporting: confidential reports can be made to Coastline EAP at 1-800-445-1195.

Law Enforcement: While not required, IYRS strongly encourages anyone who becomes aware of behavior that may constitute a violation of Rhode Island State Law to report the incident to local law enforcement. IYRS can provide support, resources and assistance to those who do so. Regarding the involvement of law enforcement, the Complainant has the following options: (1) to notify proper law enforcement authorities, including local police; (2) to be assisted by campus authorities in notifying law enforcement authorities if the Complainant chooses; or (3) to decline to notify such authorities. The Complainant's choice to report to law enforcement will not impact the implementation of accommodations and/or protective measures if applicable.

IYRS will comply with a Complainant's request for assistance in notifying authorities and will provide assistance to the Complainant if they would like to make a report to law enforcement.

Time Limits: There is no time limit on reporting violations of this Policy, although IYRS' ability to respond fully may be limited with the passage of time.

Written Explanation of Rights and Options: When an individual reports a violation of this Policy, whether the offense occurred on or off campus, IYRS will provide the individual with a written explanation of the Complainant's rights and options.

Preserving Evidence: In cases of sexual misconduct or relationship violence, it is critical that the Complainant preserve evidence because doing so may assist in proving that the alleged behavior occurred and/or may be helpful in obtaining a protective order.

Procedures IYRS Will Follow When a Complaint is Reported: IYRS will investigate and address all complaints of sexual misconduct and relationship violence in accordance with its Student Grievance Process. The Student Grievance Process outlines the procedures for institutional disciplinary action that IYRS will undertake when violations of this Policy are alleged. The Student Grievance Process is the disciplinary proceeding used by IYRS when violations of this Policy are alleged. IYRS has only one type of disciplinary proceeding. The Student Grievance Process outlines the steps, anticipated timelines and decision-making process for the disciplinary proceeding; including how to report a complaint, the standard of evidence that will be used (preponderance of the evidence); and a list of all possible sanctions that IYRS may impose following the results of the Student Grievance Process. The Student Grievance Process will be conducted by officials who, at a minimum, receive annual training on relevant issues (including issues related sexual misconduct, relationship violence and other crimes of violence, if applicable) and on how to conduct the Student Grievance Process in a way that protects safety and promotes accountability. IYRS will provide for an adequate, reliable and impartial investigation of all complaints, which will include: interviews with the Complainant, the Respondent and any relevant witnesses; a review of any other relevant evidence; an equal opportunity for the parties to present witnesses and other evidence and equal access to information being considered in the Student Grievance Process (in accordance with the Family Educational Rights and Privacy Act). The Complainant and the Respondent will receive simultaneous notification, in writing, of the result of the Student Grievance Process; the procedures for the Complainant and the Respondent to appeal the result of the Student Grievance Process; any change to the result; and when such results become final.

Advisors: The Complainant and the Respondent have the same opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. IYRS will not limit the choice of advisor or presence for either the Complainant or Respondent in any meeting or proceeding during the Student Grievance Process. The advisor's role is to provide support only. The advisor may not participate in any manner. The advisor may not speak during any meeting or proceeding, nor may the advisor make comments, pass notes, or otherwise disrupt the meeting(s) and/or proceeding(s). The Complainant or the Respondent may ask for one break during any meeting and/or proceeding to allow the Complainant or the Respondent to confer with their respective advisors in private. Advisors who do not follow the guidelines outlined in this Policy will be asked to leave the meeting(s) and/or proceeding(s).

Remedial and Protective Measures: IYRS may provide interim measures, such as counseling, academic assistance, and no-contact orders, to protect, support or provide for the safety of the Complainant and the campus community during the Student Grievance Process. Requests for interim measures may be made by or on behalf of the Complainant to the Title IX Coordinator or designee. The Title IX Coordinator or designee will be responsible for the implementation and coordination of interim measures. Interim measures will not disproportionately impact the Complainant, and are available even if the Complainant does not report or continue to pursue a complaint. If requested by the Complainant, IYRS will promptly implement a one-way no contact order (with the burden of no contact on the Respondent) if the College has made a finding of responsibility under this Policy, even if an appeal may be filed, or has been filed and is pending. If requested, IYRS will assist the Complainant in obtaining orders of protection, restraining orders or similar lawful orders issued by a criminal, civil or tribal court. IYRS may provide interim measures for the Respondents where reasonable and appropriate under the circumstances as determined by the Title IX Coordinator or designee. IYRS is obligated to comply with a student's reasonable request for an academic situation change following an alleged sex offense.

