

2022 – 2023 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 Division 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, standards, and expectations. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community standards and 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 the University of La Verne 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 review 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.

NOTE - The University reserves the right to make changes to this document as necessary. The Chief Student Affairs Officer 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 Chief Student Affairs Officer 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. **The most current version and the version considered in effect is available at: <https://laverne.edu/student-affairs/student-conduct/>.**

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. 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) 448-4012, email Title9Coordinator@laverne.edu.

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 using the [Social Justice Incident Reporting Form](#).

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") or individuals 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, 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
 - 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.

Classroom Conduct

Professors, Program Chair/Directors, and Academic Deans have oversight for classroom conduct. According to the University Catalog (<https://laverne.edu/catalog/>), “Enrollment in a class may be terminated by an administrative withdrawal due to unsatisfactory conduct in the class; disrespect of an instructor, faculty member, administrator, or staff member; academic dishonesty; judicial misconduct; or sanctions. A faculty member who wishes to request that a student(s) be administratively withdrawn should inform the department chairperson, support the request with evidence that the student(s) was warned either in writing or verbally and notify the Office of Academic Advising. The Office of Academic Advising will process the Administrative Withdrawal and notify the student in writing. All refund and financial aid policies apply.”

Classroom conduct may be referred, investigated and addressed under the Code of Student when the alleged behavior is significantly pervasive and/or severe such that it limits an individual’s ability to participate in educational programs at the University and constitutes a violation of the Code of Student Conduct. Classroom conduct may be referred to the Title IX Coordinator when the alleged behavior may constitute a violation of 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).

Respondent is No Longer a Student

If the Respondent is no longer a Student, the University will minimally engage in reasonably appropriate remedial measures to impacted parties, assist the Complainant in identifying external reporting options,

and take reasonable steps to eliminate the behavior, prevent its recurrence, and remedy its effects. The University may choose to conduct an Administrative Review into allegations of Student Prohibited Conduct in absentia of the Respondent.

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

Administrative Review Officer: A University official authorized by the Chief Student Affairs Officer 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. Administrative Review Officers 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 assigned to a case may not have a conflict of interest or bias for or against complainants or respondents generally or individual complaint or respondent. Administrative Review Officers will also be referred to as Investigators.

Advisor: An individual that is permitted to accompany a Party to all stages of the Code of Student Conduct process. The Advisor may be, but is not required to be, an attorney.

Appeals Officer: An individual appointed by the University to evaluate and issue final decisions regarding appeals of the Written Determination.

Complainant: A University Community Member who is the recipient or victim of, or alleged to be the recipient or victim of, conduct prohibited by this policy.

Decision Maker: An individual appointed by the University to make determinations regarding relevance of evidence, Respondent Responsibility, Sanctions, Remedies, and appeals.

Emergency Removal: The immediate suspension of student privileges to be on any University campus or participate in any in-person University program or event.

Expert: A witness permitted to submit a written report and testify during a Hearing regarding their opinion based specialized professional knowledge and not regarding personal knowledge of facts.

Hearing: A live, virtual proceeding during which the University and the Parties present evidence before a Hearing Panel subject to the Hearing Rules.

Hearing Chair: A member of the Hearing Panel specifically tasked with ruling on issues of Relevance before and during a Hearing.

Hearing File: All relevant evidence and documents gathered by the investigator and available to the Hearing Panel to use in making findings of Responsibility in the Written Determination.

Hearing Officer: An individual appointed by the University to facilitate the Hearing process and maintain the Hearing Rules. The Hearing Officer is not a Decision Maker.

Hearing Panel: A panel of Decision Makers, including a Hearing Chair, that evaluate evidence in a Hearing and issue a Written Determination.

Informal Resolution: An equitable resolution process that will generally take the form of mediation before a neutral mediator.

Interim Measures: Actions the University may implement as part of an analysis where it is determined there is a threat to of safety posed to the University Community that may be mitigated by interim measures. Interim Measures involve action against an involved party and are place at any point during the prior to the resolution of an allegation.

