

2018 – 2019 Code of Student Conduct

The University of La Verne community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life and thoughtful study and discourse. The Student Conduct program within the Office of the Dean of Student Affairs is committed to an educational and developmental process that balances the interests of individual students with the interests of the University of La Verne community. The student conduct process is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

The Code of Student Conduct process is different from criminal and civil court proceedings. Procedures and rights in student conduct are conducted with "fundamental fairness" in mind. However, they do not include the same protections of due process afforded by the courts. "Fundamental fairness", as defined within these procedures, assures a student alleged to have engaged in Student Prohibited Conduct will:

- Receive written notice of allegation of Student Prohibited Conduct;
- Have an opportunity to participate in an investigation (administrative review) into allegations of Student Prohibited Conduct conducted by an objective decision-maker (Administrative Review Officer);
- Have an opportunity to present witnesses and evidence;
- Have an opportunity to view information that will be used in determining whether a violation of Student Prohibited Conduct under this policy has occurred;
- Not to be found in violation of Student Prohibited Conduct without information showing that it is more likely than not (i.e. preponderance of evidence) that a policy violation occurred;
- Receive a written notice regarding findings of the investigation; and
- Have the opportunity to appeal findings, as outlined by this policy.

Questions or concerns about the Code of Student Conduct may be directed to the Chief Student Affairs Officer, Dr. Loretta Rahmani (lrahmani@laverne.edu).

A. Notice of Nondiscrimination

The University of La Verne is a coeducational university organized as a nonprofit corporation under the laws of the State of California. Its purpose is to provide education and training to prepare its students to meet the responsibilities and duties of life effectively. Consisting of its eleven campuses in California, wherever located, the University is an institution built upon honor, integrity, trust, and respect. Consistent with these values, the University is committed to providing equal access and opportunity for all members of the University community in a safe and non-discriminatory learning, living, and working environment.

In accordance with the requirements and prohibitions of Title IX of the Education Amendments of 1972 ("Title IX"), Titles VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and other federal and California laws, the University does not discriminate on the basis of race, color,

religion, national origin, ethnic origin, ancestry, citizenship, sex (including pregnancy, childbirth, or related medical conditions), sexual orientation, gender (including gender identity and expression), marital status, age, physical or mental disability, medical condition, genetic characteristics, military and veteran status, or any other characteristic or status protected by applicable law as to the admission or enrollment of any student, or its educational programs and activities; the employment of any member of the faculty or staff; the selection and treatment of volunteers or unpaid interns; or to the election of any officer or trustee of the University.

Inquiries concerning the University's equal opportunity policies, compliance with applicable laws, statutes and regulations, or the University's complaint procedures for such matters should be directed to the Title IX Manager at 1950 Third Street, La Verne, CA 91750, (909) 448-4076, email Title9Manager@laverne.edu, or to the Chief Student Affairs Officer as the University's designated Section 504 coordinator at 1950 Third Street, La Verne, CA 91750, (909)448-4053. To the extent such inquiries and complaints pertain to employment-related matters, they may be directed to the Chief Human Resources Officer at 1950 Third Street, La Verne, CA 91750, (909)448-4076, as the University's Equal Employment Opportunity Officer, Deputy Section 504 coordinator, and Deputy Title IX Manager with respect to employment matters.

Questions about the application of Title VI, Title VII or Title IX to the University also may be directed to any of the following:

- Assistant Secretary for Civil Rights, Department of Education at OCR@ed.gov or (800)421-3481.
- Equal Employment Opportunity Commission at info@eeoc.gov or (800) 669-4000.

Reports of bias incidents can be [made here](#).

B. Jurisdiction

The Code of Student Conduct applies to Students who are registered or enrolled for credit or non-credit-bearing coursework and admitted Students participating in University Programs ("Student").

The Code of Student Conduct may also be applied to visitors and other persons having dealings with the University ("Third Parties) who are "guests" of a Student "host." It is the responsibility of the "host" to inform their "guest" of Student Prohibited Conduct and to ensure "guests" abide by all University Policies. Under the Code of Student Conduct, the Student "host" may be held accountable for the behavior of their "guests."

The Code of Student Conduct pertains to acts of Student Prohibited Conduct committed by Students and Third Parties when:

- The conduct occurs on the University campus or other property owned or controlled by the University;
- The conduct occurs in the context of a University education program or activity, including, but not limited to, University-sponsored study abroad, research, on-line or internship;
- The conduct occurs off-campus and outside of the context of a University education program or activity (i.e. off-campus), but:
 - Has the potential to adversely affect and/or create a hostile environment for Students, Employees or Third Parties while on the University campus or other property owned or

- controlled by the University or in any University employment or education program or activity; or
- o Has the potential to adversely affect the educational mission and/or interests of the University.

This includes, but is not limited to, Student Prohibited Conduct that takes place over the phone, online, via email or other electronic mediums. Students should be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a Student to allegations of Student Prohibited Conduct under this policy if evidence of Student Prohibited Conduct is posted online. The University of La Verne does not regularly monitor for this information but may take action if and when such information is brought to the attention of University of La Verne officials.

Non-Traditional-Age and Graduate Programs

Graduate and Non-Traditional Students in the College of Business and Public Management, the College of Arts and Sciences, the LaFetra College of Educational, the College of Law, Regional & On-Line Campuses (ROC), the Campus Accelerate Program for Adults (CAPA) will follow the “Code of Student Conduct” as outlined in this document. Cases of violations of Student Prohibited Conduct under this policy will be referred to the Dean of Student Affairs Office. Directors of Regional & On-Line Campuses (ROC) and Director of Student Affairs at the College of Law may serve in the role of Administrative Review Officers.

Violations of the Law

Alleged violations of federal, state and local laws may be investigated and addressed under the Code of Student Conduct. When an offense occurs over which the University of La Verne has jurisdiction, the University of La Verne conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

The University of La Verne reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint. Interim suspensions will be in effect until an investigation into the Student Prohibited Conduct can be concluded. An interim suspension may be continued if it is reasonable to believe that a danger is posed to the community and the University of La Verne may be delayed or prevented from conducting its own investigation and resolving the allegation by the pendency of the criminal process.

