

University of
La Verne

**POLICY ON SEX
DISCRIMINATION
INVOLVING SEXUAL
ASSAULT, SEXUAL AND
GENDER-BASED
HARASSMENT, OTHER
FORMS OF
RELATIONSHIP
VIOLENCE AND
RETALIATION**

TABLE OF CONTENTS

A. STATEMENT OF POLICY	3
B. TO WHOM THIS POLICY APPLIES	4
C. PROHIBITED CONDUCT UNDER THIS POLICY	4
D. ADDITIONAL DEFINITIONS	8
E. APPLICABLE PROCEDURES UNDER THIS POLICY	11
F. TITLE IX MANAGER	11
G. DETERMINATION OF RESPONDENT STATUS	12
H. REPORTING OPTIONS	12
I. THIRD PARTIES	14
J. ADMINISTRATIVE RESOLUTION AND INVESTIGATION OVERVIEW	15
K. EVIDENTIARY STANDARD	17
L. EVIDENCE PRESEVATION	17
M. OBLIGATION TO PROVIDE TRUTHFUL INFORMATION	17
N. EXTERNAL NOTIFICATION	17
O. RESPONSIBLE EMPLOYEE	18
P. PRIVACY AND CONFIDENTIALITY	19
Q. CONFIDENTIAL RESOURCES	21
R. OFF-CAMPUS RESOURCES	22
S. INTERIM AND PROTECTIVE MEASURES	22
T. PREVENTION AND AWARENESS PROGRAMS	24
U. TRAINING	25
V. RELATED POLICIES	26
W. RECORDS AND REFERENCES	26

X. REVISION	26
APPENDIX A- GUIDE FOR THE REPORTING, INVESTIGATION AND RESOLUTION OF PROHIBITED CONDUCT	28
APPENDIX B- CONTACT & REPORTING RESOURCES	43
APPENDIX C- RESOURCES	46

A. STATEMENT OF POLICY

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance.”

-Title IX of the Educational Amendments of 1972 to the 1964 Civil Rights Act

The University of La Verne, consisting of its eleven campuses in California, wherever located (collectively, the “University”), is an institution built upon honor, integrity, trust, and respect. Consistent with these values, the University is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the University community. The University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities. To that end, this policy prohibits specific forms of behavior that violate Title IX of the Education Amendments of 1972 (“Title IX”); Title VII of the Civil Rights Act of 1964 (“Title VII”); and/or federal and California laws. Such regulations also require the University to fulfill certain obligations under the Violence Against Women Reauthorization Act of 2013 (“VAWA”), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), and various California laws.

The University prohibits Sexual Assault, Sexual Exploitation, Relationship Violence, Stalking, Sexual or Gender-Based Discrimination, Harassment, Complicity in the commission of any act prohibited by this policy, and Retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding under this policy (collectively, “Prohibited Conduct”). These forms of Prohibited Conduct are unlawful, undermine the character and purpose of the University, and will not be tolerated.

The University adopts this policy with a commitment to: (1) eliminating, preventing, and addressing the effects of Prohibited Conduct; (2) fostering the University’s Community of Trust, in which Prohibited Conduct is not tolerated; (3) cultivating a climate where all individuals are well-informed and supported in reporting Prohibited Conduct; (4) providing a fair and impartial process for all parties; and (5) identifying the standards by which violations of this policy will be evaluated and disciplinary action may be imposed. Employees or Students who violate this policy may face disciplinary action up to and including termination of employment and/or expulsion from the University. The University will take prompt and equitable action to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The University conducts ongoing prevention, awareness, and training programs for Employees and Students to facilitate the goals of this policy.

It is the responsibility of every member of the University community to foster an environment free of Prohibited Conduct. All members of the University community are encouraged to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct. The University will support and assist community members who take such actions.

Concerns about the University’s application of Title IX, VAWA, Title VII, the Clery Act may be addressed to the Title IX Manager (t9manager@laverne.edu or (909) 448-4078); the United States Department of Education, Clery Act Compliance Division (at clery@ed.gov); the United States Department of Education, Office for Civil Rights (at OCR@ed.gov or (800) 421-3481); and/or the Equal Employment Opportunity Commission (at info@eeoc.gov or (800) 669-4000).

The Title IX Manager and Deputy Title IX Coordinators can be contacted by telephone, email, or in person during regular office hours. The names and contact information for current University staff with Title IX responsibilities are listed in Appendix D.

B. TO WHOM THIS POLICY APPLIES

This policy applies to Students who are registered or enrolled for credit or non-credit-bearing coursework and admitted students participating in University Programs (“Students”); All University employees, including all full-time and part-time faculty, Administrative Professionals, Classified staff, temporary employees (“Employees”); and independent contractors, vendors, visitors, guests and other persons having dealings with the University community (“Third Parties”). The University of La Verne consists of eleven campuses in California, wherever located (collectively, the “University”).

This policy pertains to acts of Prohibited Conduct committed by or against Students, Employees 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 employment or education program or activity, including, but not limited to, University-sponsored study abroad, research, on-line, or internship programs;
- The conduct occurs outside the context of a University employment or education program or activity, but:
 - Has the potential to adversely affect and/ or create a hostile environment for Students, Employees or Third Parties while (1) on or within the University campus or other property owned or controlled by the University; or (2) within in any University employment, education program, or activity r;
 - Has the potential to adversely affect the educational mission and/or interest of the University.

This policy includes, but is not limited to, Prohibited Conduct that takes place in person, over the phone, online, via email or by use of any other electronic mediums. Students, Employees and Third Parties 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, Employee or Third Party to allegations of conduct violations under this policy if they are determined to adversely affect any member of the University community in a manner prohibited by this policy. While the University of La Verne does not monitor such electronic mediums for this type of conduct, the University may take action based on such conduct if and when such matter is brought to the attention of University officials.

C. PROHIBITED CONDUCT UNDER THIS POLICY

Conduct under this policy is prohibited regardless of the sex, sexual orientation and/or gender identity/expression of the Complainant or Respondent. Conduct may violate this policy even though it is not sexual in nature. Both men and women may be perpetrators, as well as victims. Prohibited Conduct includes the following forms of behavior: Sexual Misconduct, Sexual Assault, Stalking, Sexual Exploitation, Relationship Violence, Sexual or Gender-Based Harassment, Discrimination, Complicity and Retaliation.

Sexual Misconduct

Sexual misconduct comprises a broad range of Prohibited Conduct of a sexual nature, including but not limited to Sexual Assault, Stalking, Sexual Exploitation, Relationship Violence, Sexual Harassment or Gender-Based Harassment, Sexual or Gender-Based Discrimination.

Sexual Assault

Sexual Assault includes any unwelcomed or nonconsensual contact of sexual nature with another person, including:

1. Penetration: Any sexual intercourse, however slight, with any object or body part by a person upon another person that is without consent and/or by force. This form of Sexual Assault includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.
2. Sexual Contact: Any other form of intentional sexual touching, however slight, with any object or body part performed by a person upon another person that is without consent and/or by force. Sexual Contact includes:
 - Intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts; and
 - Making another touch the actor, another or themselves with or on any of these body parts.

Acts without consent and/or by force refers to acts committed a) by physical force, violence, threat, or intimidation; b) by ignoring an objection; c) without affirmative consent (as defined in this policy); d) by causing another's incapacitation through the use of alcohol or other drugs; or e) by taking advantage of another person's incapacitation, helplessness, or their inability to consent.

Persons under the age of 18 are legally incapable of consenting to any form of sexual contact.

Stalking

Stalking is defined as engaging in an unwanted course of conduct of two or more acts directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. Examples of stalking behavior:

- Unwanted, intrusive, or frightening communications from the perpetrator by phone, mail, email, text and/or social media.
- Leaving or sending the person unwanted items, presents, or flowers.
- Following or lying in wait for the person at places such as home, school, work, or recreation place.
- Making direct or indirect threats to harm the person, the person's children, relatives, friends, or pets.
- Damaging or threatening to damage the person's property.
- Harassing the person through the internet.
- Posting information or spreading rumors about the person on the internet, in a public place, or by word of mouth.
- Any other course of conduct in which the actor directly, indirectly or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, harasses or communicates to or about a person or interferes with a person's property.

Sexual Exploitation

Sexual exploitation occurs when an actor engages in non-consensual or abusive conduct not otherwise proscribed by this policy by which he or she takes sexual advantage of another for the actor's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited.

Sexual Exploitation includes, but is not limited to, doing any of the following:

- Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give Affirmative Consent to sexual activity.
- Allowing third parties to observe private sexual activity from a hidden location or through recorded, photographed or electronic means (e.g., Skype or livestreaming of images) without consent of all participants.
- Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person's intimate parts, including genitalia, groin, breasts or buttocks, in a place where that person would have a reasonable expectation of privacy).
- Recording or photographing private sexual activity or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent of all persons depicted in the recording or photograph.
- Disseminating or posting images of private sexual activity or a person's intimate parts (including genitalia, groin, breasts or buttocks) without the consent of all persons depicted in the images.
- Prostituting another person.
- Possession, production, distribution, sale or purchase of child pornography.

Relationship Violence

Relationship Violence includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Relationship Violence may include any form of Prohibited Conduct under this policy, including Sexual Assault, Stalking, and Physical Assault (as defined below).

- Physical Assault is threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person. Physical Assault include Physical Violence as defined in this policy. Physical Assault will be addressed under this policy if it involves Sexual or Gender-Based Harassment, Relationship Violence, or is part of a course of conduct under the Stalking definition.

Relationship Violence includes "dating violence" and "domestic violence." The Violence Against Women Act (VAWA) defines:

- Dating Violence to mean violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship would be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- Domestic Violence to mean felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction.

Sexual Harassment

Sexual Harassment is any unwelcomed sexual advance, unwelcomed request for sexual favors, or other unwelcomed conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when either condition outlined below, is present:

- a) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any University programs and/or activities or is used as the basis for University decisions affecting the individual (often referred to as "quid pro quo" harassment); or
- b) Such conduct creates a hostile environment. A "hostile environment" exists when the conduct is sufficiently severe or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the University's education or employment programs and/or activities. Conduct must be deemed severe or pervasive from both a subjective and an objective perspective. In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:
 - The frequency, nature and severity of the conduct;
 - Whether the conduct was physically threatening;
 - The effect of the conduct on the Complainant's mental or emotional state;
 - Whether the conduct was directed at more than one person;
 - Whether the conduct arose in the context of other discriminatory conduct;
 - Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities; and
 - Whether the conduct implicates concerns related to academic freedom or protected speech.

A hostile environment can be created by pervasive conduct or by a single or isolated incident if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, may not be sufficient to constitute a hostile environment.

Gender-Based Harassment

Gender-Based Harassment includes harassment based on gender, sexual orientation, gender identity, gender expression or stereotyping, which may include acts or threats of verbal, non-verbal, graphic, or physical aggression, intimidation, or hostility whether or otherwise when either condition outlined above for sexual harassment is present, even if the acts do not involve conduct of a sexual nature.

Discrimination

Discrimination as used in this policy is any Prohibited Conduct resulting in distinction, preference, advantage for, or detriment to an individual or class of individuals compared to others that is based on a legally protected characteristic of sex, or gender, or a perception that an individual or class of individuals have such characteristics or associate with others who have, or are perceived to have, such characteristics, that adversely affects a term or condition of an individual's employment, education, living environment, or participation in a University activity, or is used as the basis for or a factor in

decisions affecting that individual's employment, education, living environment, or participation in a University activity. Examples of discrimination include, without limitation:

- Denying a person admission or employment based upon sex or gender;
- Denying raises, benefits, or promotions on the basis of sex or gender; and
- Subjecting a person to different academic standards, employment conditions, or treatment in the educational setting because of sex or gender

Retaliation

Retaliation means any adverse action taken against a person for making a good faith report of 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 Prohibited Conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

Complicity

Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act of Prohibited Conduct by another person.