Notice: Notification by the University. Notice will be deemed received upon the sending of any electronic communication to a recognized email account or portal, such as Maxient.

Party: The Complainant or the Respondent. The Administrative Review Officer and the University are not Parties.

Preponderance of the Evidence Standard: That it is more likely than not that a violation of this policy occurred, based on all the reasonable evidence and reasonable inferences from that evidence.

Relevant: Evidence that is directly related to a matter at hand and tends to make the existence of any fact that is of consequence to the outcome more or less probable.

Remedies: Individualized measures implemented after an Administrative Review, a Hearing or as part of an Informal Resolution that are designed to restore or preserve equal access to University Programs or Activities, and may include Supportive Measures, but need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

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.

Respondent: An individual reported to be the perpetrator of conduct that may constitute a violation of this policy.

Responsibility/Non-Responsibility: A finding based on a Preponderance of the Evidence indicating that it is more likely than not or not more likely than not that the Respondent violated this policy.

Retaliation: A materially adverse action performed directly or through others, aimed to dissuade a reasonable person from engaging in, or done in retribution for engaging in, exercising rights under this policy, reporting in good faith a possible violation of this policy, or participating in an investigation or

proceeding in good faith pursuant to this policy. Retaliation may arise whether or not the underlying allegation was found to be substantiated. Retaliation does not include good faith actions pursued in response to a report of Prohibited Conduct.

Sanctions: Individualized measures implemented after a Hearing that may be disciplinary in nature. Sanctions will take into account aggravating and mitigating factors as appropriate.

Sexual Misconduct: Sex-Based Discrimination, Sexual Harassment, or Retaliation occurring within the University's [Title IX](#) jurisdiction.

Supportive Measures: Actions taken by the University designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's educational environment, or deter Prohibited Conduct. Supportive Measures are individualized services offered as appropriate, as reasonably available, and without fee or charge to involved parties.

Title IX Coordinator: A University employee authorized and designated by the University to coordinate its efforts to comply with Title IX responsibilities under federal law.

University: The University of La Verne, including eleven campuses in California wherever located.

University Community: Students who are registered or enrolled for credit or non-credit-bearing coursework and admitted students participating in University Programs; All University employees, including all full-time and part-time faculty, Administrative Professionals, Classified staff, temporary employees; and independent contractors, vendors visitors, guests and other persons having dealings with the University community.

University Officials: Members of the University Community with authority to institute corrective measures on behalf of the University, including administrators, administrative faculty, directors, supervisors, and coaches.

University Program or Activity: Includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the conduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

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 on the [Student Affairs webpage](#);
- 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 and/or their designee.

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 support 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 on the University's [Title IX Webpage](#).

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 on the [Student Affairs webpage](#);
- 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 their designee.

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 or Reporter. Once an anonymous report is submitted, it will be directed to the University's Dean of Student Affairs or designee, 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 a preliminary inquiry and 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.

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 Part 1 violent crime (i.e., willful homicide, forcible rape, robbery, or aggravated assault); sexual assault; or hate crime (acts committed because of an actual or perceived characteristic as described in section 422.55 of the California Penal Code). While reporting of acts of violence is mandated by a Campus Safety Authority, 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 of alcohol and/or drug violations as well as when there is a significant and articulable health and/or safety risk.

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, the Dean of Student Affairs or their designee will notify them. 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 Impacted Parties and other necessary parties, and will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without inclusion of personally identifying information about the Impacted Parties.

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, supportive or protective measures provided to the Impacted Parties, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations, supportive 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:

- There is a threat of harm (i.e., evidence of violence, threat pattern, predation, and/or weapon use);
- A student is facing a criminal investigation and/or complaint of serious criminal activity;
- There is a need to prevent disruption of, or interference with, the normal operations of the University of La Verne;
- 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 University of La Verne property;
- There is a need to preserve the integrity of an investigation or Administrative Review; and/or
- To prevent further acts of Student Prohibited Conduct.

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

These interim measures may be both **supportive** or **protective**. All interim measures will be in place pending the resolution of the allegation, unless otherwise notified.