C. Definitions

Complainant

A Student, Employee or Third Party who presents as a person adversely affected by any Student Prohibited Conduct under this policy, regardless of whether that person makes a report or seeks action under this policy.

Respondent

A Student or Third Party who has been accused of engaging in Student Prohibited Conduct under this policy.

Reporter

A Student, Employee or Third Party who brings forth information about a possible violation of Student Prohibited Conduct under this policy, and where they are not the Complainant or Respondent.

Administrative Review Officer

A University official authorized by the Dean of Student Affairs Office to conduct administrative reviews (i.e. investigation) into alleged violations of Student Prohibited Conduct under this policy. Administrative Review Officers receive annual trainings in conducting investigations of Student Prohibited Conduct. Investigators serve as neutral and impartial fact finders whose role it is to conduct a thorough, reliable, prompt and fair investigation related to the alleged violation of Student Prohibited Conduct. Administrative Review Officers will also be referred to as Investigators.

D. Reporting Options

There are multiple channels for reporting Student Prohibited Conduct. Complainants and Reporters may choose to report to the University, to law enforcement, or to both. These reporting options are not exclusive. Complainants may simultaneously pursue criminal action and action through the University's Code of Student Conduct. The University will support Complainants in understanding, assessing and pursuing these options.

Reporting to University

Complainants and Reporters may report Student Prohibited Conduct to the University by:

- Contacting the University's Chief Student Affairs Officer or any Staff in the Division of Student Affairs. Contact information for Staff in the Division of Student Affairs is available [here](#);
- Contacting Campus Safety at 909-448-4950; and/or
- Submitting a report on-line via the [on-line reporting form](#). Complaints filed using this form will go to the Dean of Students Affairs.

Upon receipt of report of Student Prohibited Conduct under this policy, the Dean of Student Affairs or designee will conduct a Preliminary Inquiry, and will provide the Complainant, if known, with information about resources, offer interim measures (as needed), and take appropriate action to resolve the reported incident as promptly and equitably as possible.

Reporting of Sexual Misconduct (Title IX)

Reports of Sexual Misconduct as defined in the University's "Policy on Sexual and Gender-Based Harassment, Discrimination, Retaliation and Other Forms of Interpersonal Violence" (i.e. Sexual Assault, Stalking, Sexual Exploitation, Relationship Violence, Sexual or Gender/Based Harassment and Discrimination) will be addressed using the definitions, procedures and guidelines under that policy. Information on the University's "Policy on Sexual and Gender-Based Harassment, Discrimination, Retaliation and Other Forms of Interpersonal Violence" is available [here](#).

Reporting to Law Enforcement

Complainants may report Student Prohibited Conduct immediately to a local law enforcement by contacting:

- 911 (for emergencies)
- La Verne Police Department at 909-596-1913 (for non-emergencies)

Police have unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking Emergency Protective Orders.

Preservation of evidence may assist in providing that a criminal offense occurred, or may be helpful in obtaining a protection order.

Although a police report may be made at any time, Complainants should be aware that a statute of limitations may apply to certain law violations. The University will assist Complainants in notifying law enforcement if they choose to do so.

Third Party Reporting to the University

The University urges anyone who becomes aware of an incident of Student Prohibited Conduct to report the incident immediately. Reports may be made by:

- Contacting the University's Dean of Student Affairs or any Staff in the Division of Student Affairs. Contact information for Staff in the Division of Student Affairs is available [here](#);
- Contacting Campus Safety at 909-448-4950;
- Submitting a report on-line via the [on-line reporting form](#). Complaints filed using this form will go to the Dean of Students Affairs and/or an Associate Dean of Student Affairs.

Anonymous Reporting to the University

Although the University encourages Students to report Student Prohibited Conduct, the University also provides a means for anonymous reporting through the University's [on-line reporting form](#). This system will notify users (before they enter information) that all information provided will be reported to the University for action in accordance with this Policy, and users can provide as much or as little information as they choose.

An anonymous report will be evaluated in the same manner as a report with an identified Complainant. Once an anonymous report is submitted, it will be directed to the University's Dean of Student Affairs, who will review the information provided and determine whether further action is necessary in order to protect the health and safety of affected individuals and the University community. Consistent with the provisions of the Policy and the applicable complaint and investigative procedures, the University will respond to any report, including anonymous reports, with an initial assessment and threat assessment to determine available steps based on the nature and circumstances of any known information.

Reporting Timeframe

There is no time limit for reporting Student Prohibited Conduct to the University under this policy; however, the University's ability to respond may diminish over time, as evidence may erode, memories may fade, and Respondents may no longer be affiliated with the University.

If the Respondent is no longer a Student, the University will provide reasonably appropriate remedial measures, assist the Complainant in identifying external reporting options and take reasonable steps to eliminate the Student Prohibited Conduct, prevent its recurrence, and remedy its effects. In addition, even if the Respondent is no longer a Student, the University may still conduct an investigation into allegations of Student Prohibited Conduct.

E. External Notification

Police Notification

Per AB 1433, the University of La Verne is mandated to report to local law enforcement any report of a violent crime (i.e. willful homicide, forcible rape, robbery, or aggravated assault); hate crime (acts committed because of an actual or perceived characteristic as described in section 422.55 of the Penal

Code); or sexual assault. While reporting of acts of violence is mandated, reporting of a victim's identity is not, unless the victim consents. If a victim does not consent to disclosing his or her identity, the alleged respondent's identity may not be disclosed either.

Clery Act Reporting and Time Warnings

Pursuant to the Clery Act, the University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the University to issue timely warnings to the University community about certain crimes that have been reported and may continue to pose a serious or continuing threat to Students and Employees. Consistent with the Clery Act, the University withholds the names and other personally identifying information of Complainants when issuing timely warnings to the University community.