Retaliation: Retaliation is prohibited against any individual who reports a complaint under this Policy or who participates in an investigation.

Resources: When a complaint is made, IYRS will provide written notification to the Complainant about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services that may be available for the Complainant at IYRS and in the community. The written information will include options for, available assistance in, and how to request changes to academic and working situations or protective measures. The following resources are available in the community: Newport Police Department, 120 Broadway, Newport, RI 02840, 401-847-1306; Rhode Island State Police 401-444-1000; Women & Infants Hospital, 101 Dudley Street, Providence, RI, (401) 274-1100; Newport Hospital, 11 Friendship Street, Newport, RI (401) 846-6400; **Rhode Island Hospital**, 593 Eddy Street, Providence, RI (401) 444-5411; Day One (Sexual Assault and Trauma Center), 100 Medway Street, Providence, RI (401) 421-4100; RI Crisis Assistance Center (401) 714-2388; Coastline EAP (Counseling and Referral Services) (800) 445-1195

Prevention and Awareness Programs: IYRS conducts ongoing educational and primary prevention and awareness programs for all faculty, staff and employees (including incoming students and new employees) to: promote awareness; prevent sexual misconduct and relationship violence; and to remind the entire IYRS Community of its prohibition against sexual misconduct and relationship violence, including the crimes of dating violence, domestic violence, sexual assault and stalking.

Bystander Intervention: Bystander intervention refers to safe and positive options that may be carried out by an individual(s) to prevent violations of this Policy against a person(s) other than the individual. Safe and positive options for bystander intervention include: recognizing prohibited conduct, overcoming barriers to intervening, identifying effective ways to intervene and take action provided that the intervention or action can be undertaken in a way that ensures the safety of the individual(s).

Risk Reduction: Risk reductions are designed as options designed to decrease perpetration and bystander inaction, increase empowerment for victims in order to promote safety, and help individuals and communities address conditions that facilitate violence.

Violations of Rhode Island State Law: First Degree Sexual Assault (RIGL § 11-37-2): A person is guilty of first degree sexual assault if he or she engages in sexual penetration with another person, and if any of the following circumstances exist: (1) The accused, not being the spouse, knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless. (2) The accused uses force or coercion. (3) The accused, through concealment or by the element of surprise, is able to overcome the victim. (4) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification, or stimulation. Second Degree Sexual Assault (RIGL § 11-37-4): A person is guilty of second degree sexual assault if he or she engages in sexual contact with another person and if any of the following circumstances exist: (1) The accused knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless. (2) The accused uses force or coercion. (3) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification, or stimulation. Third Degree Sexual Assault (RIGL § 11-37-6): A person is guilty of third degree sexual assault if he or she is over the age of 18 years and engages in sexual penetration with another person over the age of 14 years and under the age of consent, 16 years of age. (Age of consent for intercourse in Rhode Island is sixteen (16).); Stalking (RIGL § 11-59-2): Any person who (1) harasses another person; or (2) willfully, maliciously, and repeatedly follows another person with the intent to place that person in reasonable fear of bodily injury, is guilty of the crime of stalking. “Harasses” means a knowing and willful course of conduct directed at a specific person with the intent to seriously alarm, annoy, or bother the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, or be in fear of bodily injury. “Course of conduct” means a pattern of conduct composed of a series of acts over a period of time, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.” Cyberstalking and Cyberharassment (RIGL § 11-52-4.2): Whoever transmits any communication by computer or other electronic device to any person or causes any person to be contacted for the sole purpose of harassing that person or his or her family is guilty of a misdemeanor.

Complaints and Inquires: Complaints regarding the application or enforcement of this Policy should be made to IYRS’ Title IX Coordinator. Liz Enos, Manager of Student Services, serves as IYRS’ Title IX Coordinator. The Title IX Coordinator’s office address is 449 Thames Street, Newport, RI 02840. The Title IX Coordinator can be contacted at (401) 848-5777 x205 or at eenos@iyrs.edu. Inquiries regarding the application of Title IX and its implementing regulations may be referred to the Title IX Coordinator or designee, or to the United States Department of Education, Office for Civil Rights, at OCR@ed.gov or (800) 421-3481. This Policy is in compliance with applicable legal requirements including Title IX of the Education Amendments of 1972; relevant provisions of the Violence Against Women Reauthorization Act of 2013; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; and other applicable federal and Rhode Island state laws.