When an interim measure is supportive in nature, the directly impacted parties will be notified in writing. When an interim measure is protective in nature, involved parties whom action is taken against and/or for, will be notified in writing. Notification of protective interim measures will include an “analysis” and rationale for the measure. Involved parties whom action is taken against and/or for, will have the opportunity to challenge/appeal the implementation of protective interim measures at any point while the protective interim measure is in place. A challenge or appeal of the interim measure made be made by submitting writing request to the assigned Administrative Review Officer(s), the Chief Student Affairs Officer or their designee. The request should address or provide a rationale for why the interim measure(s) is not necessary.

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 and Complainant 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.

Interim suspensions may only be applied when an analysis finds that:

- There is a threat of harm (i.e., evidence of violence, threat pattern, predation, and/or weapon use);
- A student is facing a criminal investigation and/or complaint of serious criminal activity;
- There is a need to prevent disruption of, or interference with, the normal operations of the University of La Verne;
- 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 University of La Verne property;

“No-Contact” Order

The University may impose a “no-contact” order between a Student and other 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 may remain in place after a resolution and without the need to have found an involved party 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 10 feet of specified University campus or other property owned or controlled by the University and/or University programs or activities, 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 campus or other property owned or controlled by the University and/or all University programs or activities. In such cases, should an individual need to be on University property or participate in a University sponsored program or activity, approval must be obtained from the Chief Student Affairs Officer 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 does not meet with an administrative review officer where it is determined that:

- there is a substantial benefit to the student’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 student or other members of the University community that could be mitigated by having the respondent meet with the administrative review officer;
- there is a concern to the University community that could be mitigated by having the student 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

A materially adverse action performed directly or through others, aimed to dissuade a reasonable person from engaging in, or done in retribution for engaging in, exercising rights under this policy, reporting in good faith a possible violation of this policy, or participating in an investigation or proceeding in good faith pursuant to this policy. Retaliation may arise whether or not the underlying allegation was found to be substantiated. Retaliation does not include good faith actions pursued in response to a report of Prohibited Conduct.

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.

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

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, as well as to review 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 on the University's [Title IX Webpage](#).

Administrative Reviews work from a presumption that the Respondent is not responsible for alleged conduct until a determination regarding responsibility is made at the conclusion of the Administrative Review.

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 a 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 (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 (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 (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 relevant evidence will only be made available upon the conclusion of the Administrative Review.

Relevant evidence will be objectively evaluated by Administrative Review Officers – including both inculpatory and exculpatory evidence. Credibility of the evidence will not be based on a person’s status as a Complainant, Respondent, or Witness.

Complainant/Respondent Participation

If either the Complainant or Respondent choose 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 based on 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 based on 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 under the Code of Student Conduct.

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 Chief Student Affairs Officer 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

Unauthorized audio or video recording of any kind is NOT permitted during investigation meetings.

Recusal of Administrative Review Officer or Appeal Officer

Respondent and Complainants have the right to request that an Administrative Review officer or Appeal Officers be recused on the basis of demonstrated bias or conflict-of-interest within two business days of being notified of the identity of the Administrative Review Officer or Appeal Officer. Request must be provided in writing and provide a rationale or reason for demonstrated bias. Requests will be evaluated for merit and responded to by the Chief Student Affairs Officer as appropriate. If the request is found to have merit, a new Administrative Review Officer or Appeal Officer will be assigned. If the request is not found to have merit, the assigned Administrative Review Officer or Appeal Officer will remain.

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, as appropriate.

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

Administrative Review Officers may provide a Complainant resources, accommodations, and/or applicable supportive or protective measures, where the Preliminary Inquiry indicates or involves threat of harm.

Notice of Investigation

Once an Investigation begins, the assigned Administrative Review Officer 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 supportive or protective interim measures being taken. Information on protective measures will include an "analysis" and rationale for the measure;
- Provide a description of applicable interim measures, investigation process procedures and next steps, if any;
- Provide access to a copy of applicable policies and guidelines, including Respondent and Complainant rights;
- Name the Administrative Review Officer(s) (Investigator) assigned to the case and of involved party's right to request recusal of Administrative Review Officer(s) based on demonstrated bias or conflict of interest.
- Inform involved parties of their rights to participate in process and to review information as outlined in the Code of Student Conduct;
- Inform involved parties on retaliation, amnesty, and obligation to provide truthful information under the Code of Student Conduct;
- Inform involved parties on Respondent being presumed not responsible for alleged conduct until a determination is made as an outcome of administrative review or hearing process.