Campus Security Authorities

Certain campus personnel – those deemed Campus Security Authorities – have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). While personally identifiable information may not be included in the report unless the CSA has a separate duty to report such information, the statistical information must be passed along to Campus Safety regarding the type of incident and its general location (on or off-campus, in the surrounding area) for publication in the Annual Security Report. The Annual Security Report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

Designated CSAs include individuals with responsibilities such as student affairs/student conduct, Campus Safety, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. When possible, this reporting protects the identity of the victim and may be done anonymously. In all cases, matters reported to CSAs are used as the basis for determining whether the matter represents a serious or continued threat to students and employees so as to trigger a timely warning to the university community.

Parental Notification

In accordance with Family Educational Rights and Privacy Act (FERPA), the University reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations.

The university may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the University will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk.

F. Privacy and Confidentiality

The University is committed to protecting the privacy of all individuals involved in the administrative review (investigation) and resolution of a report under this policy consistent with its duties under federal and state laws. The University also is committed to providing assistance to help Students make informed choices. With respect to any report under this policy, the University will make reasonable efforts to protect the privacy of participants while balancing the need to gather information to assess

the report and to take steps to eliminate Student Prohibited Conduct, prevent its recurrence, and remedy its effects.

A Complainant may make a request for confidentiality. This type of request means that the Complainant does not want his/her identity known to the respondent or witnesses, or that the Complainant wishes to withdraw a report. In these situations, the University will make all reasonable attempts to comply with this request; however, the University's ability to investigate and respond may be limited. Complainant and Respondents have the right to choose whether to participate in the administrative process surrounding allegations of Student Prohibited Conduct.

If the University cannot maintain a Complainant's request for confidentiality she or he will be notified by the Dean of Student Affairs or their designee. In situations where a member of the University community becomes aware of a pattern of behavior by a single respondent, the University will take appropriate action in an attempt to protect the University community. The University will protect the confidentiality of victims and other necessary parties, and will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without inclusion of personally identifying information about the victim.

Personally identifying information is defined as individually identifying information for or about an individual, including information likely to disclose the location of a person including: a first and last name; a home or other physical address; contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number); a social security number, driver's license number, passport number or student identification number; and any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

The University will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or protective measures.

Privacy

Privacy means that information related to a report of Student Prohibited Conduct will be shared with a limited circle of University Employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All Employees who are involved in the University's response to reports of Student Prohibited Conduct receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law.

The privacy of a Student's education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the University's FERPA policy. The privacy of an individual's medical and related records generally is protected by the Health Insurance Portability and Accountability Act ("HIPAA").

Confidentiality

Confidentiality exists in the context of laws that protect certain information and/or relationships, including with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under California law.

G. Interim Measures

Upon receipt of a report of Student Prohibited Conduct, the University may implement interim measures when a Preliminary Inquiry indicates that:

- A student presents a threat of serious harm;
- A student is facing allegations of serious criminal activity;
- The behavior in question is so severe or pervasive that it may significantly impact a University community member's ability to normally participate in University life;
- There is a need to preserve the integrity of an investigation;
- There is a need to preserve University of La Verne property;
- There is a need to prevent disruption of, or interference with, the normal operations of the University of La Verne; and/or
- To prevent further acts of Student Prohibited Conduct.

The University will determine the necessity and scope of any interim measures.

These measures may be both remedial (designed to address safety, well-being and continued access to educational opportunities) or protective (involving action against a Respondent). Interim Measures will be in place pending the resolution of an administrative review into the alleged Student Prohibited Conduct.

The University will inform students about options for, available assistance in, and how to request changes to academic, living, transportation and working situations or protective measures. The University will inform Students regarding existing counseling health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available.

Protective Measures

The range of protective measures which may be applied to the Respondent include, but are not limited to:

Interim Suspension

Interim suspension actions can include separation from the institution, removal from on-campus housing, housing relocation, or restrictions on participation in the community pending the resolution of a campus administrative review on the Student Prohibited Conduct. During an interim suspension, a Student may be denied access to University of La Verne housing, and/or the University of La Verne campus/facilities/events. As determined by the Dean of Student Affairs (or designee), this restriction may include classes and/or all other University of La Verne activities or privileges for which the student might otherwise be eligible.

"No-Contact" Order

The University may impose a "no-contact" order between a Student and another community members (i.e. Student, Faculty, Staff), where it is determined that:

- It is in the best interest of the individuals identified to minimize contact with each other;
- There is a health and safety concern; and/or
- Contact may result in an escalation of an incident, concern or behavior.

"No-Contact" orders establish that any communication, or form of contact, whether in person, through an intermediary, phone, cell, text, email, written correspondence, or through a social media (like Facebook) is not permitted.

“No-contact” orders will remain in place until the University has been able to conclude an administrative review. “No-contact” orders may remain in place after an administrative review and without the need to have found a Student responsible as long as the “no-contact” order is intended to a) minimize health and safety concerns or b) reduce the escalation of incidents.

Persona Non-Grata Order

Persona Non-Grata (PNG) orders establish that a student is not allowed in or within 25 feet of specified University facility (owned or operated) and/or a University sponsored event or program, as specified.

In some cases a Persona Non-Grata from the University may be issued. In such cases an individual is not allowed in or within 25 feet of all University property (owned or operated) and all University sponsored events or programs. In such cases, should an individual need to be on University property or participate in a University sponsored event or program, approval must be obtained from the Dean of Student Affairs office prior to attendance or participation.

“Social Probation” Order

This order informs the Student that they are no longer allowed to be an active member or officer in student organizations; hold a student leadership position (i.e. RAs, Welcome Week Leader, etc.); and/or participate/attend University of La Verne sponsored programs/events as specified.

Interim Hold on Student Record

The University may impose a “hold” on a student record that doesn’t meet with an administrative review officer where it is determined that:

- there is a substantial benefit to the respondent’s health and wellness as a result of meeting with the administrative review officer;
- there is a substantial risk to the health and safety of the respondent that could be mitigated by having the respondent meet with the administrative review officer;
- there is a health and safety concern to the University community that could be mitigated by having the respondent meet with the administrative review officer.