D. ADDITIONAL DEFINITIONS

Affirmative Consent

Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

A person who wants to engage in a specific sexual activity is responsible for obtaining Affirmative Consent for that activity. Lack of protest does not constitute Affirmative Consent. Lack of resistance does not constitute Affirmative Consent. Silence and/or passivity also do not constitute Affirmative Consent. Relying solely on non-verbal communication before or during sexual activity can lead to misunderstanding and may result in a violation of this Policy. It is important not to make assumptions about whether a potential partner is consenting. In order to avoid confusion or ambiguity, participants are encouraged to talk with one another before engaging in sexual activity. If confusion or ambiguity arises during sexual activity, participants are encouraged to stop and clarify a mutual willingness to continue that activity.

Affirmative Consent to one form of sexual activity does not, by itself, constitute Affirmative Consent to another form of sexual activity. For example, one should not presume that Affirmative Consent to oral-genital contact constitutes Affirmative Consent to vaginal or anal penetration. Affirmative Consent to sexual activity on a prior occasion does not, by itself, constitute Affirmative Consent to future sexual activity.

Affirmative Consent may be withdrawn at any time through clear words or actions communicating a decision to cease the sexual activity. Once Affirmative Consent is withdrawn, the sexual activity must cease immediately.

Affirmative Consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated. Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity.

Affirmative Consent cannot be given by someone under the age of 18.

It shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:

- The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused.
- The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

Physical Violence

Physical Violence means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.

Threats

Threats are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to physically harm a person or the person's family members, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.

Intimidation

Intimidation is an implied threat that menaces or causes reasonable fear in another person of harm to that person's body, a member of the person's family, or reputation. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).

Coercion

Coercion is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular form of Sexual Contact or Sexual Intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

Incapacitation

Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking or using drugs. The impact of alcohol and other drugs varies from person to person.

A person who is incapacitated is unable, temporarily or permanently, to give Affirmative Consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol, drugs, or medication, or due to a temporary or permanent physical or mental health condition.

In evaluating Affirmative Consent in cases of alleged incapacitation, the University asks two questions: (1) Did the Respondent know that the other party was incapacitated? If not, (2) Should a sober, reasonable person in the same situation as Respondent have known that the other party was incapacitated? A "YES" answer to either question is likely to establish the absence of Affirmative Consent was and a violation of this policy.

One is not expected to be a medical expert in assessing incapacitation. One must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every individual may manifest signs of incapacitation differently, typical signs include slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, or incontinence. A person who is incapacitated may not be able to understand some or all of the following questions: "Do you know where you are?" "Do you know how you got here?" "Do you know what is happening?" "Do you know whom you are with?" One should be cautious before engaging in Sexual Contact or Sexual Intercourse when either party has been drinking alcohol or using other drugs. The introduction of alcohol or other drugs may create ambiguity for either party as to whether Affirmative Consent has been sought or given. If one has doubt about either party's level of intoxication, the safe thing to do is to forego all sexual activity.

In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

- a. The complainant was asleep or unconscious.
- b. The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.

The complainant was unable to communicate due to a mental or physical condition.

Being impaired by alcohol or other drugs is no defense to any violation of this policy.

Minors

In California, a minor (meaning a person under the age of 18 years) cannot consent to sexual activity. As such, the University's duties with respect to minors may require reporting sexual misconduct incidents to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed in sexual misconduct incidents involving minors.

Complainant

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

Respondent

A Student, Employee or Third Party who has been accused or suspected of violating this policy.

Reporter

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

Responsible Employee

A “Responsible Employee” is any University Employee who is not a Confidential Reporting Source. A Responsible Employee is required to report to the University’s Title IX Manager all relevant details (obtained directly or indirectly) about an incident of Prohibited Conduct under this policy. Responsible Employees include all faculty and staff. Responsible Employees also include Resident Assistants, Graduate Teaching Assistants, and all other student-employees, when disclosures are made to any of them in their capacities as employees.

E. APPLICABLE PROCEDURES UNDER THIS POLICY

The specific procedures for reporting, investigating, and resolving Prohibited Conduct are based upon the nature of the Respondent’s relationship to the University (Student, Employee, or Third Party). The procedure referenced below and detailed in Appendix A, is guided by the same principles of fairness and respect for Complainants and Respondents.

A Student or Employee determined by the University to have committed an act of Prohibited Conduct is subject to disciplinary action, up to and including separation from the University. Third Parties determined to have committed an act of Prohibited Conduct may have their relationships with the University terminated and/or their privileges of being on University premises or within University programs withdrawn. Any person determined to have committed an act of Prohibited Conduct also may be referred to local law enforcement for criminal proceedings.

The procedures referenced and incorporated in this policy provide for prompt and equitable response to reports of Prohibited Conduct. The procedures designate specific timeframes for major stages of the process and provide for thorough and impartial investigations that afford all parties notice and an opportunity to present witnesses and evidence and to view the information that will be used in determining whether a policy violation has occurred.

F. TITLE IX MANAGER**Under Title IX:**

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

The University’s Title IX Manager’s responsibilities include overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints. The Title IX Manager is also responsible for monitoring the University’s compliance with Title IX; ensuring appropriate education and training; coordinating the University’s investigation, response, and resolution of all reports under this policy; and ensuring appropriate actions to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

The Title IX Manager or designee is available to meet with any Student, Employee, or Third Party to receive reports of alleged Prohibited Conduct, as well as to discuss the content of this policy or the accompanying procedures. The University also has designated Deputy Title IX Coordinators and Title IX Investigators who may assist the Title IX Manager in the discharge of these responsibilities. The Title IX Manager, Deputy Title IX Coordinators and Title IX Investigators receive appropriate trauma-informed training to discharge their responsibilities.

The Title IX Manager and Deputy Title IX Coordinators can be contacted by telephone, email, or in person during regular office hours. The names and contact information for current University staff with Title IX responsibilities are listed in Appendix D

G. DETERMINATION OF RESPONDENT STATUS

The specific procedures for reporting, investigating, and resolving Prohibited Conduct are based upon the nature of the Respondent's relationship to the University (Student, Employee, or Third Party). The procedure referenced below and detailed in Appendix A, is guided by the same principles of fairness and respect for Complainants and Respondents.

Student Respondent or Employee Respondent

The procedures for responding to reports of Prohibited Conduct committed by Student or Employees are detailed in Appendix A: Guide for the Reporting, Investigation and Resolution of Prohibited Conduct and determinate, including additional policy considerations applied through the Student Code of Conduct, Employee Handbook, or PEPPIT based upon the Respondent's relationship to the University.

Respondent who are both an Employee and Student

At times, a Respondent may be employed by the University and also be a Student. If an allegation of Prohibited Conduct arose out of the Respondent's status as a Student and not their status as an employee, the allegations shall be addressed in reference to student status. If an allegation of Prohibited Conduct arose out of conduct that occurred while Respondent was acting as an employee, the allegations shall be addressed in reference to employee status.

If there is a question as to whether the allegations arose from Respondent's status as a Student or an employee, the University's Title IX Manager will determine which of the procedures applies based on the facts and circumstances (such as which role predominates in the context of the specific allegation of Prohibited Conduct). Further, where a Respondent is both a Student and an employee, the Respondent may be subject to any or all of the sanctions applicable to Students and Employees.

H. REPORTING OPTIONS

There are multiple channels for reporting Prohibited Conduct. A Complainant may choose to report to the University, to law enforcement, to both, or to neither. These reporting options are not exclusive. Complainants may simultaneously pursue criminal action and University administrative disciplinary action. The University will support Complainants in understanding, assessing and pursuing these options. In addition, a Complainant may choose to make a confidential report to a Confidential Reporting Resource which is not shared with other University personnel or law enforcement. Reporting such information to the Title IX Manager provides the University with the best opportunity to offer appropriate support, resources and interim measures to assist a Complainant,

assess any health or safety risk posed by the alleged Prohibited Conduct, take immediate and appropriate steps to investigate what occurred, and take prompt and effective action to end any Prohibited Conduct, remedy its effects, and prevent its recurrence. Reporting all disclosures, reports or other known information about alleged Prohibited Conduct to the Title IX Manager also allows the University to meet its state and federal obligations and to maintain an environment free from harassment and discrimination.

Complainants have the right to notify or decline to notify law enforcement, and are not required to report to law enforcement in order to receive assistance from, or pursue any options with, the University or community resources. Likewise, Complainants are not required to notify University authorities in order to report such matters to law enforcement and/or receive outside resources. The University will comply with a Complainant's request for assistance in notifying local law enforcement and/or proper University authorities.

The following **options** are available to Complainants:

- Notify local law enforcement agencies;
- Notify designated University authorities and allow them to assist with notifying law enforcement;
- Notify designated University authorities and decline to involve local law enforcement;
- Decline to notify local law enforcement AND University authorities.

Reporting to Law Enforcement

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

- 911 (for emergencies)
- La Verne Police Department 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 proving 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.

Reporting to the University

Complainants may report Prohibited Conduct to the University by contacting:

- University's Title IX Manager or any Deputy Title IX Coordinator at the contact information provided in Appendix B
- Campus Safety 909-448-4950
- Local law enforcement and allowing them to assist with notifying University authorities
- Complaints may also be made using the online [report form](#). Complaints filed using this form will go to the Title IX Manager and/or a Deputy Title IX Coordinator.

Complainants are encouraged to report any violation of this policy to the University's Title IX Manager or any Deputy Title IX Coordinator by telephone, email, or in person during regular office hours at their respective locations, email addresses and/or phone numbers listed in Appendix B; or through the University's Title IX webpage: <http://laverne.edu/title-ix/>, which also allows for anonymous reporting. Reports may be filled out using the online [report form](#).

Upon receipt of a report of Prohibited Conduct, the Title IX Manager or designee will conduct an initial assessment, and will provide the Complainant, if known, with information about resources and options, offer interim measures, and take appropriate action to resolve the reported incident as promptly and equitably as possible. The Title IX Manager or designee will also take interim measures to protect the safety of the Complainant and/or University community as requested or deemed necessary.

Anonymous Reporting to the University

The University encourages students to report Prohibited Conduct, and also provides a means for anonymous reporting through the University's Title IX Webpage: <http://laverne.edu/title-ix/>. Anonymous reports may be filled out using the online [report 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 Title IX Manager, 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 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 or an Employee, the University will provide reasonably appropriate remedial measures, assist the Complainant in identifying external reporting options, and take reasonable steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. In addition, even if the Respondent is no longer a Student or Employee, the University may still conduct an investigation into allegations of Prohibited Conduct.

I. THIRD PARTIES

Third Party Reporting to the University

The University urges anyone who becomes aware of an incident of Prohibited Conduct to report the incident immediately to the University's Title IX Manager or any Deputy Title IX Coordinator by telephone, email, or in person during regular office hours at their respective locations, email addresses and/or phone numbers listed in Appendix B; or through the University's Title IX webpage:

<http://laverne.edu/title-ix/>, which also allows for anonymous reporting. Reports may be filled out using the online [report form](#).

Third Party Complainant

University administrative resolution or investigation procedural steps and participation will differ and depend on the level of accessibility the University has to the Third Party Complainant. However, the Title IX Manager, or designee, will encourage participation in University processes, when available, and provide resources and references to applicable entities for additional guidance or action.