If during course of investigation/administrative review, additional allegations are discovered, the Administrative Review Officer will provide notice to the involved parties of the additionally discovered allegations.

Involved Parties will be afforded 3-5 from date of notice to respond to allegations in writing or in person. An involved Party may choose to waive the 3-5 days respond period.

Investigation

Administrative Review Officers 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/available, only after the parties 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.

For allegations where the possible outcome is suspension or expulsion, the Administrative Review Officer(s) will provide Respondent and Complainant an opportunity to review a “summary of all relevant evidence” to be used in rendering a determination and provide Respondent and Complainant with a full and fair opportunity to address the "summary of all relevant 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 processes outlined under the [Title IX policy](#) will be followed.

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 all 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 processed outline in the [Title IX policy](#) will be used to make all determinations. For all other investigations of Student Prohibited Conduct, the Administrative Review Officer(s) will make the determination.

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 using process outlined in the [Title IX Policy](#).

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 impact 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 AND REMEDIES

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 Prohibited Conduct.
- The need for sanctions/responsive actions to prevent the future recurrence of 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:

- **Academic Program Re-Assignment:** Informs an individual that their behavior in an academic program or main/regional “campus” has been significantly disruptive such that their continued participation in that program will not be allowed. As such, a student may be re-assigned to a different academic program (i.e., on-line) or main/regional “campus.” Academic Program Re-Assignment sanctions are usually accompanied by the following sanctions: University Probation, Person Non-Grata.
- **Behavioral Expectations Requirement:** Requires individuals to follow outlined behavioral expectations.
- **Community/University Service Requirements:** Requires an individual to perform community or university service as outlined in the Notification of Findings/Decision.
- **Confiscation of Prohibited Items:** Places items belonging to individual in a temporary hold until the items can be appropriately removed from campus, destroyed or turned over to law enforcement. Items eligible for removal from campus but not retrieved within 30 days of confiscation will be destroyed.
- **Educational Program/Activity:** Requires individuals to complete an educational project as specified by the Administrative Review Officer. Projects may range from planning or participation in a program, activity or project; writing a reflection paper; and/or completing an on-line course/training.
- **Fines:** Imposes a fee for the violation of a policy.
- **Hold on Student Record:** Imposes 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.
- **Housing Warning** - A warning serves as notice that a student's behavior is not within the standards established by the Code of Student Conduct. A warning also serves as notice that

should the student continue to engage in Prohibited Student Conduct, he/she/they may be subject to additional administrative actions including removal from on-campus housing.

- **Housing No-Contract Order:** Informs individual that they are not eligible to contract to live on-campus for a specified period. This sanction can range from a semester term to up to 4 years.
- **Housing Probation:** This sanction serves to inform the student that they have engaged in behavior that has created a significant disruption to the University community. It also serves as notice that should the student continue to engage in Prohibited Student Conduct, they may be subject to further administrative action, including removal from on-campus housing. This sanction can range from a semester/term to up to 4 years. Specific duration will be specified in Notification of Findings.
- **Housing Reassignment:** Requires an individual to relocate or move to a different room in on-campus housing. Failing to relocate by the specified date may result in further administrative action including charges and holds on student records.
- **Housing Removal:** Informs an individual that their 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: Persona Non-Grata and University Probation. Failing to abide by removal date or move-out process may result in further administrative action including charges and holds on student records.
- **Loss of Privileges:** This sanction imposes restriction on privileges (i.e., having guests/visitors on campus or in on-campus housing) or access to buildings, areas or events normally afforded to an individual. Specific duration will be specified in Notification of Findings.
- **“No-Contact” Order:** Establishes identified individuals may not have any contact with one another.
- **Persona Non-Grata from Specified Facilities:** Instructs an individual that they are not allowed in or within 10 feet of the specified University facility(s), parking lot, space, other property owned or controlled by the University, as well as a specified University program or event. Should the individual need to access the specified location/program for conducting official University business, they must request and receive approval from the Dean of Students prior to accessing the specified location/program. Specific duration will be specified in Notification of Findings.
- **“Persona Non-Grata” from the University:** Instructs an individual they are not allowed in or within 25 feet of all University facilities, parking lots, spaces and/or other property owned or controlled by the University as well as not allowed to participate/be present at University sponsored programs or events. Should the individual need to be on University property or University sponsored program or events to conduct official University business, they must request and receive approval from the Dean of Students prior to being on University property. Being in University facilities, parking lots, spaces, other property owned or controlled by the University, as well as participating/being present in University sponsored programs or events will be considered trespassing. Individuals trespassing will be asked to leave and will be referred to local police agencies.
- **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.
- **Referral:** Refers an individual to a specified person/office for the purpose of completing and assigned task by a specified date.
- **Restitution:** Requires payment for damages to property.