H. Obligation to Provide Truthful Information

All University community members are required to provide truthful information in any report or proceeding under this policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Student Prohibited Conduct is prohibited and subject to disciplinary sanctions under the Code of Student Conduct. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

I. Retaliation

Retaliation means any adverse action taken against a person for making a good faith report of Student Prohibited Conduct or participating in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in any process provided for and/or activity protected under this policy. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of Student Prohibited

Conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of Student Prohibited Conduct.

J. Amnesty

An individual who participates as a Complainant, Respondent or Witness in an Administrative Review for Sexual Misconduct or allegations where violence, threat pattern, predation, and/or weapon use is indicated, may not be subject to disciplinary sanctions for a minor violations of Student Prohibited Conduct (i.e. alcohol, controlled substances, etc.) at or near the time of the incident and in connection with the investigation, unless it is determined that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty. Determination of the applicability of Amnesty will be made the Administrative Review Officer.

K. Administrative Review Process

The procedures referenced below provide for prompt, thorough, equitable response to reports of Student Prohibited Conduct that afford all parties notice, an opportunity to present witnesses and evidence, and to view the information that will be used in determining whether a policy violation has occurred.

The procedures described below apply to all allegations of Student Prohibited Conduct under this policy, except for allegations of Sexual Misconduct. Allegations of Sexual Misconduct (i.e. Sexual Assault, Stalking, Sexual Exploitation, Relationship Violence, Sexual or Gender/Based Harassment and Discrimination) will be addressed using the definitions, procedures and guidelines under the University's "Policy on Sexual and Gender-Based Harassment, Discrimination, Retaliation and Other Forms of Interpersonal Violence." More information on this policy is available [here](#).

Timeframe

Every effort will be made to complete an Administrative Review within sixty (60) calendar days from the date of notice to the University, though some Administrative Reviews may take weeks or even months, depending on the nature, extent and complexity of the allegations, availability of witnesses, police involvement, etc.

The University may undertake a short delay in its Administrative Review to allow evidence collection when a criminal investigation is occurring at the same time as the University's Administrative Review. The University will promptly resume its Administrative Review and resolution processes once notified by law enforcement that the initial evidence collection process is complete.

Evidentiary Standard

The University applies the Preponderance of the Evidence standard when determining whether this policy has been violated. "Preponderance of the Evidence" means that it is more likely than not that the alleged policy violation occurred.

Use of Evidence

Any evidence that the Administrative Review Officer (Investigator) believes is relevant and credible may be considered, including history and pattern evidence. The Administrative Review Officer(s) (Investigator) may exclude irrelevant or immaterial evidence and may choose to disregard evidence lacking in credibility or that is improperly prejudicial.

While previous conduct violations by the Respondent or Complainant are not generally admissible, the Administrative Review Officer(s) (Investigator) will reference information about previous good faith allegations and/or findings to consider as evidence of pattern and/or predatory conduct.

Unless the Administrative Review Officer(s) (Investigator) determines it is appropriate, the Administrative Review and the finding will not consider:

- Incidents not directly related to the possible violation, unless they show a pattern.
- The character of the Complainant and Respondent. This includes character witnesses, or taking information they offer into consideration when making a final determination.

Investigator(s) may consider “hear-say” evidence to the extent that the individual providing it is deemed credible and provides information directly relevant to the investigation.

During the Administrative Review, all relevant evidence and information will be reviewed with the Complainant and Respondent ONLY after they have had the opportunity to provide their perspective on the alleged Student Prohibited Conduct. Physical or electronic copies of all evidence will only be made available upon the conclusion of the Administrative Review.

Complainant/Respondent Participation

If either the Complainant or Respondent chooses to not participate in an Administrative Review, a determination will be made using the information and evidence available. Parties who elect not to participate in the Administrative Review or to withhold information from the Administrative Review do not have the ability to offer evidence later during the appeal if it could have been offered during the Administrative Review. Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

Witness Participation

Under the Code of Student Conduct, Student witnesses are expected to cooperate with, and participate in, any Administrative Review conducted in conjunction with this policy honestly and in good faith. Failure of a witness to cooperate with and/or participate in the Administrative Review constitutes a violation of policy and may subject the witness to Student Conduct Action for failure to comply.

Witness/Parties who elect not to participate in the Administrative Review or to withhold information from the Administrative Review do not have the ability to offer evidence later during the appeal if it could have been offered during the Administrative Review. Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

Witness information and the evidence collected during the course of an Administrative Review will be kept confidential and will only be shared with those directly involved with the Administrative Review (i.e. Complainant and Respondent), or with University officials with a legitimate need to know.

Witnesses who participate in an Administrative Review are protected from retaliation, and may be afforded amnesty, as defined by this policy.

Information provided by witnesses will be evaluated for credibility and relevance. Investigator(s) may choose to disregard evidence and/or information provided by witnesses when it focuses on the character of the Respondent or Complainant, or does not pertain to the investigation of alleged Student Prohibited Conduct.

Communication with Complainant, Respondent and Witnesses

The University considers the assigned University of La Verne e-mail account as an official means of communication. Investigators will primarily communicate with the Complainant, Respondent and Witnesses through e-mail using their University of La Verne email account.

Advisor Participation

Each party (i.e. Complainant & Respondent) is allowed to have an advisor of their choice present with them for all Administrative Review meetings and proceedings, from intake through final determination. The parties may select whomever they wish to serve as their advisor as long as the advisor is eligible and available, and otherwise not involved in the investigation, such as serving as a witness. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is available and eligible. The parties may choose advisors from inside or outside the campus community. Advisors may help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith.

The University cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the University is not obligated to provide one.

All advisors are subject to this policy, whether they are attorneys or not. Advisors may not address campus officials in a meeting or interview unless invited to. The advisor may not make a presentation or represent the Complainant or Respondent during any meeting, proceeding, or communication (electronic or otherwise), and may not speak on behalf of the advisee to the investigators or appeals officer. The parties are expected to ask and respond to questions on their own behalf, without representation by their advisor. Advisors may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation.