XI. Code of Student Conduct & Student Grievance Process

IYRS believes that its students have the power to Make Anything Possible™; and with that power comes great responsibility. Accordingly, students at IYRS are expected at all times to conduct themselves in a manner consistent with good citizenship.

Individual behavior can have either a positive or a negative effect on the IYRS community. As such, students must be mindful of how their behavior impacts those around them; and refrain from any actions that violate or infringe upon the rights of others.

Code of Student Conduct: Students found responsible for committing or attempting to commit the following violations (either on or off campus) during their enrollment at IYRS will be subject to sanctions:

Conduct Affecting Others: Threatening or causing harm to any person, or behaving in a manner that would offend or frighten any person; Endangering the health or safety of others; Violating IYRS' Sexual Misconduct and Relationship Violence Policy; Harassing or discriminating against an individual on the basis of race, religion, color, national origin, age, sex, sexual orientation, gender identity or expression, genetic information, disability, status as a protected veteran, pregnancy or marital status, or any other unlawful basis; Violations of the Code of Student Conduct that are committed with bias, hatred or animus based on race, religion, color, national origin, age, sex, sexual orientation, gender identity or expression, genetic information, disability, status as a protected veteran, pregnancy or marital status, or any other unlawful basis; The provision of alcohol and/or other drugs to an individual for the purpose of committing or facilitating sexual misconduct. (The sexual misconduct does not have to actually occur for the individual to be found responsible for the provision of alcohol and/or other drugs); Retaliation against any individual who reports a complaint or participates in the Student Grievance Process.

Conduct Affecting the IYRS Community: Failing to adhere to IYRS rules regarding safety and security; Failing to adhere to IYRS rules regarding technology use; Failing to comply with the directions of IYRS employees and/or representatives acting in the performance of their official duties; Intentionally initiating or causing a false report to be made; Unauthorized use of IYRS' name, logo or seal; Academic dishonesty; Conduct that interferes with student learning or the mission of IYRS; Failing to participate in the Student Grievance Process when requested by an IYRS employee to do so.

Conduct Affecting Property: Intentionally or negligently damaging IYRS property or the property of others; Tampering with fire safety or emergency equipment; Possessing the property of others without consent from the owner.

Violations of IYRS' Alcohol and Drugs Policy: Failing to adhere to the Standards of Conduct outlined in IYRS' Alcohol and Drugs Policy (**Note:** IYRS offers Medical Amnesty. If students are seeking medical attention for themselves or others, or reporting a violation of IYRS' Sexual Misconduct and Relationship Violence Policy, IYRS will not pursue Code of Student Conduct charges for alcohol or drug violations against the reporting student(s) and/or the student(s) involved in the incident).

Violations of IYRS Rules, Standards and Policies: Failing to adhere to any IYRS rule, standard or policy; Failing to adhere to shop safety rules and standards; Habitually arriving late to class and or mandatory events or meetings; Failing to dress appropriately and/or in accordance with safety rules; Failing to maintain a clean shop environment.

Sanctions: One or more of the following sanctions may be assigned if a student is found responsible for violating the Code of Student Conduct:

Warning: Verbal or written notice that a violation of the Code of Student Conduct has occurred. Future violations may result in more severe sanctions. A notation of the warning may be reflected in the student's education records.

Loss or Restriction of Privileges: Limitation or removal of specific privileges. The loss or restriction of privileges will be outlined in writing for the student and a notation of the loss or restriction of privileges may be reflected in the student's education records. Failure to abide by the loss or restriction of privileges will result in additional sanctions.

Educational Assignment: Specific educational assignment(s) directly related to the violation committed. A notation of the specific educational assignment(s) may be reflected in the student's education records. Failure to complete the educational assignment(s) by the due date will result in additional sanctions.