- **Social Probation/Eligibility Restriction:** Informs the student they are restricted from being an active member or officer in student organizations; holding a Student leadership position (i.e., RAs, Welcome Week Leader, Student Organization Officer, etc.); and/or participating in University of La Verne programs or events, as specified. Specific duration will be specified in Notification of Findings.
- **Termination:** Informs individuals that they are permanently terminated from University employment, leadership and volunteer opportunities.
- **University Warning:** A warning serves as notice that the student's behavior is not within the standards established by the Code of Student. A warning also serves as notice that should the student continue to engage in Prohibited Student Conduct, they may be subject to additional administrative actions.
- **University Probation:** Informs the student that they have engaged in behavior that has created a significant disruption to the University community. It serves as notice that should the student continue to engage in Prohibited Student Conduct, they may be subject to university suspension or expulsion. This sanction also denotes that the student is not in good judicial standing with the University during the effective dates. This sanction can range from a semester/term to up to 4 years. Specific duration will be specified in Notification of Findings.
- **University Suspension:** This sanction informs the individual that during the specified period, they are not eligible to be a student at the University of La Verne. This sanction can range between a semester/term to up to 4 years. Specific duration will be specified in Notification of Findings. University Suspension carries with it the following conditions:
 - During the suspension period, the individual is "**Persona Non-Grata**" from the University of La Verne. Meaning they are not allowed in or within 25 feet of all University facilities, parking lots, spaces and/or other property owned or controlled by the University as well not allowed to participate/be present at University sponsored programs or events. Should the individual need to be on University property or University sponsored program or event to conduct official University business, they must request and receive approval from the Dean of Students prior to being on University property.
 - During the suspension period, a **hold** will be placed **on the individual's student record**.
 - After completion of the suspension, the individual will need to a) meet with a representative of the Dean of Students Office to discuss behavioral expectations, and b) work with respective offices (academic advising, registrars, financial aid, student accounts) to complete all administrative processes required for their return.
 - After completion of the suspension, the individual will be on **University Probation** for a one-year period starting on the first day of the individual's official return to the University of La Verne.
- **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 and their student status is permanently terminated. As such, the individual is not eligible for re-admission or re-enrollment in any University program or campus as well as participation as an Alumni or Alumni services, programs and events. University Expulsion carries with it the following conditions:
 - The individual is "**Persona Non-Grata**" from the University of La Verne. Meaning they are not allowed in or within 25 feet of all University facilities, parking lots, spaces and/or other property owned or controlled by the University as well not allowed to participate/be present at University sponsored programs or events.
 - A "Student Conduct Action Taken" notation will be made on the individual's University of La Verne transcript.