Third Party Respondent

The University's ability to take appropriate corrective action against a Third Party will be determined by the nature of the relationship of the Third Party to the University. The Title IX Manager will determine the appropriate manner of resolution of any substantiated allegation of Prohibited Conduct by a Third Party consistent with the University's commitment to a prompt, equitable and appropriate resolution of the situation. University procedural steps and participation will differ and depend on the level of control the University has over the Third Party Respondent, however, the Title IX Manager, or designee, will encourage, when available, applicable entities to take action.

Third Parties determined to have committed an act of Prohibited Conduct may have their relationships with the University terminated and/or their privileges of being on University premises or within University programs withdrawn. Any person determined to have committed an act of Prohibited Conduct also may be referred to local law enforcement for criminal proceedings.

J. ADMINISTRATIVE RESOLUTION AND INVESTIGATION OVERVIEW

Once a report of alleged Prohibited Conduct is received from any source, the University will evaluate it to determine whether to proceed with a formal investigation. Every effort will be made to complete an investigation within sixty (60) calendar days of the date the report is received, though some investigations take longer, depending on the nature, extent and complexity of the allegations, availability of witnesses, police involvement, or other justifiable cause requiring extension of the time periods.

The administrative resolution or investigation will be conducted by officials who, at a minimum, are trained on how to conduct an investigation and review process that protects the safety of the victims and promotes accountability and fairness and receive annual trauma-informed training on the issues related to dating violence, domestic violence, sexual assault, stalking, related policies and applicable laws.

It may be necessary for the University to delay its investigation to allow law enforcement officials to gather evidence in connection with a criminal investigation. The University will promptly resume its investigation and resolution processes once notified that law enforcement has completed the evidence gathering process.

All investigations will be thorough, reliable, impartial, prompt and fair. To the extent possible, investigations entail interviews with parties and relevant witnesses, obtaining and evaluating relevant evidence, and identifying sources of expert information, as necessary.

Investigations will typically be conducted using the steps listed below and not necessarily in the order presented (a more comprehensive review of the investigative process is listed in Appendix A):

- University receives a report of alleged Prohibited Conduct.
- University provides Complainant with notice of reporting options, resources, accommodations, and/or applicable interim or protective measures.
- University conducts a preliminary inquiry to determine if there is a reasonable basis to believe the Respondent has engaged in Prohibited Conduct as defined by this policy.
 - If the preliminary inquiry does not support a determination of reasonable basis to believe this policy has been violated, the inquiry will be closed with no further action.
- University provides all parties (i.e. Complainant and Respondent) with a formal notification containing: all alleged policy violations, a brief description of the alleged violation(s), a description of the applicable procedures, and a copy of Complainant/Respondent rights.
- University conducts a thorough, reliable and impartial investigation. This includes, but is not limited to:
 - To the extent possible, interviewing the Complainant, Respondent, all relevant witnesses, and collecting evidence.
 - Allowing each party the opportunity to suggest applicable questions they wish the investigators to ask the other party and/or witnesses.
 - Allowing each party the opportunity to review, comment on and explain the evidence gathered in the course of the investigation that will be used in the adjudication and disciplinary process, if applicable.
- Provide parties with a “summary of all relevant evidence” to be used in rendering a determination, and provide each with a full and fair opportunity to address that evidence or findings prior to a determination being rendered.
- University investigators will make recommended findings and/or determination, based on a preponderance of the evidence (more likely than not an alleged violation has occurred).
- The investigator’s written report, including recommended findings, will be made available to both parties without undue delay between notifications. Both parties will have the opportunity to respond in writing to the investigation report and recommended findings prior to a final determination of whether any Prohibited Conduct occurred.
- Both parties will have an opportunity to appeal based on one of the following standards:
 - A procedural error or omission occurred that significantly impacted the outcome of the investigation.
 - To consider new evidence, unknown or unavailable during the original investigation, that could substantially impact the original finding or sanction.
 - The sanctions imposed fall outside the range of sanctions the University has designated for this offense and the cumulative record of the responding party.
- Should one of the parties appeal, the University will assign an appeal officer(s) and provide both parties with an opportunity to review and respond to any appeal. The appeal officer(s) will review the materials presented by both parties in connection with the appeal and inform both parties in writing as to the outcome of the appeal in a timely manner. Decisions by an appeal officer(s) are final.

All investigations will be completed promptly, and without unreasonable delay. Throughout investigations, the University will provide regular updates to the Complainant and to the Respondent, as appropriate.

At any point during the investigation, if it is determined there is no reasonable basis to believe that University policy has been violated, the Title IX Manager has authority to terminate the investigation and end resolution proceedings by informing both parties in writing of the decision and basis for such determination.

Informal procedures via Administrative Resolution, including mediation, are available to resolve complaints with written consent from both parties upon full disclosure of the allegations and the options available for a formal resolution. When both parties consent to participating in an informal resolution process, either party may elect to terminate the information resolution process and revert to the formal resolution process before the completion of the informal resolution process.

For additional information regarding the investigative process, reference Appendix A.

K. 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.

L. EVIDENCE PRESERVATION

If an incident of sexual assault, domestic violence, dating violence, or stalking occurs, it is important to preserve evidence as it may assist in proving that the alleged criminal offense occurred, or may be helpful in obtaining a protection orders. A student who is a victim of a sexual assault has the option of seeking treatment at Health Services located at 2147 "E" Street La Verne, CA 91750, (909) 448-4619. When possible, a victim should not bathe, douche, use the toilet, or change clothing prior to a medical exam – which is important both to address any health issues that may arise and for evidence collection.

Evidence of violence, such as bruising or other visible injuries, following an incident of domestic or dating violence should be documented by taking a photograph. On Campus this will be handled by the La Verne Police Department. If the event occurred off campus, the local police agency will handle the documentation. Evidence of stalking including any communication, such as written notes, voice mail or other electronic communications should be saved and not altered in any way. Provide this to the law enforcement officer or campus safety officer who responds to your call.

M. 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 Prohibited Conduct is prohibited and subject to disciplinary sanctions under the applicable University disciplinary policy. This provision does not prohibit a party or witness from providing information in good faith and upon reasonable belief in its truthfulness, even if such information is later determined to be inaccurate.

N. EXTERNAL NOTIFICATION

Police Notification

The University is required by law to report incidents of sexual assault immediately, or as soon as practicably possible, to the appropriate local law enforcement agency without identifying the victim, unless the victim consents to being identified after the victim has been informed of his or her right to have his or her personally identifying information withheld. The identity of the alleged assailant will not be identified if the victim does not consent to being identified.

In addition, the University is required to report to local law enforcement all known or suspected incidents of Sexual Misconduct involving a student or other person under the age of 18 participating in a University program or activity..

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.

O. RESPONSIBLE EMPLOYEE

A “Responsible Employee” is any University Employee who is not a Confidential Reporting Source. A Responsible Employee, including any employee who is a designated CSA, is required to report to the University’s Title IX Manager all relevant details (obtained directly or indirectly) about an incident of Prohibited Conduct. Responsible Employees include faculty, staff and student-employees, when disclosures are made to any of them in their capacities as employees.

Responsible Employees are required to report to the Title IX Manager all information obtained, from any source, about alleged Prohibited Conduct, regardless of whether it occurs within or outside of University property.

A Responsible Employee should not disclose information regarding the identity of a Complainant or Respondent to law enforcement. Any request for information from law enforcement should be referred directly to the Title IX Manager.

Responsible Employees are not required to report information disclosed (1) at public awareness events (e.g., “Take Back the Night,” candlelight vigils, protests, “survivor speak-outs” or other public forums in which students may disclose incidents of Prohibited Conduct; collectively, “Public Awareness Events”), or (2) during a student’s participation as a subject in an Institutional Review Board-approved human subjects research protocol (“IRB Research”). The University may provide information about Students’ Title IX rights and about available University and community resources and support at Public Awareness Events, however, and Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all Student subjects of IRB Research.

In some instances, however, a Reporter may tell a Responsible Employee about an incident of Prohibited Conduct *but also* request (a) that their name and any other personally-identifying information not be shared with the Respondent or others, (b) that no investigation be pursued, and/or (c) that no disciplinary action be taken. The Responsible Employee should inform the Reporter of his or her duty to report to the Title IX Manager but that the Reporter’s request will be communicated as well. The Responsible Employee should then communicate any such requests to the Title IX Manager along with all known details of the reported incident. In such cases, the University will seek to balance respect for the agency and autonomy of Complainants with the University’s obligations under state and federal law. Accordingly, the University will seek to honor such requests if it is possible to do so while also protecting the health and safety of the University community and in compliance with state and federal law.

P. PRIVACY AND CONFIDENTIALITY

The University is committed to protecting the privacy of all individuals involved in the 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, Employees and Third Parties 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 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, that the complainant wishes to withdraw a report, or use a Confidential Reporting Source with no obligation to inform law enforcement or the University. Definitions for these designated individuals may be found within this policy under Confidential Reporting Source. 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 Prohibited Conduct. Failure to participate does not immediately halt or eliminate the investigation process.

The University is required by Title IX to weigh the complainant’s request for confidentiality with the University’s commitment to provide a reasonably safe and non-discriminatory environment. If the University cannot maintain a complainant’s request for confidentiality she or he will be notified by the Title IX Manager. In situations where a member of the University community becomes aware of a pattern of behavior by a single respondent, or location at which repeated concern/incidents are reported, 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 victim of domestic violence, dating violence, sexual assault or stalking, regardless of whether the information is encoded, encrypted, hashed or otherwise protected, 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 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 Prohibited Conduct receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law.

The privacy of Student 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"). Access to an Employee's personnel records may be restricted in accordance with California privacy laws and, where applicable, Department of Human Resources Management ("DHRM") Policy 6.05 Personnel Records Disclosure and DHRM Policy 6.10 Records Management.

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. Complainants have the option to report or disclose to a Confidential Reporting Source that bears no obligation to notify law enforcement or the University.

The University has designated individuals who have the ability to have privileged communications as "Confidential Reporting Sources."

Confidential Reporting Source

A Confidential Reporting Source is:

- Any University employee who is a clergy, or a licensed medical, clinical or mental-health professional (e.g., physicians, nurses, physicians' assistants, psychologists, psychiatrists, professional counselors and social workers, and those performing services under their supervision), when acting in that professional role in the provision of services to a patient who is a Student.
- Any University employee providing administrative, operational and/or related support for such health care providers in their performance of such services. A Confidential Reporting Source will not disclose information about Prohibited Conduct to the University's Title IX Manager, or any other entity, without the Complainant's permission (subject to the exceptions set forth in the Confidentiality section of this policy).

When information is shared by an individual with a Confidential Reporting Source or a community professional with the same legal protections, the Confidential Reporting Source (and/or such community professional) cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18.

Non-University Confidential Sources

Counselors, advocates, and health-care providers in the La Verne community are not subject to this Policy and are not required to disclose information to the University unless the student requests and authorizes the disclosure and signs a consent or waiver form. A list of some of such local counselors, advocates, and health-care providers are included in Appendix B, as well as available on the University's Title IX Webpage: <http://laverne.edu/title-ix/>. Local advocates include the Sexual Assault Resource Agency, which, pursuant to an ongoing agreement with the University, ensures immediate access to a confidential, independent advocate who can provide a trauma-informed response, including an explanation of available resources, support and reporting options.

While such counselors, advocates and health-care providers maintain confidentiality, they may have reporting or other obligations under state and federal law.