Advisors are expected to refrain from interference with the Administrative Review and resolution. Any advisor who steps out of their role will be warned once and reminded of their role. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting, and that meeting will typically continue without the advisor present. Subsequently, the Dean of Students will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The Investigator will provide a consent form to parties who wish to share information with their advisor. The parties must complete this form before the University is able to share information with an advisor, though parties may share the information directly with their advisor if they wish. Even with a consent form, the investigator will continue to communicate primarily with the Complainant or Respondent.

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 the University. The University 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 the University's privacy expectations.

The University does not typically change scheduled meetings to accommodate an advisor's inability to attend. Therefore, an advisor is expected to adjust their schedule to attend University meetings when scheduled.

A party may elect to change advisors during the process, and is not locked into using the same advisor throughout.

Audio/Video Recording during Investigation Process

No unauthorized audio or video recording of any kind is permitted during investigation meetings.

Preliminary Inquiry

Following receipt of notice or a report of Student Prohibited Conduct, an assigned Administrative Review Officer will engage in a Preliminary Inquiry to determine if there is reasonable cause to believe a violation of Student Prohibited Conduct under this policy has occurred.

If, during the Preliminary Inquiry or at any point during the Administrative Review, the Investigator determines that there is no reasonable cause to believe that Student Prohibited Conduct under this policy has been violated, the process will end. In cases where the Preliminary Inquiry shows that reasonable cause exists, the Administrative Review Officer will prepare and issue a "Notice of Investigation" to the Respondent and Complainant.

The Preliminary Inquiry will also be used to evaluate if the allegation(s) involves or indicates violence, threat, pattern, predation and/or weapon use.

For cases of Sexual Misconduct, the investigators will also:

- Provide Complainant with resources, accommodations, and/or applicable interim or protective measure (Note – Investigators will provide a Complainant with resources, accommodations, and/or applicable interim or protective measures regardless of whether a Formal Investigation takes place).
- Meet with Complainant to obtain a statement, prepare and review allegation information for inclusion in a "Notice of Investigation."

Note – Investigators may also provide a Complainant resources, accommodations, and/or applicable interim or protective measures for non-Sexual Misconduct cases, where the Preliminary Inquiry indicates or involves threat to safety (i.e. evidence of violence, threat pattern, predation, and/or weapon use).

Notice of Investigation

Once an Investigation begins, the assigned Investigator will provide formal notification through email using the party's University of La Verne email account. Once emailed, notice will be presumptively delivered. The notification will:

- Provide a brief description of the alleged behavior that constitute a violation Student Prohibited Conduct;
- Identify the specific Student Prohibited Conduct policy(s) that has been allegedly violated;
- Provide the date and location of the alleged Student Prohibited Conduct, to the extent that is known;

- Provide information on the source of complaint, and if appropriate, identity of Complainant, if any;
- Inform parties of any interim or protective actions being taken;
- Provide a description of applicable interim measures, investigation process procedures and next steps, if any;
- Provide a copy of applicable policies and guidelines, including Respondent and Complainant rights;
- Name the Administrative Review Officer(s) (Investigator) assigned to the case.

Investigation

Investigator(s) will conduct a thorough, reliable and impartial investigation. The investigation will be a process that may necessitate more than one meeting/interview with the Respondent, Complainant and Witnesses. The investigation process may include, but is not limited to:

- Administrative Review Officer(s) meeting with the parties (i.e. Respondent and Complainant) for the purposes of:
 1. Reviewing the investigation process under this policy;
 2. Allowing parties to present their perspective on the allegation, and respond to the allegations. The response may be in writing should the parties prefer;
 3. Allowing parties to present related evidence and identify possible witnesses;
 4. Reviewing the information and statement provided, only after the parties had the opportunity to provide their perspective on the alleged Student Prohibited Conduct.
- Administrative Review Officer(s) interviewing all relevant witnesses and collecting all relevant evidence.
- Administrative Review Officer(s) reviewing all relevant statements and evidence with Respondent and Complainant.
- Administrative Review Officer(s) allowing each party the opportunity to suggest applicable questions they wish the Administrative Review Officer(s) to ask the other party and/or witnesses. Administrative Review Officer may choose to edit questions or not ask them based upon their relevance or purpose.

Towards the conclusion of an investigation, Administrative Review Officer(s) will provide parties an opportunity to review a “summary of all relevant evidence” to be used in rendering a determination, and provide each party with a full and fair opportunity to address that evidence prior to a finding being rendered.

Administrative Review Officer(s) will complete the Investigation promptly, and without unreasonable deviation from the intended timeline. If the Administrative Review Officer(s) determines additional time is needed to complete an investigation, both parties will be notified of the delay. Administrative Review Officer(s) will provide regular updates to the Complainant and Respondent throughout the investigation as appropriate.

For cases of Sexual Misconduct, the Administrative Review Officer(s) will also prepare an investigator report, which will include the “summary of all relevant evidence” with a recommended finding to the Title IX Manager, or appointed designee. Once the report is completed Administrative Review Officer(s) will meet with the Title IX Manager, or appointed designee, to discuss recommendations, findings, and sanctions, as applicable.

Findings

If the Preponderance of Evidence standard is met for a Student Prohibited Conduct violation, the allegation(s) brought against a Respondent will be “substantiated” and the Administrative Review will proceed to the sanctioning phase.

If the standard is not met, the allegation(s) brought against a Respondent will be “unsubstantiated” and the case will be closed. The Administrative Review Officer may impose preventative measures when the finding is “unsubstantiated” for the purposes of:

- Protecting the health and safety of the parties involved;
- Preventing the occurrence of Student Prohibited Conduct;
- Preventing escalation of an incident, concern or behavior.

In rare cases when it is determined the allegation(s) brought against the Respondent was not in good faith, the allegation(s) will be “unfounded” and the case will be closed.

For investigations related to Sexual Misconduct, the determination will be made by the Title IX Manager. For all other investigations of Student Prohibited Conduct, the determination will be made by the Administrative Review Officer(s).