- **Withholding Diploma:** The University may withhold a Student’s diploma for a specified period 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.
- **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 restoring and preserving involved party’s education access. Specifically:

- Protecting the health and safety of all 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:

- **“No-Contact” Order:** Establishes identified individuals may not have any contact with one another.
- **Behavioral Expectation Requirement:** Requires individuals to engage or follow outlined behavioral expectations.
- **Loss of Privileges (Visitations):** Limits an individual from having guests on-campus or being able to visit specific residence halls, when that guest does not reside in the specific building, is not a resident of on-campus housing, and/or is not a student at the University.
- **Persona Non-Grata from Specified Facilities:** Instructs an individual that they are not allowed in or within 10 feet of the specified University facility(s), parking lot, space, other property owned or controlled by the University, as well as a specified University program or event. Should the individual need to access the specified location/program for conducting official University business, they must request and receive approval from the Dean of Students prior to accessing the specified location/program. Specific duration will be specified in Notification of Findings.
- **“Persona Non-Grata” from the University:** Instructs an individual they are not allowed in or within 25 feet of all University facilities, parking lots, spaces and/or other property owned or controlled by the University as well not allowed to participate/be present at University sponsored programs or events. Should the individual need to be on University property or University sponsored program or events to conduct official University business, they must request and receive approval from the Dean of Students prior to being on University property. Being in University facilities, parking lots, spaces, other property owned or controlled

by the University, as well as participating/being present in University sponsored programs or events will be considered trespassing. Individuals trespassing will be asked to leave and will be referred to local police agencies.

- **Housing Reassignment:** Requires an individual to relocate or move to a different room in on-campus housing. Failing to relocate by the specified date may result in administrative action including charges and holds on student records.
- **On Notice:** Informs individual that their behavior is of concern and while the current behavior may be a violation of prohibited conduct, continuing to engage in that behavior may result in allegations and/or findings of engaging in prohibited conduct.
- **Other Actions:** In addition to or in place of the above preventative measures, the University may assign any other preventative measures as deemed appropriate.

N. APPEALS

All requests for appeal consideration must be submitted in writing to the appeals officer within five (5) business days of the delivery of the written investigation findings. A Respondent or Complainant 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.).
- The sanctions imposed fall outside the range of sanctions the University has designated for this offense and the cumulative record of the responding party.
- 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.

NOTE – Involved parties who elected not to participate in the Administrative Review or to withhold information from the Administrative Review do not have the ability to offer evidence as part of 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 based on new evidence.

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 administrative review officer(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 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 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).
- 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 relevant 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 relevant 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 and/or University education programs and activities 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 <https://laverne.edu/student-affairs/student-conduct/>.

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|---|--|
| <ul style="list-style-type: none"> ▪ Abuse of Administrative Review Process & Retaliation ▪ Alcohol ▪ Alteration of Premises ▪ Animals/Pets ▪ Appliances (Housing) ▪ Assault ▪ Bullying and Cyberbullying ▪ Care of Common Areas & Property (Housing) ▪ Care of Rooms (Housing) ▪ Concealment & By-Standing ▪ COVID Safety ▪ Dangerous Behavior | <ul style="list-style-type: none"> ▪ Discrimination ▪ Disruptive Behavior ▪ Drugs & Controlled Substances ▪ Election Tampering ▪ Failure to Comply ▪ Falsification & False Accusations ▪ Fire Safety & Hazards ▪ Furniture ▪ Gambling ▪ Gatherings (Housing) ▪ Guest/Visitors ▪ Harassment ▪ Hazing ▪ Improper Room Transfer (Housing) |
|---|--|

- IT & Acceptable Use
- Keys & Locks
- Lewd Behavior
- Parking
- Posting
- Projectiles
- Quiet Hours & Noise (Housing)
- Relationship Violence
- Safety & Security
- Sexual Assault
- Sexual Contact
- Sexual Exploitation
- Sexual or Gender Based Harassment
- Smoking
- Soliciting
- Sports Related Activities
- Stalking
- Theft & Stolen Property
- Trademark
- Trespassing & Restricted Access
- Vandalism
- Weapons, Firearms, Explosives
- Wheeled Device

Reports of Student Prohibited Conduct may be submitted at:

https://cm.maxient.com/reportingform.php?UnivofLaVerne&layout_id=5.

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 Chief Student Affairs Officer 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 Chief Student Affairs Officer 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.