Q. CONFIDENTIAL RESOURCES

The University offers a wide range of resources for all Students and Employees to provide support and guidance in response to any incident of Prohibited Conduct. Upon receipt of a report of sexual assault, domestic violence, dating violence, or stalking, the University will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims, both within the institution and in the community.

On-Campus Confidential Resources

A list of Confidential Resources (Offices and Staff) with corresponding contact information is available in Appendix D.

Exceptions to the Confidentiality Policy

The right to confidentiality is protected by law. However, there are certain circumstances regarding life-threatening situations in which confidentiality may not be protected. These situations are:

- Reasonable suspicion of child abuse or situations in which a child is at risk of being abused (a child is any person under 18 years old).
- Reasonable suspicion of abuse of individuals who are gravely disabled and unable to care for themselves.
- Reasonable suspicion of abuse of dependent elders (ages 65 or older).
- Serious intent to harm self.
- Serious intent to harm another person.

In some cases the Confidential Resources Staff may be legally required to report to other outside agencies (where appropriate) the minimal necessary information obtained during any report. Except in these situations, information communicated to Confidential Resources Staff cannot be released without permission from the person seeking such services. If you would like further information on this subject, please ask the Confidential Resource Staff or Title IX Manager. A list of Confidential Resources (Office and Staff) is available in Appendix B.

If it is necessary to disclose identifying information, the Title IX Manager, Sr. Director of Safety Operations, and Dean of Student Affairs will confer on what information needs to be disclosed, and to whom it needs to be disclosed. Only information necessary to provide the accommodations or protective measures in a timely matter will be considered. If it is necessary to disclose identifying information, the Complainant will be informed before sharing personally identifying information the university believes is necessary to provide an accommodation or protective measure. The victim will be informed of what information will be shared, with whom, and why.

R. OFF-CAMPUS RESOURCES

Consistent with the definition of Confidential Employees and licensed community professionals, there are a number of resources within the University and local communities where Students and Employees can obtain confidential, trauma-informed counseling and support.

A list of Off-Campus Resources with corresponding contact information is available in Appendix B.

S. INTERIM AND PROTECTIVE MEASURES

The University offers a wide range of resources for Students and Employees, whether as Complainants or Respondents, to provide support and guidance throughout the initiation, investigation, and resolution of a report of Prohibited Conduct.

Upon receipt of a report of sexual assault, domestic violence, dating violence, or stalking, the University will provide each identified Complainant and Respondent with written information regarding rights, options and resources in a form substantially similar to the information contained in Appendix C.

Interim Measures

Upon receipt of a report of sexual assault, domestic violence, dating violence, or stalking, the University will provide interim support and reasonable protective measures to the Complainant to prevent further acts of misconduct, and to provide a safe educational, work and/or living environment. The University will determine the necessity and scope of any interim measures.

The range of interim measures which may be applied to the complainant and/or the respondent include, but are not limited to: no contact orders, academic accommodations, changes in class/work schedules, changes in housing assignments, persona non-grata (trespass notice from a University location or event/program), and/or interim suspension for Respondent.

The University will provide written notification to Complainants about options for, available assistance in, and how to request changes to academic, living, transportation and working situations or protective measures. The University will make such accommodations or provide such protective measures if the Complainant requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

The University will provide written notification to students and employees regarding existing opportunities for counseling or mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for Complainants.

Protective Measures

The University will offer, and provide written notification of, reasonable and appropriate measures to protect a Complainant and facilitate the Complainant's continued access to University employment or education programs and activities. These measures may be both remedial (designed to address a Complainant's safety and well-being and continued access to educational opportunities) or protective (involving action against a Respondent). Remedial and protective measures, which may be temporary or permanent, may include no-contact directives, persona non-grata directives, residence modifications, academic modifications and support, work schedule modifications, interim disciplinary suspension, suspension from employment, and pre-disciplinary leave (with or without pay). The University will provide each Complainant with written information regarding rights and options in a form substantially similar to the information contained in Appendix C.

Remedial measures are available regardless of whether a Complainant pursues a complaint or investigation under this policy. The University will maintain the privacy of any remedial and protective measures provided under this policy to the extent practicable and will promptly address any violation of the protective measures. The Title IX Manager has the discretion to impose and/or modify any interim measure based on all available information, and is available to meet with a Complainant or Respondent to address any concerns about the provision of interim measures.

The University will provide reasonable remedial and protective measures to Third Parties as appropriate and available, taking into account the role of the Third Party and the nature of any contractual relationship with the University.

For comprehensive information on accessing University and community resources, including emergency and ongoing assistance; health, mental health, and victim-advocacy services; options for reporting Prohibited Conduct to the University and/or law enforcement; and available support with academics,

housing, and employment: Contact the Title IX Manager to discuss available University and/or community resources and reasonably available assistance.

Restraining Order

Restraining Orders are court orders directing a violent person to stop harassing a victim or the victim's children. They may be obtained without cost, through and will be enforced by the Police Department. A Complainant may apply for a Domestic Violence Restraining Order if a person has abused a Complainant or threatened to abuse a Complainant AND the Complainant has one of the following relationships with that person:

- Married, divorced, separated, registered domestic partnership, have a child together, dating or used to date, live together or used to live together; or
- Complainant is related within the second degree of affinity or consanguinity. This means: mother or mother-in-law, father or father-in-law, child or stepchild or legally adopted child, grandparent or grandparent-in-law, grandchild or grandchild-in-law, sister or sister-in-law, brother or brother-in-law, stepparent, daughter-in-law or son-in-law. The in-law must be through a current marriage.

IMPORTANT: A Complainant can also ask that other family or household members be protected by the Restraining Order.

The person seeking protection is called the protected person. The person from whom protection is from is called the restrained person. An order may be obtained to:

- Direct the attacker to leave the household;
- Prevent the attacker from entering the residence, school, business, or place of employment of the victim;
- Award the victim or other parent custody of, visitation with, a minor child or children;
- Restrain the attacker from molesting or interfering with minor children in the custody of the victim;
- Direct the party not granted custody to pay support of minor children, if that party has a legal obligation to do so;
- Direct the defendant to make specified debit payments coming due while the order is in effect; and/or
- Direct that either or both parties participate in counseling.

A Domestic Violence Restraining Order is always free. In many courts free legal assistance is available or a Complainant can represent him/herself. In order to obtain a temporary or regular restraining order, you must appear at the Pomona Superior Court, 400 Civic Center Plaza, Pomona, CA 91766 (909) 620-3023 and file a petition requesting the restraining order.

The University will honor requests for assistance and complying with these orders.

T. PREVENTION AND AWARENESS PROGRAMS

The University is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. These programs are designed to prepare, assist, and train the students and staff to confront and prevent incidents of Prohibited Conduct.

Think About It

As part of the University's commitment to the well-being of our individual students and the larger La Verne community, and to be in compliance with Federal Law and the Campus SaVE Act, all first-year students are required to complete the on-line "Think About It" alcohol, other drugs and sexual violence prevention training course. For more information visit <http://sites.laverne.edu/student-affairs/think-about-it/>

Step Up!

The University also facilitates the "Step Up!" program. Step Up! is a comprehensive bystander intervention program that teaches students to be proactive in helping others. It focuses on five decision making steps:

1. Notice the event.
2. Interpret the event as a problem — investigate!
3. Assume personal responsibility.
4. Know how to help.
5. Implement the help: Step Up!

For more information visit: <http://laverne.edu/step-up/>

Behavior Intervention Team

The Behavioral Intervention Team (BIT) promotes student and employee success and campus safety by identifying individuals who demonstrate behaviors that may be early warning signs of possible disruptive and/or violent behavior. BIT members implement a coordinated response with the goal of providing assistance to the individual while mitigating risk in an effort to keep the La Verne community healthy and safe.

The University complements these efforts through ongoing programming on-campus and in the residence halls. Examples of these events include "Take Back the Night," outreach tables sponsored by local community agencies like House of Ruth and Project Sister, Sexual Assault discussions and programs in the residence halls, and bulletin boards focusing on education around sexual misconduct in the residence halls. These types of program occur through-out the year.

For more information visit: <http://laverne.edu/bit/>.

U. TRAINING

The University provides training to Students and Employees, including all regular faculty and staff to ensure they understand this policy and the topics and issues related to maintaining an education and employment environment free from harassment and discrimination. Sexual Assault, Domestic Violence, Dating, and Stalking education and prevention training for all new employees, and all current employees is completed through Human Resources upon hire date and every two years thereafter.

Adjunct Faculty and Student Employees complete: Preventing Discrimination and Sexual Violence: Title IX, VAWA and Clery Act for Faculty and Staff; Sexual Harassment Prevention for California Faculty; and, Unlawful Harassment Prevention for Higher Education Student Employees. Faculty and Staff complete: Supervisor Anti-Harassment; and, Eliminate Campus Sexual Violence.

The administrative resolution or investigation will be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, sexual and gender-based harassment, stalking, additionally defined Prohibited Conduct, related policies, state and federal laws applicable, and on how to conduct an investigation and review process that protects the safety of the victims and promotes accountability and fairness.

V. RELATED POLICIES

Students:

Code of Student Conduct: <http://sites.laverne.edu/student-affairs/code-of-student-conduct/>

Employees:

Employee Handbook: <https://myportal.laverne.edu/web/hr-intranet/faculty-staff-policies>

Faculty PEPPIT: <http://myportal.laverne.edu/web/facgov>

W. RECORDS AND REFERENCES

A copy of all records and information related to incidents of reported misconduct will be maintained with the Title IX Manager. The employment record of an employee who violated this policy will reflect this violation if and only if the allegations are found to be substantiated. Access to an Employee's personnel records may be restricted in accordance with California privacy laws and, where applicable, Department of Human Resources Management ("DHRM") Policy 6.05 Personnel Records Disclosure and DHRM Policy 6.10 Records Management, as applicable.

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 offenses; and non-forcible sex offenses.

X. REVISION

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 Title IX Manager 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 Title IX Manager 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 and Employees 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 and Employees are responsible for having read and abiding by this policy.

Appendix A

GUIDE FOR THE REPORTING, INVESTIGATION AND RESOLUTION OF PROHIBITED CONDUCT

A. OVERVIEW

The specific procedures for reporting, investigating, and resolving Prohibited Conduct (i.e. sexual assault, stalking, sexual exploitation, relationship violence, sexual or gender based harassment and discrimination) under this policy are based upon the nature of the Respondent's relationship to the University. Each set of procedures referenced below is guided by the same principles of fairness and respect for Complainants and Respondents.

"Complainant" means the Student, Employee, or Third Party individual who presents as a person adversely affected by any Prohibited Conduct under this policy, regardless of whether that person makes a report or seeks action under this policy. "Respondent" means the Student, Employee, or Third Party individual who has been accused of Prohibited Conduct under this policy.

A Student, Employee, or Third Party individual determined by the University to have committed an act of Prohibited Conduct is subject to disciplinary action, up to and including separation from the University. Any person determined to have committed an act of Prohibited Conduct may also be referred to local law enforcement for criminal proceedings.

The procedures referenced below provide for prompt, thorough, equitable response to reports of 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 Prohibited Conduct under this policy. These procedures may also be used to address collateral misconduct occurring in conjunction with harassing or discriminatory conduct (e.g.: vandalism, physical abuse of another, retaliation, complicity, etc.). All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the respective student, faculty and staff code of conduct/handbooks.

The University will act on any formal or informal allegation, or notice of violation of Prohibited Conduct under this policy that is received by the Title IX Manager, a member of the administration, faculty or other employee.