Respondent Admits to Policy Violation

The Respondent may choose to admit responsibility for all or part of the alleged Student Prohibited Conduct at any point during the investigation. If the Respondent admits responsibility, the Administrative Review Officer will find that the allegation(s) is “substantiated” and the investigation will proceed to the sanctioning phase.

Notification of Findings

The Administrative Review Officer(s) will inform the parties of the final determination. Notification will be made using the parties’ University of La Verne email account. Once emailed, notice will be presumptively delivered.

The outcome notification for investigations related to Sexual Misconduct, will be made to all parties, without significant time delay between notifications. Notifications for investigations of Sexual Misconduct will specify:

- The finding on each alleged policy violation and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.
- The relevant/appropriate sanctions and/or preventative measures and the rationale supporting the sanctions and/or preventative measures.
- Information on when the results (finding, sanctions and preventative measures) are considered by the University to be in effect.
- Information on appeals options that are available to all parties.

Notification for all other investigations (not related Sexual Misconduct), will be made to the Respondent and will specify:

- The finding on each alleged policy violation and the rationale supporting the essential findings.
- The relevant/appropriate sanctions and/or preventative measures and the rationale supporting the sanctions and/or preventative measures.

- Information on when the results (finding, sanctions and preventative measures) are considered by the University to be in effect.
- Information on appeals options that are available to the Respondent.

Notifications to the Complainant for non-sexual misconduct investigations will specify:

- The finding on alleged policy violation that impacted the Complainant.
- The relevant/appropriate sanctions and/or preventative measures that impact the Complainant.
- Information on when the results that impacted or impact the Complainant (finding, sanctions and preventative measures) are considered by the University to be in effect.

Federal Education Rights and Privacy Act

The outcome of an investigation is part of the education record of the Respondent and is protected from release under the Federal Education Rights and Privacy Act, except under certain conditions. As allowed by FERPA, when a student is accused of a policy violation that would constitute a “crime of violence” or forcible or non-forcible sex offense, the University of La Verne will inform the Complainant of the outcome as described previously.

In cases where the University of La Verne determines through the investigation that a Respondent violated policy that would constitute a “crime of violence” or non-forcible sex offense, the University of La Verne may also release the above information publicly and/or to any Third Party. FERPA defines “crimes of violence” to include: arson; assault offenses (includes stalking); burglary; criminal homicide—manslaughter by negligence; criminal homicide—murder and non-negligent manslaughter; destruction/damage/vandalism of property; kidnapping/abduction; robbery; forcible sex offences; and non- forcible sex offences.

L. Sanctions

When the allegations brought against a Respondent are “substantiated,” sanctions will be assigned. Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation.
- An individual’s code of student conduct history.
- Previous allegations involving similar conduct.
- Any other information deemed relevant by the Investigator.
- The need for sanctions/responsive actions to bring an end to the Student Prohibited Conduct.
- The need for sanctions/responsive actions to prevent the future recurrence of Student Prohibited Conduct.
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the Complainant and the community.
- Identifying opportunities to have the Respondent re-dress the Complainant, when appropriate, as deemed by the Administrative Review Officer.
- Having the Respondent engage in an educational experience, when possible and appropriate, as deemed by the Administrative Review Officer.
- The need to hold the Respondent accountable for his/her behavior.
- The respondent’s willingness to take responsibility for behavior.

The following are non-exhaustive examples of sanctions that may be imposed upon Respondents singularly or in combination:

- **Restitution:** Requires payment for damages to property.
- **Fines:** Imposes a fee for the violation of a policy.
- **Community/University Service Requirements:** Requires a Respondent perform some level of community service.
- **“No-Contact” Order:** Establishes an individual may not have any contact with specified individuals.
- **Hold on Student Record:** Imposed a “hold” on a Student record with the Registrar’s Office. This record restricts a Student from being able to register for classes, drop classes, file or participate in graduation.
- **Loss of Privileges:** This sanction imposes restriction on privileges or access to buildings, areas or events normally afforded to an individual.
- **Confiscation of Prohibited Property:** Places items belonging to individual in a temporary hold until the items can be appropriately removed from campus or destroyed.
- **Behavioral Requirement/Contract:** Requires individuals to perform or follow outlined behavioral expectations.
- **Educational Program:** Requires individuals to complete an educational project as specified by the Administrative Review Officer. Projects may range from participation in a program, activity or project, to writing a reflection paper.
- **Restriction of Visitation Privileges:** Limits an individual from having guests on-campus or being able to visit specific residence halls and/or buildings.
- **Persona Non-Grata from the University or Specified Facilities:** Instructs an individual that they are not allowed in or within 25 feet of University facilities or University buildings, as specified.
- **Housing Probation:** Informs the Student that they have engaged in behavior that has created a significant disruption to the University and on-campus housing community. It serves as notice that should the Student engage in additional Student Prohibited Conduct, they may be asked to leave housing. This sanction also denotes that a Student is not in good judicial standing with Student Housing. Housing Probation sanctions are usually accompanied with a University Warning sanction. This sanction can range between a semester/term to up to 4 years. Specific duration will be specified in Notification of Findings.
- **Housing Reassignment:** Requires students to relocate, or move to a different room on-campus.
- **Housing No-Recontract Order:** Informs Students that they are not eligible to re-contract to live on-campus for a specified period of time.
- **Housing Removal:** Informs a Student that their Student on-campus housing contract is being cancelled and as such they will be required to vacate and remove their belongings from on-campus housing facilities by a specified date. Housing Removal sanctions are usually accompanied with the following sanctions: No-Recontract Order, Persona Non-Grata and University Probation.
- **University Warning:** Warns the individual that their behavior was unacceptable, and further violations of prohibited behavior, procedure or directive will result in more severe sanctions/responsive actions.
- **University Probation:** Informs the individual that they have engaged in behavior that has created a significant disruption to the University community. It serves as notice that should the Student engage in additional behavior that constitutes a Student Prohibited Conduct, they may be subject to university suspension or expulsion. This sanction also denotes that a Student is not

in good judicial standing with the University. This sanction can range between a semester/term to up to 4 years. Specific duration will be specified in Notification of Findings.