Community Service: A designated number of hours of community service that the student must complete. The community service must be appropriate to the violation(s) for which the student was found responsible. A notation of the community service may be reflected in the student's education records. It is the responsibility of the student to find an appropriate non-profit organization for the community service and provide IYRS with a letter from the non-profit organization confirming that the required number of hours were completed. Failure to complete the community service by the due date will result in additional sanctions.

Restitution: Reimbursement by the student to IYRS, appropriate individuals or organizations for damage, personal injury, or misappropriation. A notation of the restitution may be reflected in the student's education records. Failure to make restitution by the due date will result in additional sanctions.

Probation: A specific probationary period. The Student may continue enrollment at IYRS during the specific probationary period, however, if the student is found responsible for any additional violations of the Code of Student Conduct during the probationary period, enrollment at IYRS may be suspended or revoked. A notation of the probation may be reflected in the student's education records.

Deferred Suspension: A deferment of suspension from enrollment at IYRS for a specific period of time. During the deferred suspension, the Student may continue enrollment at IYRS. If the student is found responsible for the same or similar violation(s) during the deferred suspension,

the student's enrollment at IYRS will be immediately suspended or terminated. A notation of the deferred suspension may be reflected in the student's education records.

No Contact Order: Restrictions placed on a student's contact with another individual(s). A notation of the no contact order may be reflected in the student's education records. Failure to abide by the no contact order will result in additional sanctions, which may include an interim suspension.

Interim Suspension: A temporary removal from campus. If it is determined that a student's continued presence on campus may constitute an immediate threat of harm to the student, to other individuals, and/or to IYRS property, the Manager of Student Services or designee may temporarily suspend the student from being on campus pending the resolution of the Student Grievance Process. Prior to issuing the interim suspension, the student will be given the opportunity to show why the interim suspension should not be implemented, including the opportunity to challenge the evidence that IYRS is relying upon in imposing the interim suspension. In determining the appropriateness of the interim suspension, the rights of the student and the risk of threat to the IYRS community will be taken into consideration. Interim suspensions may also be used when a student is facing criminal charges and wishes to postpone the Student Grievance Process pending resolution of the student's criminal case. During an interim suspension, the student may not be on campus without written permission from the Manager of Student Services or designee. A notation of the interim suspension may be reflected in the student's education records.

Suspension: Suspension from enrollment at IYRS for a designated period of time. During the suspension period, the student must remain off campus unless the student has received verbal or written permission to be on campus from an employee of IYRS. At the end of the suspension period, the student will be eligible for reenrollment provided there is no other encumbrance upon the student's return (financial or otherwise). A notation of the suspension will be reflected in the student's education records.

Dismissal: Permanent removal from enrollment at IYRS without the possibility of future readmission. The student must remain off campus unless the student has received written permission to be on campus from an employee of IYRS. A notation of the dismissal will be reflected in the student's education records and may be noted on the student's transcript.

Student Grievance Process: For purposes of the Student Grievance Process, the person making the complaint (i.e., alleging that a violation of the Code of Student Conduct has occurred), or the person who was directly impacted by the violation(s), will be referred to as the "Complainant." The student responding to the complaint (i.e., the student accused of violating of the Code of Student Conduct) will be referred to as the "Respondent." The Student Grievance Process will be conducted by officials who, at a minimum, receive annual training on relevant issues (including issues related sexual misconduct, relationship violence and other crimes of violence, if applicable) and on how to conduct the Student Grievance Process in a way that protects safety and promotes accountability.

Standard of Evidence: The preponderance of the evidence standard (more likely than not) will be used for investigating and making findings.

Filing a Complaint: Alleged violations of the Code of Student Conduct should be reported to the Manager of Student Services or designee. Any individual, regardless of affiliation with IYRS, may report a Complaint alleging a violation.

When the Manager of Student Services or designee becomes aware of the alleged violation(s), the Manager of Student Services or designee will conduct an initial threat assessment to determine whether there is reasonable cause to believe that the Respondent poses a continuing, significant threat of harm to the health, safety, and welfare of others or to the IYRS community, and whether interim measures are necessary to alleviate or mitigate that risk. Additionally, the Manager of Student Services or designee will review the allegation(s) to determine whether it was made in good faith and whether there is sufficient information to institute the Student Grievance Process. If the Manager of Student Services or designee determines that the allegation(s) was made in good faith and there is sufficient information to institute the Student Grievance Process, the Respondent will be required to meet with the Manager of Student Services or designee for a Preliminary Meeting. In cases involving sexual misconduct, relationship violence or other crimes of violence, the Complainant will be invited to attend a separate Preliminary Meeting during which the Complainant will be provided with complete information about the Student Grievance Process. *For more information about a Complainant's rights in cases involving sexual misconduct or relationship violence, please see IYRS' [Sexual Misconduct and Relationship Violence Policy](#).*