This Guide for Reporting, Investigating, and Resolution of Prohibited Conduct should be read in conjunction with the Policy on Sex Discrimination Involving Sexual Assault, Sexual and Gender-Based Harassment, Other Forms of Relationship Violence, and Retaliation.

B. PRELIMINARY INQUIRY

Following receipt of notice or a report of Prohibited Conduct, the Title IX Manager will assign an investigator(s) who will engage in a Preliminary Inquiry to determine if there is reasonable cause to believe a violation of Prohibited Conduct under this policy has occurred.

If, during the Preliminary Inquiry or at any point during the Full Investigation, the investigator determines that there is no reasonable cause to believe that Prohibited Conduct under this policy has been violated, the process will end unless the Complainant specifically requests for an Administrative Resolution or a Full Investigation to proceed. In such circumstances, the decision to proceed falls under the sole discretion of the Title IX Manager.

In cases where the Complainant wishes to proceed or the University determines it must proceed, and the Preliminary Inquiry shows that reasonable cause exists, the investigator, under advisement and oversight of the Title IX Manager will initiate either a) an Administrative Resolution process or b) a Full Investigation.

The Preliminary Inquiry will also be used to evaluate if the allegation(s) involves or indicates violence, threat, pattern, predation and/or weapon use. In any case where violence, threat, pattern, predation, and/or weapon use is NOT indicated or involved, the investigator may respect a reporting party's request for no action, and will conduct a Full Investigation or Administrative Resolution process only so far as necessary to determine appropriate remedies. However, if violence, threat, pattern, predation and/or weapon use is involved or indicated, the University will conduct a Full Investigation. As necessary, the University reserves the right to initiate a Full Investigation without a formal report or participation by the Complainant.

C. ADMINISTRATIVE RESOLUTION

An Administrative Resolution is often used for less serious, yet inappropriate, behaviors or violations of prohibited conduct under this policy. It may be used as an alternative to the Full Investigation process. The Title IX Manager will determine if an Administrative Resolution is appropriate, based on the a) willingness of the parties, b) the nature of the conduct at issue, c) the susceptibility of the conduct to an Administrative Resolution, and d) indications or involvement of threat to the community or any of its members (i.e. evidence of violence, threat pattern, predation, and/or weapon use).

If an Administrative Resolution is desired by the Complainant, and appears appropriate given the nature of the alleged behavior, then the report does not proceed to a Full Investigation unless a pattern of misconduct is suspected or there is an indication or involvement of threat or further harm to the community or any of its members (i.e. evidence of violence, threat pattern, predation, and/or weapon use).

In an Administrative Resolution process, a trained administrator will facilitate the parties to an effective resolution, if possible. The Administrative Resolution process will not put the parties face-to-face, unless requested by both parties and deemed appropriate by the trained administrator. The goals of Administrative Resolutions are to: address behavior of concern such that it does not occur again; establish guidelines for appropriate and responsible conduct between parties; establish appropriate remedies and interventions to redress the Complainant; educate the Respondent on the inappropriateness of the behavior of concern.

The Administrative Resolution process is intended to be entered in good faith by all parties, and is meant to be developmental rather than punitive. The parties may agree to appropriate remedies that are not disciplinary in nature. The assigned administrator may also implement/impose measures as part of the Administrative Resolution process to safeguard against the Prohibited Conduct occurring again and/or to enhance the education of participating parties. Possible measures include, but are not limited to mutual "No-Contact" orders, Persona Non-Grata (notice against trespass) from specified areas or participation in educational trainings. The Title IX Manager and the assigned administrator will keep records of any resolution that is reached. Failure to abide by the accord can result in appropriate responsive actions.

Administrative Resolutions will not be the primary mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of, although it may be made available if requested in writing by both parties, or after a Full Investigation is completed should the parties and the Title IX Manager believe that it could be beneficial.

It is not necessary to pursue an Administrative Resolution first in order to pursue a Full Investigation, and any party participating in an Administrative Resolution can stop that process at any time and request a shift to a Full Investigation. The administrator may also stop an Administrative Resolution, in consultation with Title IX Manager, should the administrator find that one or both parties are not appropriately participating or engaging in the process.

D. FULL INVESTIGATION

Investigators

The administrative resolution or investigation will be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, sexual and gender-based harassment, stalking, additionally defined Prohibited Conduct, related policies, state and federal laws applicable, and on how to conduct an investigation and review process that protects the safety of the victims and promotes accountability and fairness.

Timeframe

Every effort will be made to complete an investigation within sixty (60) calendar days from the date of notice to the University, though some investigations 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 investigation to allow evidence collection when a criminal investigation is occurring at the same time as the University's investigation. The University will promptly resume its investigation 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 investigator(s) believes is relevant and credible may be considered, including history and pattern evidence. The investigator(s) 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 investigator(s) will reference information about previous good faith allegations and/or findings to consider as evidence of pattern and/or predatory conduct.

Unless the investigator(s) determines it is appropriate, the investigation and the finding will not consider:

- Incidents not directly related to the possible violation, unless they show a pattern.
- The sexual history of the Complainant (though there may be a limited exception made in regards to the sexual history between the parties).

- The character of the Complainant and Respondent. This includes with 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 investigation, 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 Prohibited Conduct. Physical or electronic copies of all evidence will only be made available upon the conclusion of the investigation.

Party Participation

Employees:

University Employees are required to participate and cooperate in the investigation process. The failure of an employee to participate or cooperate constitutes a violation of University employment policy, for which the employee will be subject to disciplinary proceedings.

Students:

Student parties may elect to participate or decline to participate in the investigation process. However, the Title IX Investigator will proceed and Title IX Manager, or designee, will determine an outcome based on the information available to him/her at the time of the investigation.

Third Parties:

Parties who are not University employees or students may elect to participate or decline to participate in the investigation process. Third Party participation and procedural steps will depend on the level of control the University has over the Third Party Respondent.

All Parties

Parties who elect or otherwise refuse to participate or cooperation in the investigation or who withhold information from the investigation will not have the ability to offer such evidence after the investigation is completed, including during the appeal process, if it could have been offered during the investigation. Failure to offer available evidence during the investigation does not constitute grounds for appeal on the basis of new evidence.

Information provided by parties will be evaluated for credibility and relevance. Investigators may choose to disregard information provided by a party when it is determined that such matters do not pertain to the allegation or is otherwise irrelevant to the investigation of alleged Prohibited Conduct.

Witness Participation

Employees:

As responsible employees with the duty to report all information related to alleged incidents of Prohibited Conduct, any University Employee who is not a Confidential Reporting Source is required to participate and cooperate in the investigation process. The failure of an employee to participate or cooperate constitutes a violation of University employment policy, for which the employee may be subject to disciplinary proceedings.

Students:

Student witnesses who are not parties to the investigated matters are required to participate and cooperate in the investigation process in good faith. Failure of a non-party student witness to participate or cooperate constitutes a violation of policy and may subject the witness to discipline for failure to comply.

All Witnesses:

Witness information and the evidence collected during the course of an investigation will be kept confidential to the extent possible and will only be shared with those directly involved with the investigation, including the Complainant and Respondent, and University officials with a legitimate need to know.

Witnesses who participate in an investigation 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. Investigators may choose to disregard information provided by a witness when it is determined that such matters do not pertain to the allegation or is otherwise irrelevant to the investigation of alleged 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 is allowed to have an advisor of their choice present with them for all investigation 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 investigation 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 Title IX Manager 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.

Amnesty

An individual who participates as a Complainant, Respondent or Witness in an investigation of Prohibited Conduct under this policy, will not be subject to disciplinary sanctions for a violation of policy in the Code of Student Conduct 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. **This statement of amnesty is not applicable for Employees of the University.**

E. FULL INVESTIGATION PROCESS

Following receipt of notice or a report of misconduct, the assigned investigator(s) will engage in a Preliminary Inquiry to determine if there is reasonable cause to believe a violation of Prohibited Conduct under this policy has occurred.

If, during the Preliminary Inquiry, the investigator determines that there is reasonable cause to believe that Prohibited Conduct has occurred, the investigator will prepare and issue a "Notice of Full Investigation" to the Respondent and Complainant.

For cases of Sexual Misconduct, the investigator 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 Full 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 Full Investigation

Once a Full Investigation begins, the assigned investigator will provide formal notification through email using the parties’ University of La Verne email account. The notification will:

- Provide a brief description of the alleged behavior that constitute a violation Prohibited Conduct.
- Identify the specific Prohibited Conduct policy(s) that has been allegedly violated.
- Inform parties of any interim or protective actions being taken.
- Provide the date and location of the alleged Prohibited Conduct, to the extent that is known.
- Provide information on the source of complaint, and if appropriate, identity of Complainant, if any.
- 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 investigator(s) 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:

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

Towards the conclusion of an investigation, investigator(s) will provide parties with a “summary of all relevant evidence” and “investigator report” to be used in rendering a determination, and provide each with a full and fair opportunity to address that evidence in writing within seven (7) business days prior to a finding being rendered.

Investigator(s) will complete the investigation promptly, and without unreasonable deviation from the intended timeline. If the investigator(s) determines additional time is needed to complete an

investigation, both parties will be notified of the delay. Investigator(s) will provide regular updates to the Complainant throughout the investigation, and to the Respondent, as appropriate.

For cases all cases initiated under this policy, the investigator(s) will also send the investigator report, which will include the “summary of all relevant evidence” with a recommended finding to the Title IX Manager. Once the report is completed investigator(s) will meet with the Title IX Manager to discuss recommendations, findings, and sanctions, as applicable.

Findings

If the Preponderance of Evidence standard is met for a Prohibited Conduct violation, the allegation(s) brought against a Respondent will be “substantiated” and the investigation 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 investigator 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 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.

Respondent Admits to Policy Violation

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

Notification of Findings or Determination

The Title IX Manager, or designee, 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.

Notifications to the Complainant for harassment or 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; and
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.

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; and
- 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; and
- Information on appeals options that are available to the Respondent.

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.

F. 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 individual’s Respondent status related to the University (i.e. Student, Employee, or Third Party).
- The nature, severity of, and circumstances surrounding the violation.
- An individual’s disciplinary history.
- Previous allegations involving similar conduct.
- Any other information deemed relevant by the Title IX Manager and/or 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.
- The need to identify opportunities to have the Respondent re-dress the Complainant.
- The need to have the Respondent engage in an educational experience, when possible.
- 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 Student, Employee, and Third Party Respondents singly or in combination as applicable:

- **Restitution:** Requires payment for damages to property.
- **Fines:** Imposes a fee for the violation of a policy.
- **Community/University of La Verne 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 investigator. 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 housing facilities, University buildings, or the University in general, 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 policy violations, 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 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.
- **Housing Removal:** Informs a student that their student housing contract is being cancelled and as such they will be required to vacate and remove their belongings from 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 infractions of any University policy, 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 policy violation, 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. 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 significant disruption to the University such that they are not eligible to be a student at the University of La Verne. Expulsion may result in a “Student Conduct Action” notation in their University of La Verne transcript.
- **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.

G. 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 or 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 of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation, 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 Title IX Manager or, in limited circumstances, heard by the appeals officer.
- Sanctions imposed as the result of an investigation 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 investigator(s) (as in cases of bias), the appeals officer may recommend a new investigation with a new investigator. The results of a remand cannot be appealed. The results of a new investigation 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.