- **Social Probation/Eligibility Restriction:** Informs the individual that they are restricted from being an active member or officer in Student organizations, holding a Student leadership position (i.e. RAs, Welcome Week Leader, etc.), and/or participating in or attending University of La Verne programs or events, as specified. This sanction can range between a semester/term to up to 4 years. Specific duration will be specified in Notification of Findings.
- **University Suspension:** Informs the individual that they have engaged in behavior that has created significant disruption to the University such that, for a specified period of time, they are not eligible to be a Student at the University of La Verne. University of La Verne Suspension sanctions are usually accompanied by Persona Non-Grata sanctions from campus during the suspension period. Upon return from University Suspension, a Student will be required to meet with a University official and be on a one year University probation status. This sanction can range between a semester/term to up to 4 years. Specific duration will be specified in Notification of Findings.
- **University Expulsion:** Informs the Student that they have engaged in behavior that has created a significant disruption to the University such that they can no longer be a Student at the University of La Verne. As such students are expelled from the University and are ineligible for future re-admission or re-enrollment in any University program or campus as well as Alumni event, services or programs. In addition, a “Student Conduct Action Taken” notation may be made in the student’s University of La Verne transcript. University Expulsion sanctions are accompanied by a Persona Non-Grata order from any campus facilities and University sponsored events or programs.
- **Withholding Diploma:** The University may withhold a Student’s diploma for a specified period of time and/or deny Student participation in commencement activities if the Student has an allegation pending or as a sanction if the Student is found responsible for an alleged violation.
- **Revocation of Degree:** The University reserves the right to revoke a degree awarded from the University for fraud, misrepresentation or other violation of University policies, procedures or directives in obtaining the degree, or for other serious violations committed by a Student prior to graduation.
- **Termination:** Permanent termination from University employment.
- **Other Actions:** In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

Abiding by Sanction or Preventative Measures

Students are expected to comply with assigned sanctions or preventative measures within the timeframe(s) identified in the “Notification of Findings.” Failure to abide with sanctions or preventative measures, whether by refusal, neglect or any other reason, is considered a violation of Student Prohibited Conduct and may result in additional administrative action, including, but not limited to hold on Student records, suspension from the University, and/or notation on the Student’s official transcript at the end of the semester.

M. Preventative Measures

The Administrative Review Officer may impose preventative measures when the finding is “unsubstantiated” for the purposes of:

- Protecting the health and safety of the parties involved;

- Preventing the occurrence of Student Prohibited Conduct;
- Preventing escalation of an incident, concern or behavior.

The following are non-exhaustive examples of preventative measures that may be imposed singularly or in combination:

- **Restitution:** Requires payment for damages to property.
- **“No-Contact” Order:** Establishes an individual may not have any contact with specified individuals.
- **Loss of Privileges:** This sanction imposes restriction on privileges or access to buildings, areas or events normally afforded to an individual.
- **Behavioral Requirement/Contract:** Requires individuals to perform or follow outlined behavioral expectations.
- **Restriction of Visitation Privileges:** Limits an individual from having guests on-campus or being able to visit specific residence halls and/or buildings.
- **Persona Non-Grata from the University or Specified Facilities:** Instructs an individual that they are not allowed in or within 25 feet of University facilities or University buildings, as specified.
- **Housing Reassignment:** Requires students to relocate, or move to a different room on-campus.
- **Other Actions:** In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

N. Appeals

All requests for appeal consideration must be submitted in writing to the specified appeals officer within five (5) business days of the delivery of the written investigation findings. Any party may appeal the findings and/or sanctions only under the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
- To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed fall outside the range of sanctions the University has designated for this offense and the cumulative record of the responding party.

The Appeals Officer will review the appeal request(s). The original finding and sanction and/or responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The party requesting an appeal must show that the grounds for an appeal request have been met. When any party requests an appeal, the Appeals Officer will share the appeal request with the other party. If new grounds are raised, the other party will be permitted to submit a written response to these new grounds within two days of notification. These responses or appeal requests will be shared with each party.

Where the Appeals Officer finds that at least one of the grounds is met by at least one party, the following apply:

- Appeals are not intended to be full re-investigations/administrative reviews of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the

investigation/administrative review, and pertinent documentation regarding the grounds for appeal.

- Appeals granted based on new evidence should normally be remanded to the investigator(s) for reconsideration. Other appeals may be remanded at the discretion of Appeals Officer or, in limited circumstances, heard by the Appeals Officer.
- Sanctions/preventative measures imposed as the result of an investigation/administrative review are implemented as noted on the individual's decision letter.
- The Appeals Officer will render a written decision on the appeal to all parties within ten (10) business days without significant time delay between notifications for all parties.
- Once an appeal is decided, the outcome is final. Further appeals are not permitted, even if a decision or sanction is changed on remand.
- In rare cases where a procedural or substantive error cannot be cured by the original administrative review officer(s) (as in cases of bias), the Appeals Officer may recommend a new administrative review with a new administrative review officer. The results of a remand cannot be appealed. The results of a new administrative review can be appealed, once, on any of the three applicable grounds for appeals.
- In cases where the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

For cases of Sexual Misconduct, if the appeal party(s) request to meet, the Appeal Officer will offer to meet separately with each of the parties to review the appeal.

O. Complainant and Respondent Rights

Complainant Rights

- The right to investigation and appropriate resolution of all credible allegations of Student Prohibited Conduct made in good faith to University officials.
- The right to be informed in advance of any public release of information regarding the incident.
- The right not to have any **personally identifiable information** released to the public, without their consent.
- The right to be treated with respect by University officials.
- The right to have University policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported Student Prohibited Conduct.
- The right not to be discouraged by University officials from reporting Student Prohibited Conduct to both on-campus and off-campus authorities.
- The right to be informed by University officials of options to notify proper law enforcement authorities, and the option to be assisted by campus officials in notifying such authorities, if the Complainant so chooses. This also includes the right not to be pressured to report.
- The right to have reports of Student Prohibited Conduct responded to promptly and with sensitivity by campus officials.
- The right to be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services, both on campus and in the community.
- The right to a campus "no-contact" order when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the Complainant or others.