Preliminary Meeting: At the Preliminary Meeting, the Respondent will be provided with information about the Student Grievance Process and the potential sanctions that may be imposed if the student is found responsible for the behavior. At the conclusion of the Preliminary Meeting, the Respondent may: (I) admit responsibility and execute a written Waiver of the Student Grievance Process (at which point the Respondent will be assigned a sanction(s) and the Student Grievance Process will be concluded); or (II) request that the alleged violation(s) be adjudicated in accordance with the Student Grievance Process. A Respondent who executes a written Waiver of the Student Grievance Process is not entitled to an appeal. The Student Grievance Process constitutes the institution's formal student grievance process. IYRS does not have an informal student grievance process and mediation is not available. If the Respondent fails to appear at the Preliminary Meeting after proper notification, the Manager of Student Services or designee may place a conduct hold on the Respondent's records, or proceed with the Student Grievance Process without the Respondent's participation.

Investigation and adjudication: If the Respondent requests that the alleged violation be adjudicated in accordance with the Student Grievance Process, the Manager of Student Services or designee will appoint an investigator(s). The investigator will conduct an investigation, issue a finding regarding responsibility and assign sanctions if necessary. The Manager of Student Services or designee will have the discretion to appoint an internal investigator(s) or an external investigator(s).

Investigation: IYRS will ensure an adequate, reliable and impartial investigation of all complaints alleging violations of the Code of Student Conduct. The investigation will include interviews with the Respondent (and the Complainant if the allegation(s) involves sexual

misconduct, relationship violence or other crimes of violence), relevant witnesses, and a review of any other relevant evidence (including text messages and other social media) if applicable. The investigator will determine, in the investigator's sole discretion, what information is relevant. Character evidence will not be considered; and pattern evidence (evidence of previous conduct) will only be considered if the previous conduct is so substantially similar to the conduct cited in the instant matter to indicate a pattern of behavior. Additionally, medical and counseling records are privileged and confidential. Therefore, those records will not be required to be disclosed. In cases involving sexual misconduct, past sexual history will typically not be considered except possibly where consent is at issue. Specifically, prior consensual sexual activity between the Complainant and the Respondent, while not determinative, may be relevant to determining whether consent was sought and received. Past sexual history may also be considered under very limited circumstances, for example, to explain injury. However, consent to one sexual act will never be considered to constitute consent to another sexual act. At the conclusion of the investigation, the investigator will complete an Investigation Report.

Investigation Report: Once the Investigation Report has been completed, the investigator will schedule a meeting with the Respondent (and with the Complainant if the allegation(s) involves sexual misconduct, relationship violence or other crimes of violence) to review the Investigation Report. The Respondent (and the Complainant if the allegation(s) involves sexual misconduct, relationship violence or other crimes of violence) will have the opportunity to respond to the investigator in writing, within three (3) business days after reviewing the Investigation Report, to offer additional comments, clarify information previously shared, suggest additional witnesses, or identify any other relevant information or evidence to assure the thoroughness and sufficiency of the investigation. If, in the sole discretion of the investigator, no further inquiry is required, the investigation will be deemed complete and final. If, in the sole discretion of the investigator, further inquiry is necessary, the investigator will follow up on the information before finalizing and completing the investigation.

Adjudication and Sanctions: Once the investigation is deemed by the investigator to be complete and final, the investigator will make a finding of "Responsible" or "Not Responsible" for each alleged violation. The investigator will also issue sanction(s) for each "Responsible" finding. The investigator may consider prior violations of the Code of Student Conduct for which the Respondent was found Responsible only when determining what sanction(s) to impose.

Notice of Outcome: Once the investigator has determined the sanction(s), the investigator will provide the Respondent (and simultaneously to the Complainant, in cases involving sexual misconduct, relationship violence or other crimes of violence) with a written Notice of Outcome, which will include the finding(s), rationale and sanction(s) (if applicable).