H. COMPLAINANT AND RESPONDENT RIGHTS

Complainant Rights

- The right to a prompt and thorough investigation and appropriate resolution of all credible allegations of sexual misconduct or discrimination made in good faith to University officials.
- The right not to have any personally identifiable information released without their consent, as applicable.
- The right to be treated with respect, dignity, and sensitivity by University officials throughout the process.
- The right to be informed of and have University policies and procedures followed as related.
- The right not to be discouraged by University officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.
- The right to choose to notify or NOT notify University Officials of an incident. 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 notify Law Enforcement.
- The right to be notified of available resources and support services such as, counseling, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other available services, both on campus and in the community.
- The right to Preventative and Interim Measures of Protection.

- The right to ask the investigators to identify and question relevant witnesses and 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 review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, and to respond in writing, prior to a determination of findings.
- The right to not have irrelevant prior sexual history used in the determination of investigation.
- The right to regular updates on the status of the investigation.
- The right to privacy and protection under the Family Education Rights and Privacy Act (FERPA) and privacy of an individual’s medical and related records generally protected by the Health Insurance Portability and Accountability Act (“HIPAA”). Access to an Employee’s personnel records may be restricted in accordance with California privacy laws and, where applicable, Department of Human Resources Management (“DHRM”) Policy 6.05 Personnel Records Disclosure and DHRM Policy 6.10 Records Management, as applicable. The University will make all reasonable efforts to ensure preservation of privacy, restricting information to those with a legitimate need to know.
- 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 have an advisor or advocate of the Complainant’s choosing throughout all phases of the investigation.
- 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, and when a decision by the University is considered closed.
- The right to appeal the finding and sanction(s) of the investigation, and the procedures for doing so in accordance with the standards for appeal established by the University.

Respondent Rights

- The right to a prompt and thorough investigation and appropriate resolution of all credible allegations of sexual misconduct or discrimination made in good faith to University officials.
- The right not to have any personally identifiable information released without their consent, as applicable.
- The right to be treated with respect, dignity, and sensitivity by University officials throughout the process.
- The right to be informed of and have University policies and procedures followed as related.
- The right not to be discouraged by University officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.
- The right to choose to notify or NOT notify University Officials of an incident. 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 Respondent so chooses. This also includes the right NOT to notify Law Enforcement.
- The right to be notified of available resources and support services such as, counseling, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other available services, both on campus and in the community.
- The right to Preventative and Interim Measures of Protection.
- The right to ask the investigators to identify and question relevant witnesses and 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 review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, and to respond in writing, prior to a determination of findings.
- The right to not have irrelevant prior sexual history used in the determination of investigation.
- The right to regular updates on the status of the investigation.
- The right to privacy and protection under the Family Education Rights and Privacy Act (FERPA) and privacy of an individual's medical and related records generally protected by the Health Insurance Portability and Accountability Act ("HIPAA"). Access to an Employee's personnel records may be restricted in accordance with California privacy laws and, where applicable, Department of Human Resources Management ("DHRM") Policy 6.05 Personnel Records Disclosure and DHRM Policy 6.10 Records Management, as applicable. The University will make all reasonable efforts to ensure preservation of privacy, restricting information to those with a legitimate need to know.
- 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 have an advisor or advocate of the Respondent's choosing throughout all phases of the investigation.
- 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, and when a decision by the University is considered closed.
- The right to appeal the finding and sanction(s) of the investigation, and the procedures for doing so in accordance with the standards for appeal established by the University.

Appendix B

CONTACT & REPORTING RESOURCES

TITLE IX CONTACT RESOURCES

Title IX Manager

Megan D. C. Jackson

Title IX Manager and Employee Relations Manager

Office of Human Resources – Park Campus

(909) 448-4078

mjackson@laverne.edu or Title9manager@laverne.edu

Title IX Deputy Coordinators

Loretta H. Rahmani, Ed.D.

Dean of Student Affairs

Abraham Campus Center – 1st Floor

(909) 448-4053 or (909) 448-4050

lrahmani@laverne.edu

Peter Maljian

Director of Recruitment and Retention

Office of Human Resources – Park Campus

(909) 448-4077

pmaljian@laverne.edu

Beatriz Gonzales, Ph.D.

Vice Provost & Chief Diversity Officer

Founder's Hall

(909) 448-4512

bgonzales@laverne.edu

Title IX Investigators

Juan Regalado

Associate Dean of Student Affairs

HRL – Vista La Verne Residence Hall

(909) 448-4448

jregalado@laverne.edu

Eugene Shang
Director of Residence Life & Student Conduct
HRL Office – Oaks Residence Hall
(909) 448-4963
eshang@laverne.edu

Lisa Lester
Associate Director of Housing Operations
HRL Office – Oaks Residence Hall
(909) 448-4425
llester@laverne.edu

***Additional trained investigators outside those listed above may be utilized.**

On-Campus Confidential Resources

Counseling and Psychological Services – CONFIDENTIAL REPORTING RESOURCE
2215 E Street, La Verne (Corner of 2nd Street and E, North/West Corner)
(909) 448-4105
After Hours Emergency Crisis phone number: (909) 448-4650

Student Health Center – CONFIDENTIAL REPORTING RESOURCE
2147 E Street, La Verne (Corner of 2nd Street and E, South/West Corner)
(909) 448-4619
Emergency / Non – Emergency after hours, please contact Pomona Valley Hospital
Medical Center Address: 1798 N. Garey Ave., Pomona, CA
Phone: 909-865-9500
<https://www.pvhmc.org/>

Office of Religious and Spiritual Life – CONFIDENTIAL REPORTING RESOURCE
Rev. Zandra Wagoner – University Chaplain
zwagoner@laverne.edu
(909) 448-4446

Employee Assistance Program – CONFIDENTIAL REPORTING RESOURCE
Employees can also obtain such counseling through Health Advocate EAP
(866) 799-2728

Appendix C

RESOURCES (aka the brochure)

RIGHTS AND OPTIONS

FOR VICTIMS OF SEXUAL MISCONDUCT

The University is committed to creating and sustaining an educational and working environment free of sexual misconduct (e.g. sexual assault, stalking, sexual exploitation, relationship violence, sexual or gender-based harassment or discrimination). If you experience any of these forms of sexual misconduct, you are strongly encouraged to utilize the various on and off campus resources described below. Your safety and well-being is the University's priority. This publication is intended to help you understand your rights and options, as well as provide you with information regarding support and assistance.

WHAT SHOULD I DO?

If you are in the currently or have recently experienced an emergency, immediate harm or threat of harm - Call 9-1-1.

If you have experienced sexual misconduct (e.g. sexual assault, stalking, sexual exploitation, relationship violence, sexual or gender-based harassment or discrimination) you are encouraged to seek immediate assistance from police, healthcare providers or the University for your physical safety, emotional support, and medical care.

The University, will coordinate with Campus Safety and the Student Health Center, to escort you to a safe place and transport you to a hospital or a sexual assault response center for a medical examination, if needed. The University can also connect you to a community based confidential Sexual Assault Victim's Advocate. If you would prefer not to notify the police, you are strongly encouraged to seek assistance from the campus Title IX Manager who can provide you with information on your options, rights and remedies. The campus Title IX Manager is available to assist you in notifying the police, if you wish.

You have the right to decide whom and when to tell about what happened. However, it is very important that you get confidential medical attention after being assaulted. Following an incident, you may be physically injured, there may be a chance that you may have contracted a sexually transmitted disease or that you may become pregnant.

WHOM SHOULD I CONTACT?

The University has designated a Title IX Manager to provide you with assistance and support, and to monitor and oversee overall compliance with laws and policies related to sexual misconduct, dating and domestic violence, and stalking. The University's Title IX Manager is available to explain and discuss your right to file a criminal complaint; the University's relevant complaint process, and your right to receive assistance with that process, including the investigation process; how confidentiality is handled; available resources, both on and off Campus; and other related matters.

Title IX Manager

Megan D. C. Jackson
Title IX Manager and Employee Relations Manager
Office of Human Resources – Park Campus
(909) 448-4078
mjackson@laverne.edu or Title9manager@laverne.edu

Title IX Deputy Coordinators

Loretta H. Rahmani, Ed.D.
Dean of Student Affairs
Abraham Campus Center – 1st Floor
(909) 448-4053 or (909) 448-4050
lrahmani@laverne.edu

Peter Maljian
Director of Recruitment and Retention
Office of Human Resources – Park Campus
(909) 448-4077
pmaljian@laverne.edu

Beatriz Gonzales, Ph.D.
Vice Provost & Chief Diversity Officer
Founder’s Hall
(909) 448-4512
bgonzales@laverne.edu

On-Line Anonymous Reporting Option

University of La Verne Incident Report Form
https://cm.maxient.com/reportingform.php?UnivofLaVerne&layout_id=5

Campus Safety

Office of Campus Safety
2021 D Street, La Verne (1st floor of Parking Structure)
(909) 448-4950 (available 24/7)
security@laverne.edu

Local Police Department

La Verne Police Department

2061 3rd Street, La Verne
911 (for emergencies)
(909) 596-1913 (for non-emergencies)

Confidential Campus Resources

Counseling and Psychological Services – CONFIDENTIAL REPORTING

2215 E Street, La Verne (Corner of 2nd Street and E, North/West Corner)
(909) 448-4105
After Hours Emergency Crisis phone number: 909-448-4650

Student Health Center – CONFIDENTIAL REPORTING

2147 E Street, La Verne (Corner of 2nd Street and E, South/West Corner)
(909) 448-4619
Emergency / Non – Emergency after hours, please contact Pomona Valley Hospital Medical Center (contact information listed below)

Office of Religious and Spiritual Life – CONFIDENTIAL REPORTING

Rev. Zandra Wagoner – University Chaplain
zwagoner@laverne.edu
(909) 448-4446

Employee Assistance Program – CONFIDENTIAL REPORTING

Employees can also obtain such counseling through Health Advocate EAP
866-799-2728

Off-Campus Resources

Project Sister Family Services

Project Sister Family Services is the foremost agency dedicated to providing services to the women, children, and men survivors of sexual assault and abuse and their families in the East San Gabriel and Inland Valleys in Southern California

24 Hour Hotline: (909) 626-4357

Phone: (909) 623-1619

<http://projectsister.org/>

House of Ruth

House of Ruth's mission is two-fold: (1) to advocate for and assist women and children victimized by domestic violence and children exposed to violence in transforming their lives by providing culturally competent shelter, programs opportunities and education; (2) To contribute to social change through intervention, education, prevention programs and community awareness.

Toll-free Hotline: 877-988-5559

Pomona Outreach Office: (909) 623-4364

<http://houseofruthinc.org/>

Pomona Valley Hospital Medical Center

The emergency room at Pomona Valley Hospital is County designated Sexual Assault Response Team Center. SART is a victim-sensitive program designed to provide a team approach to responding to sexual assaults. Victims/survivors may take a support person with them to the hospital.

Address: 1798 N. Garey Ave., Pomona, CA

Phone: (909) 865-9500

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

U.S. Department of Education

Office for Civil Rights (OCR)

800-421-3481 or OCR@ed.gov

If you wish to file a complaint form online with the OCR, you may do so at:

<https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

The White House Task Force to Protect Students From Sexual Assault

<https://www.notalone.gov/>

THE IMPORTANCE OF PRESERVING EVIDENCE

It is important that you take steps to preserve and collect evidence; doing so preserves the full range of options available to you, be it through the University 's administrative complaint procedures or criminal prosecution . To preserve evidence:

- do not wash your face or hands;
- do not shower or bathe;

- do not brush your teeth;
- do not change clothes or straighten up the area where the assault took place;
- do not dispose of clothes or other items that were present during the assault, or use the restroom ; and
- seek a medical exam immediately.