- The right to notification, and assistance in, changing academic and living situations after an alleged Student Prohibited Conduct incident, if such changes are reasonably available (no formal report or investigation, campus or criminal, need occur before this option is available).
Accommodations may include:
 - Change of an on-campus Student's housing to a different on-campus location;
 - Assistance from University support staff in completing the relocation;
 - Transportation accommodations;
 - Arranging to dissolve a housing contract and pro-rating a refund;
 - Exam (paper, assignment) rescheduling;
 - Taking an incomplete in a class;
 - Transferring class sections;
 - Temporary withdrawal;
 - Alternative course completion options.
- The right to have the University maintain such accommodations for as long as necessary, and for protective measures to remain confidential, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures.
- The right to be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report.
- The right to review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, prior to a determination of findings.
- The right to be informed of the names of all witnesses whose information will be used to render a finding, in advance of that finding, except in cases of compelling safety concerns.
- The right to not have irrelevant prior conduct history or incidents used in the determination of investigation.
- The right to regular updates on the status of the investigation.
- The right to have reports addressed by Administrative Review Officers who have received annual Investigator training.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings and/or interviews that are closed to the public.
- The right to petition that any University representative in the process be recused on the basis of demonstrated bias or conflict-of-interest within two business days of being notified of the identity of the Investigator(s).
- The right to bring a victim advocate or advisor of the Complainant's choosing to all phases of the investigation.
- The right to a fundamentally fair resolution, as defined in these procedures.
- The right to a decision based solely on evidence presented during the investigation. Such evidence shall be credible, relevant, based in fact and without prejudice.
- The right to be promptly informed of the outcome and sanction of the investigation in writing, without undue delay between the notifications to the parties.
- The right to be informed in writing of when a decision by the University is considered closed.

Respondent Rights

- The right to investigation and appropriate resolution of all credible allegations of Student Prohibited Conduct made in good faith to University officials.
- The right to be treated with respect by University officials.
- The right to have University policies and procedures followed without material deviation.

- The right to have reports of Student Prohibited Conduct responded to promptly and with sensitivity by campus officials.
- The right to be informed of, and have access to, campus resources for medical, health, counseling, and advisory services.
- The right to be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report.
- The right to timely written notice of all alleged violations, including the nature of the violation, the applicable policies and procedures and possible sanctions.
- The right to review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, prior to a determination of findings.
- The right to be informed of the names of all witnesses whose information will be used to render a finding, in advance of that finding, except in cases of compelling safety concerns.
- The right to not have irrelevant prior conduct history or incidents used in the determination of investigation.
- The right to regular updates on the status of the investigation.
- The right to have reports addressed by Administrative Review Officer(s) who have received annual Investigator training.
- The right to petition that any University representative be recused from the resolution process on the basis of demonstrated bias and/or conflict-of-interest within two business days of being notified of the identity of the Investigator(s).
- The right to meetings and interviews that are closed to the public.
- The right to have an advisor of their choice to accompany and assist throughout the investigative process.
- The right to a fundamentally fair resolution, as defined in these procedures.
- The right to a decision based solely on evidence presented during the investigation. Such evidence shall be credible, relevant, based in fact and without prejudice.
- The right to be promptly informed of the outcome and sanction of the investigation in writing, without undue delay between the notifications to the parties.
- The right to be informed in writing of when a decision by the University is considered closed.
- The right to be informed of the right to appeal the finding and sanction(s) of the investigation, and the procedures for doing so in accordance with standards for appeal established by the University.

P. Student Prohibited Conduct

Student Prohibited Conduct includes the defined forms of behaviors listed below.

A sub-set of the Student Prohibited Conduct listed below applies ONLY to behaviors that take place or originates in on-campus housing facilities (owned or leased), as well as at on-campus housing sponsored events/programs/initiatives. Those specific Student Prohibited Conduct will have “housing” listed in the name.

All other student prohibited conduct, not specified, applies to conduct that occurs on ALL University campus or other property owned or controlled by the University (including on-campus facilities) and as further defined under the Code of Student Conduct jurisdiction.

The most recent and current list and definitions of Student Prohibited Conduct is available at <http://sites.laverne.edu/university-policies/>.

Reports of Student Prohibited Conduct may be submitted at:
https://cm.maxient.com/reportingform.php?UnivofLaVerne&layout_id=5.

- Abuse of Administrative Review Process & Retaliation
- Alcohol
- Alteration of Premises (Housing)
- Animals/Pets
- Appliances (Housing)
- Assault
- Bullying and Cyberbullying
- Care of Common Areas & Property (Housing)
- Care of Rooms (Housing)
- Concealment & By-Standing
- Dangerous Behavior
- Discrimination
- Disruptive Behavior
- Drugs & Controlled Substances
- Election Tampering
- Failure to Comply
- Falsification & False Accusations
- Fire Safety & Hazards
- Furniture (Housing)
- Gambling
- Gatherings (Housing)
- Guest/Visitors
- Harassment
- Hazing
- Improper Room Transfer (Housing)
- IT & Acceptable Use
- Keys & Locks (Housing)
- Lewd Behavior
- Parking
- Posting
- Projectiles
- Quiet Hours & Noise (Housing)
- Relationship Violence
- Safety & Security (Housing)
- Sexual Assault
- Sexual Contact
- Sexual Exploitation
- Sexual or Gender Based Harassment
- Sexual Misconduct
- Smoking
- Soliciting
- Sports Related Activities
- Stalking
- Theft & Stolen Property
- Trademark
- Trespassing & Restricted Access
- Vandalism
- Weapons, Firearms, Explosives
- Wheeled Device

Q. Revisions & Updates

The University reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. The Dean of Student Affairs may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules, etc. The Dean of Student Affairs may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form.

Procedures in effect at the time of the investigation will apply to all incidents, regardless of when the incident occurred. Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy.

Students are provided a copy of this policy annually in the form of an email with a link to the University of La Verne website where this information is available. Students are responsible for having read and abiding by this policy.