Appeal: The Respondent (and the Complainant in cases involving sexual misconduct, relationship violence or other crimes of violence) has the right to appeal and participate in the appeal process if: (1) the Student Grievance Process was not followed; (2) new (material) evidence has come to light, which was not reasonably available prior to the investigator issuing the Notice of Outcome; and/or (3) the sanction(s) is clearly contrary to the weight of the evidence. Requests for appeal must be submitted in writing to the Manager of Student Services or designee within three (3) business days following delivery of the Notice of the Outcome.

Appeals are heard by the Chief Operating Officer or designee and will be strictly limited to the grounds for appeal outlined above. The Chief Operating Officer or designee is an impartial decision-maker and will conduct the appeal in an impartial manner. If the appeal is denied, the matter will be closed, and the investigator's decision will be final. If the appeal is granted, the Chief Operating Officer or designee may: (1) remand the case for a new investigation (the results of the new investigation, including the finding(s) and sanction(s) will be final and not subject to further appeal); or (2) make modifications to the sanction(s) imposed. The Chief Operating Officer or designee will provide written Notice of Outcome of the Appeal to the Respondent (and simultaneously to the Complainant, in cases involving sexual misconduct, relationship violence or other crimes of violence) within a reasonable period of time. The decision of the Chief Operating Officer or designee regarding the appeal will be final.

Timeframe for the Student Grievance Process: IYRS will make its best efforts to complete the Student Grievance Process (including the investigation and appeal process) within sixty (60) days of receipt of the Complaint. However, because the length of investigations may vary due to the complexity and unique factors of each case, the timeframe outlined herein may be extended for good cause to ensure that the Student Grievance Process is prompt, but also fair and impartial. The Respondent (and the Complainant in cases involving sexual misconduct, relationship violence or other crimes of violence) will be provided with periodic status updates as necessary.

Law Enforcement: IYRS will comply with law enforcement requests for cooperation. Such cooperation may require IYRS to temporarily suspend an investigation, for a short period, while law enforcement gathers evidence. IYRS will promptly resume its investigation as soon as it is notified by law enforcement that its evidence gathering process is complete.

Confidentiality: IYRS will keep all complaints and investigations private to the extent possible, and information will be disclosed only on a "need to know" basis. It is the expectation of IYRS that all individuals involved in the Student Grievance Process will also maintain confidentiality and share information only on a "need to know" basis. However, individuals are not restricted from discussing and sharing information related to complaints made by or against them with others who may support or assist them in presenting their case in the Student Grievance Process.

Requests for Anonymity or No Action: If the Complainant requests anonymity or asks IYRS not to take any action, IYRS will strongly consider the Complainant's request. However, in certain circumstances, IYRS may not be able to grant the Complainant's request due to various factors, including when there is a risk of imminent harm to an individual or others or a threat to the health and safety of the IYRS community.

Conflicts of Interest: The Respondent (and the Complainant if the allegation(s) involves sexual misconduct, relationship violence or other crimes of violence) may notify the Manager of Student Services or designee in writing if there is a concern that the investigator assigned creates a conflict of interest. The Manager of Student Services or designee will make adjustments only if a substantiated conflict of interest exists.

Confrontation/Cross-Examination: If applicable, the Complainant and the Respondent will always be interviewed separately, and will never be required to attend any meetings together. Additionally, the Complainant and Respondent will not be permitted, at any point during the Student Grievance Process, to confront or cross-examine each other.

Retaliation: Retaliation is prohibited against any individual who reports a complaint or participates in the Student Grievance Process.

XII. Sex Offender Registration

In Rhode Island, categories of convicted sex offenders are registered with the local police department in their respective municipalities. In Newport, sex offenders must register with the Newport Police Department. Persons seeking information related to the sex offenders registry and access to related information should contact the Newport Police Department or the Sex Offenders Community Notification Unit with the Rhode Island Parole Board at 462-0905, or online at www.pparoleboard.ri.gov.