If you already cleaned up from the assault, you can still report the crime, as well as seek medical or counseling treatment. You may consult with the Campus Title IX Manager or Sexual Assault Victim's Advocate (see contact information above) for assistance as well.

WHAT REPORTING OPTIONS DO I HAVE?

The University's primary concern is your safety and the safety of the Campus community. The use of alcohol or drugs never makes the victim at fault for sexual misconduct. If you have experienced sexual misconduct you should not be deterred from reporting the incident out of a concern that you might be disciplined for related violations of drug, alcohol or other University policies. Except in egregious circumstances, University students or employees who are victims of sexual misconduct will not be subject to discipline.

You have several reporting options, and you may pursue one or more of these options at any time. It is your right to have a friend, family member, Sexual Assault Victim's Advocate, or other representative present with you while reporting the incident. You also have the right to have a sexual assault counselor, Sexual Assault Victim's Advocate and/or support person of your choice present with you during a rape examination.

The Campus Title IX Manager can assist you in notifying the police if you choose.

Criminal: Reporting to local police is an option at any time. If you choose not to report to the police immediately following an incident, you can still make the report at a later time. However, with the passage of time, the ability to gather evidence to assist with criminal prosecution may be limited. Depending on the circumstances, the police may be able to obtain a criminal restraining order on your behalf.

Administrative: You may report to the Campus Title IX Manager, who will provide you with written and verbal information regarding applicable University complaint procedures for investigating and addressing the incident. The Title IX Manager will also provide you with information regarding resources available to you, as well as information regarding your rights and options. Contact information for the Title IX Coordinator is listed above.

The Campus Title IX Manager will also discuss with you any reasonable interim remedies the University may offer prior to conclusion of an investigation or potential disciplinary action to reduce or eliminate negative impact on you and provide you with available assistance. Examples include: adjustment to work assignments, course schedules or supervisory reporting relationship; requiring the Respondent to move from University-owned or affiliated housing; immediately prohibiting the Respondent from coming to the University; or prohibiting the Respondent from contacting the parties involved in the

reported incident. These options may be available to you whether or not you choose to report the incident to Campus police or law enforcement. The Title IX Coordinator remains available to assist you and provide you with reasonable remedies requested by you throughout the reporting, investigative, and disciplinary processes, and thereafter.

If it is determined that University policy was violated, the Respondent will be subject to discipline, up to and including dismissal from University employment or expulsion from the University. You are entitled to be accompanied to any related meeting or proceeding by an advisor of your choice, including a Sexual Assault Victim's Advocate or domestic violence counselor. However, if you do not wish to participate in an investigation or administrative resolution, you have the right to decline to do so.

Health/Counseling/Clergy: You may choose to seek advice and assistance from physicians, psychotherapists, professional counselors, clergy, sexual assault and domestic violence counselors and advocates, including individuals who work or volunteer for them.

Civil Lawsuit: You may choose to file a civil lawsuit against the Respondent, whether or not criminal charges have been filed. A civil lawsuit provides you the opportunity to recover actual damages, which may include compensation for medical expenses, lost wages, pain, suffering, and emotional distress.

You may also choose to obtain a protective or restraining order (such as a domestic violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect victims who have experienced or are reasonably in fear of physical violence or sexual misconduct. Campus Safety and the Campus Title IX Manager can offer assistance with obtaining a protective or restraining order.

Non-reporting: You are strongly encouraged to report any incidents to the police and/or the Title IX Manager so that steps may be taken to protect you and the rest of the campus community. However, non-reporting is also an option.

CONFIDENTIALITY - KNOW YOUR OPTIONS

We encourage victims of sexual misconduct to talk to someone about what happened - so you can get the support you need, and so the University can respond appropriately. Whether - and the extent to which - a University employee may be able to maintain confidentiality (and not disclose information to the Title IX Manager) depends on the Employee's position and responsibilities at the University. This information is intended to make you aware of the various reporting and confidential disclosure options available to you - so you can make informed choices about where to turn for help. The University encourages victims to talk to someone identified in one or more of these groups.

As explained below, some employees are required by law to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication." Other Employees may talk to a victim in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Some employees are required to report all details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Manager. A report to

these employees constitutes a report to the University, and may create a legal obligation for the University to investigate the incident and take appropriate steps to address the situation.

Privileged and Confidential Communications

Physicians, Psychotherapists , Professional Counselors and Clergy - Physicians, psychotherapists, professional, licensed counselors, and clergy who work or volunteer on or off campus acting solely in those roles or capacity, in the provision of medical or mental health treatment or counseling (including those who work or volunteer in those offices) may not report any information about an incident of sexual misconduct to anyone else at the University, including the Title IX Manager, without your consent. You can seek assistance and support from physicians; psychotherapists, professional, licensed counselors, and clergy without triggering a University investigation that could reveal your identity or the fact of your disclosure. However, see limited exceptions below regarding when health care practitioners must report to local law enforcement agencies. Health care practitioners should explain these limited exceptions to you, if applicable. Following is the contact information for professional counselors and physicians (if any) on campus:

Counseling and Psychological Services– CONFIDENTIAL REPORTING RESOURCE

2215 E Street, La Verne (Corner of 2nd Street and E, North/West Corner)

(909) 448-4105

After Hours Emergency Crisis phone number: (909) 448-4650

Student Health Center – CONFIDENTIAL REPORTING RESOURCE

2147 E Street, La Verne (Corner of 2nd Street and E, South/West Corner)

(909) 448-4619

Emergency / Non – Emergency after hours, please contact Pomona Valley Hospital Medical Center (contact information listed below)

Office of Religious and Spiritual Life – CONFIDENTIAL REPORTING RESOURCE

Rev. Zandra Wagoner – University Chaplain

zwagoner@laverne.edu

(909) 448-4446

Employee Assistance Program – CONFIDENTIAL REPORTING RESOURCE

Employees can also obtain such counseling through Health Advocate EAP

866-799-2728

Sexual Assault and Domestic Violence Counselors and Advocates - Sexual assault and domestic violence counselors and advocates who work or volunteer on or off campus in sexual assault centers, victim advocacy offices, women's centers, and health centers (including all individuals who work or volunteer in these centers and offices, as well as non-professional counselors or advocates, and those who act in that role under their supervision) may talk to you without revealing any information about you or the incident of sexual misconduct to anyone else at the University, including the Title IX Manager, without your consent. You can seek assistance and support from these counselors and advocates without triggering a University investigation that could reveal your identity or that you disclosed an incident to them. However, see limited exceptions below regarding when sexual assault and domestic violence counselors and advocates must report to local law enforcement agencies. Counselors and advocates should explain these limited exceptions to you, if applicable.

If you speak only to a physician, professional counselor, or clergy member you must understand that the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the perpetrator, if you choose to maintain confidentiality.

Even so, these individuals will still assist you in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services. They may not, however, be able to assist you with University academic support or accommodations, or changes to University-based living or working schedules, or assist with adjustments to course schedules. Only the University and the Title IX Coordinator can assist with those matters (see below). A victim who at first requests confidentiality may later decide to file a complaint with the University or report the incident to the police, and thus have the incident fully investigated. These counselors and advocates can provide you with that assistance if you wish. These counselors and advocates will also explain that Title IX includes protections against retaliation, and that the University will not only take steps to prevent retaliation when it knows or reasonably should know of possible retaliation , but will also take strong responsive action if it occurs.

EXCEPTIONS: Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if he or she provides medical services for a physical condition to a patient/victim who he or she knows or reasonably suspects is suffering from: (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct (including sexual misconduct and dating and domestic violence). This exception does not apply to sexual assault and domestic violence counselors and advocates. Health care practitioners will explain this limited exception to you, if applicable.

Additionally, under California law, all professionals described above (physicians, psychotherapists , professional counselors, clergy, and sexual assault and domestic violence counselors and advocates) are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement. These professionals will explain this limited exception to you, if applicable.

Finally, some or all of these professionals may also have reporting obligations under California law to: (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger; or (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the incident. If applicable, these professionals will explain this limited exception to you.

Reporting to Local Police

If you report certain sex offenses to local police, the police is required to notify you that your name will become a matter of public record unless confidentiality is requested. If you request that your identity be kept confidential, your name will not become a matter of public record and the police will not report your identity to anyone else at the University, including the Title IX Manager. Local Police will, however, report the facts of the incident itself to the Title IX Manager being sure not to reveal to the Title IX Manager your name/identity, or compromise their own criminal investigation.

The University is required by the federal Clery Act to report certain types of crimes (including certain sex offenses) in statistical reports. However, while the University will report the type of incident in the annual crime statistics report known as the Annual Security Report, your name/identity will not be revealed.

Reporting to the Title IX Coordinator and Other University Employees

Most University employees have a duty to report incidents of sexual misconduct when they are on notice of it. When you tell the Title IX Manager or another University employee about an incident, you have the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. In all cases, we strongly encourage victims to report sexual misconduct directly to the Title IX Manager.

As detailed above, all University employees except physicians, licensed counselors, sexual assault victim's advocates must report to the Title IX Manager all relevant details about incidents of which they become aware. The University will need to determine what happened - and will need to know the names of the victim(s) and the perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the incident.

To the extent possible, information reported to the Title IX Manager or other University employees will be shared only with individuals responsible for handling the University's response to the incident. The University will protect the privacy of individuals involved except as otherwise required by law or University policy. A report may result in the gathering of extremely sensitive information about you and other individuals in the Campus community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a reported incident. In such cases, efforts will be made to redact the records, as appropriate, in order to protect your identity and privacy and the privacy of other involved individuals.

The Title IX Manager can be reached at:

Megan D. C. Jackson
Title IX Manager and Employee Relations Manager
Office of Human Resources – Park Campus
(909) 448-4078
mjackson@laverne.edu or title9manager@laverne.edu

If you request of the Title IX Manager or another University employee that your identity remain completely confidential, the Title IX Manager will explain that the University cannot always honor that request and cannot guarantee complete confidentiality. If you wish to maintain confidentiality or request that no investigation be conducted or disciplinary action taken, the University must weigh that request against the University's obligation to provide a safe, non-discriminatory environment for all students, employees and third parties, including you. Under those circumstances, the Title IX Manager will determine whether your request for complete confidentiality and/or no investigation can be honored under the facts and circumstances of the particular case, including whether the University has a legal obligation to report the incident, conduct an investigation or take other appropriate steps. Without information about your identity, the University's ability to meaningfully investigate the incident and pursue disciplinary action against the perpetrator may be severely limited.

The Title IX Manager will inform you prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response. The Title IX Manager will remain mindful of your well-being, and will take ongoing steps to protect you from retaliation or harm, and work with you to create a safety plan. Retaliation against you, whether by students or employees, will not be tolerated. The University and Title IX Manager will also:

- Provide interim remedies requested by you, if they are reasonably available, regardless of whether you choose to report sexual misconduct to Campus or local police;
- Assist you in accessing other available victim advocacy, academic support, counseling, disability, medical/health or mental health services, and legal assistance both on and off campus;
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of Campus-based living or working arrangements or course schedules (including for the Respondent pending the outcome of the investigation) or adjustments for assignments, tests, or work duties; and
- Inform you of your right to report a crime to University or local police - and provide you with assistance if you wish to do so.

The University will not require you to participate in any investigation or disciplinary proceeding if you do not wish to participate.

The University will not generally notify parents or legal guardians of your report unless you are under the age of 18 or you provide the University with written permission to do so.

Under California law, and pursuant to University policy, certain University employees, including the Title IX Manager, are mandatory child abuse and neglect reporters and should explain to victims under 18 years of age that they are required to report the incident to the police. However, the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.