XIII. Significant Emergency or Dangerous Situation Involving an Immediate Threat to the Health or Safety of Students or Employees Occurring on the Campus

IYRS will immediately notify the campus community upon confirmation of an emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. Confirmation means that an IYRS official(s) have verified that a legitimate emergency or dangerous situation exists. Confirmation doesn't necessarily mean that all of the pertinent details are known or even available. When an emergency situation occurs, (i.e. fire, explosion or release of hazardous waste constituents that could threaten human health or the environment) the following Emergency Coordination is implemented: Internal facility alarms or communication systems are activated as applicable to notify facility personnel of the event. Requirements for regulatory agency notifications are assessed and notification to the appropriate authorities is made based on the situation involved. Any individual can report an emergency by contacting 911, Newport Police 401-847-1212 or Newport Fire 401-846-2211.

First responders, as defined below in the Emergency Response and Evacuations Procedures, will confirm that there is a significant emergency or dangerous situation. Information regarding the significant emergency or dangerous situation will be provided to the community in the manner described above regarding timely warnings. IYRS will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. As soon as IYRS has confirmed that a significant emergency or dangerous situation exists, IYRS will take into account the safety of the campus community; determine what information to release about the situation; and begin the notification process. The only reason IYRS would not immediately issue a notification for a confirmed emergency or dangerous situation would be if doing so would compromise efforts to assist a victim; contain the emergency; respond to the emergency; or otherwise mitigate the emergency. Emergency

Coordinators, as defined below, will be the responsible authorities in instances of significant emergencies or dangerous situation. IYRS disseminates emergency information to individuals and/or organizations outside of the campus community via email and/or text messages.

XIV. Emergency Response and Evacuation Procedures

The Primary Emergency Coordinator: John Cayer, Facilities and Marina Manager and the Secondary Emergency Coordinator: Bill Kenyon, Instructor, are designated as Emergency Coordinators and are authorized to commit necessary resources to implement any emergency response or evacuation procedures. They are thoroughly familiar with all operations and activities and are on call 24 hours a day. The Emergency Coordinators are trained in emergency response.

Emergency response is based on the degree, nature and safety of the situation. In the event of an emergency, students and employees should maintain a safe distance from the immediate danger. The Emergency Coordinators or their designees will secure the area and notify IYRS management and nearby work areas which may be affected.

For emergency assistance, students and employees should call 911 and state the nature and location of the emergency and send someone to meet emergency personnel. In the event of a fire or explosion, the Newport, RI Fire Department should be notified by dialing 911 (or 401-846-2211) on a nearby telephone, and by pulling a fire alarm box. In the event of a fire in early stage development, an attempt may be made by area personnel to extinguish using portable fire extinguishers. Contain the spill to prevent horizontal and vertical migration, as quickly as possible. Absorbent booms or sand bags may be utilized for containment. Internal facility alarms or communication systems are activated, as applicable, to notify facility personnel of the event. Requirements for regulatory agency notifications are assessed and notification to the appropriate authorities is made based on the situation involved.

During an emergency, the Emergency Coordinator will take reasonable mitigation measures as appropriate. This includes stopping processes and operations, collecting released waste, and recovering or isolating containers. Applicable employees are trained on specific actions to be taken in response to an emergency. Additionally, Emergency Coordinators are trained in portable fire extinguisher response and are capable of using extinguishing equipment as needed. These extinguishers are inspected monthly, serviced annually, and located so that travel distance to each extinguisher location is kept to a minimum. Additional fire extinguishing capability includes strategically located fire hose hook-up. Fire alarms and portable fire suppression equipment are located in proximity to each hazardous waste management area in the buildings.

Telephones for internal and external communications are available in each building. Additionally, operations personnel routinely carry internal/external communication devices (e.g. cell phones). The facility telephone system may be used to report an imminent emergency or event perceived as a threat to the Emergency Coordinators. The Emergency Coordinators are trained in the recognition of and response to emergency alerts. When notice is given (audio alerts or verbal intercommunication), personnel are to follow applicable emergency shutdown procedures and evacuate the area as follows: Proceed along designated primary exit route, or

alternate route as deemed necessary, to the unit assembly point. Do not stop to retrieve personal belongings. Always carry your vehicle keys so a prompt exit is possible; If in a different unit during an evacuation event, exit the building with personnel from that area; Do not re-enter the building until the ALL CLEAR notice is provided by either the Newport Fire Department, the Newport Police Department or the Emergency Coordinators. Primary, secondary routing and designated assembly areas are posted throughout the facility.

IYRS, through its Facilities Manager, conducts drills for emergency response and evacuation each term.