Because the University is under a continuing legal obligation to address the issue of sexual misconduct, dating and domestic violence, and stalking campus-wide, any such reports (including non-identifying reports) may also prompt the University to consider broader remedial action - such as increased monitoring, supervision or security at locations where the reported incident occurred; increased education, training and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revising its policies and practices.

NOTE: If the University determines that the respondent poses a serious and immediate threat to the Campus community, a designated Campus Security Authority under the Clery Act may be called upon to issue a timely warning to the community. Any such warning will not include any information that identifies the victim.

AS A REPORTER, AM I PROTECTED FROM RETALIATION?

Yes, University policies prohibit retaliation against a person who:

- Reports sexual misconduct;
- Assists someone with such a report; or
- Participates in any manner in any related investigation or resolution.

No officer, employee or agent of the University shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his/her rights or responsibilities. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education. Retaliation, if proven, is a violation of University policies and may result in discipline, up to and including termination of employment or expulsion from the University.

WHAT ELSE MIGHT HAPPEN IF I NOTIFY LOCAL POLICE?

Should you choose to notify local police, you will be escorted to a safe place if necessary, and may be transported to a hospital or sexual response assault center for a medical exam.

Local police can also provide access to a confidential Sexual Assault Victim's Advocate, if desired. First and foremost, the medical exam you receive from a hospital or sexual assault response center treats any physical injury or effect. The exam may include a vaginal and/or anal examination, testing, and prophylactic treatment for sexually transmitted infections and possible pregnancy.

Second, the medical exam properly collects and preserves evidence. Seeking a medical exam for treatment and evidence collection does not commit you to any particular course of action, and your medical records are confidential.

WHAT UNIVERSITY PROCEDURES ARE AVAILABLE?

The University has formal written procedures that provide for resolution of reports of sexual misconduct. The procedure for employees and third parties is separate from, but similar to the procedure for students. Your Campus Title IX Manager can explain these procedures in detail.

At the conclusion of the University's resolution procedure, any student, employee or third party found to have violated University policy will be subject to discipline. Discipline would be administered consistent with applicable University policies (e.g. Code of Student Conduct, Employee Handbook, PEPPIT) and legal requirements. As the Complainant, you are not required to participate in any University resolution procedure and may choose not to be a part of it. Resolutions procedures for sexual misconduct:

- Provide a prompt, fair, and impartial process and resolution;
- Be conducted by officials who receive annual training on sexual misconduct including how to conduct a process that protects the safety of Complainants and promotes accountability;
- Provide the Complainant and the Respondent the same opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;
- Simultaneously inform the Complainant and the Respondent in writing of:
 - The outcome of the disciplinary proceeding;
 - The procedures available to appeal the results of the disciplinary proceeding ;
 - Any change to the resolutions results that occurs prior to the time such results become final; and
 - When disciplinary results become final.
 -

WHAT IS SEXUAL MISCONDUCT?

Sexual Misconduct

Sexual misconduct comprises a broad range of behaviors, including but not limited Sexual Assault, Stalking, Sexual Exploitation, Relationship Violence, Sexual or Gender-Based Harassment, Sexual or Gender-Based Discrimination. Sexual misconduct that is not sexual in nature but is based on gender, gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation also violates this policy. Such behavior is also prohibited by law. Both men and women may be perpetrators, as well as victims.

Sexual Assault

Sexual Assault includes any unwelcomed or nonconsensual contact of sexual nature with another person, including both of the following:

Penetration: Any sexual intercourse, however slight, with any object by a person upon another person that is without consent and/or by force.

Acts without consent and/or by force refers to acts committed a) by physical force, violence, threat, or intimidation; b) by ignoring an objection or without positive/affirmative consent; c) by causing another's incapacitation through the use of alcohol or other drugs; and/or d) by taking advantage of another person's incapacitation, helplessness, or their inability to consent.

This form of Sexual Assault includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.

Sexual Contact: Any other form of intentional sexual touching, however slight, with any object or body part (as described below) performed by a person upon another person that is without consent and/or by force.

Acts without consent and/or by force refers to acts committed a) by physical force, violence, threat, or intimidation; b) by ignoring an objection or without positive/affirmative consent; c) by causing another's incapacitation through the use of alcohol or other drugs; and/or d) by taking advantage of another person's incapacitation, helplessness, or their inability to consent.

Sexual Contact includes:

- Intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts; and
- Making another touch the actor, another or themselves with or on any of these body parts.

Persons under the age of 18 are legally incapable of consenting to any form of sexual contact.

Stalking

Stalking is defined as engaging in an unwanted course of conduct of two or more acts directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. Examples of stalking behavior:

- Unwanted, intrusive, and frightening communications from the perpetrator by phone, mail, email, text and/or social media.
- Leaving or sending the person unwanted items, presents, or flowers.
- Following or lying in wait for the person at places such as home, school, work, or recreation place.
- Making direct or indirect threats to harm the person, the person's children, relatives, friends, or pets.
- Damaging or threatening to damage the person's property.
- Harassing the person through the internet.
- Posting information or spreading rumors about the person on the internet, in a public place, or by word of mouth.
- Any other acts in which the actor directly, indirectly or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates, to or about a person, or interferes with a person's property.

Sexual Exploitation

Sexual exploitation occurs when an actor takes non-consensual or abusive sexual advantage of another for the actor's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and such behavior does not constitute one of the other sexual misconduct offenses as defined in this policy.

Sexual Exploitation includes, but is not limited to, doing any of the following:

- Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give Affirmative Consent to sexual activity.
- Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images) without consent of all participants.
- Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person's intimate parts, including genitalia, groin, breasts or buttocks, in a place where that person would have a reasonable expectation of privacy).
- Recording or photographing private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent of all participants.
- Disseminating or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent.
- Prostituting another person.
- Possession, production, distribution, sale or purchase of child pornography.

Relationship Violence

Relationship Violence includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Relationship Violence may include any form of Prohibited Conduct under this policy, including Sexual Assault, Stalking, and Physical Assault (as defined below).

Physical Assault is threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person. Physical Assault will be addressed under this policy if it involves Sexual or Gender-Based Harassment, Relationship Violence, or is part of a course of conduct under the Stalking definition.

Relationship Violence includes "dating violence" and "domestic violence." The Violence Against Women Act (VAWA) defines:

- Dating Violence to mean violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship would be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- Domestic Violence to mean felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction.

Sexual or Gender/Based Harassment

Sexual Harassment is any unwelcomed sexual advance, unwelcomed request for sexual favors, or other unwelcomed conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when either condition outlined below, is present:

- c) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any University programs and/or activities or is used as the basis for University decisions affecting the individual (often referred to as "quid pro quo" harassment); or
- d) Such conduct creates a hostile environment. A "hostile environment" exists when the conduct is sufficiently severe or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the University's education or employment programs and/or activities. Conduct must be deemed severe, or pervasive from both a subjective and an objective perspective. In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:
 - The frequency, nature and severity of the conduct
 - Whether the conduct was physically threatening
 - The effect of the conduct on the Complainant's mental or emotional state
 - Whether the conduct was directed at more than one person
 - Whether the conduct arose in the context of other discriminatory conduct
 - Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities
 - Whether the conduct implicates concerns related to academic freedom or protected speech.

Gender-Based Harassment includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of threats or intimidation, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when either condition outlined above for sexual harassment is present.

A hostile environment can be created by pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, may not be sufficient to constitute a hostile environment.

Discrimination

Discrimination as used in this policy is any distinction, preference, advantage for, or detriment to an individual or class of individuals compared to others that is based on a legally protected characteristic of sex, or gender, or a perception that an individual or class of individuals have such characteristics or associate with others who have, or are perceived to have, such characteristics, that adversely affects a

term or condition of an individual's employment, education, living environment, or participation in a University activity, or is used as the basis for or a factor in decisions affecting that individual's employment, education, living environment, or participation in a University activity. Examples of discrimination include, without limitation:

- Denying a person admission or employment based upon sex or gender
- Denying raises, benefits, or promotions on the basis of sex or gender
- Subjecting a person to different academic standards, employment conditions, or conditions in the educational setting because of sex or gender

WHAT IS AFFIRMATIVE CONSENT

Affirmative Consent

Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

A person who wants to engage in a specific sexual activity is responsible for obtaining Affirmative Consent for that activity. Lack of protest does not constitute Affirmative Consent. Lack of resistance does not constitute Affirmative Consent. Silence and/or passivity also do not constitute Affirmative Consent. Relying solely on non-verbal communication before or during sexual activity can lead to misunderstanding and may result in a violation of this Policy. It is important not to make assumptions about whether a potential partner is consenting. In order to avoid confusion or ambiguity, participants are encouraged to talk with one another before engaging in sexual activity. If confusion or ambiguity arises during sexual activity, participants are encouraged to stop and clarify a mutual willingness to continue that activity.

Affirmative Consent to one form of sexual activity does not, by itself, constitute Affirmative Consent to another form of sexual activity. For example, one should not presume that Affirmative Consent to oral-genital contact constitutes Affirmative Consent to vaginal or anal penetration. Affirmative Consent to sexual activity on a prior occasion does not, by itself, constitute Affirmative Consent to future sexual activity.

Affirmative Consent may be withdrawn at any time through clear words or actions communicating a decision to cease the sexual activity. Once Affirmative Consent is withdrawn, the sexual activity must cease immediately.

Affirmative Consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated. Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity.

Affirmative Consent cannot be given by someone under the age of 18.

It shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:

The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused.

The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

Physical Violence - Physical Violence means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.

Threats - Threats are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to physically harm a person or the person's family members, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.

Intimidation - Intimidation is an implied threat that menaces or causes reasonable fear in another person of harm to that person's body, a member of the person's family, or reputation. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).

Coercion- Coercion is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular form of Sexual Contact or Sexual Intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

Incapacitation- Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking or using drugs. The impact of alcohol and other drugs varies from person to person.

A person who is incapacitated is unable, temporarily or permanently, to give Affirmative Consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol, drugs, or medication, or due to a temporary or permanent physical or mental health condition.

In evaluating Affirmative Consent in cases of alleged incapacitation, the University asks two questions: (1) Did the Respondent know that the other party was incapacitated? If not, (2) Should a sober, reasonable person in the same situation as Respondent have known that the other party was

incapacitated? A “YES” answer to either question is likely to establish the absence of Affirmative Consent was and a violation of this policy.

One is not expected to be a medical expert in assessing incapacitation. One must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every individual may manifest signs of incapacitation differently, typical signs include slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, or incontinence. A person who is incapacitated may not be able to understand some or all of the following questions: “Do you know where you are?” “Do you know how you got here?” “Do you know what is happening?” “Do you know whom you are with?” One should be cautious before engaging in Sexual Contact or Sexual Intercourse when either party has been drinking alcohol or using other drugs. The introduction of alcohol or other drugs may create ambiguity for either party as to whether Affirmative Consent has been sought or given. If one has doubt about either party’s level of intoxication, the safe thing to do is to forego all sexual activity.

In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

- c. The complainant was asleep or unconscious.
- d. The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.

The complainant was unable to communicate due to a mental or physical condition.

Being impaired by alcohol or other drugs is no defense to any sexual misconduct.

WHAT ARE OTHER IMPORTANT DEFINITIONS

Retaliation - Retaliation means any adverse action taken against a person for making a good faith report of 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 Prohibited Conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

Complicity - Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act of Prohibited Conduct by another person.

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

Respondent - A Student, Employee or Third Party who has been accused of violating this policy.

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