

# University of La Verne

## A Resource Guide for University of La Verne Community on Sexual Misconduct: Campus Policies, Procedures, and Supportive Services

### INTRODUCTION

If you've tried to read the University of La Verne's procedures for addressing sexual offenses on the [Title IX webpage](#), it can be a challenge to understand some of their complexity. This guide is intended to help explain the University of La Verne's responsibility under Title IX and the Violence Against Women Act (VAWA). Additionally, this guide will:

- provide you with specific resources available both on and off campus
- provide you with details on available supportive measures
- educate you on your right to an Advisor and how they can assist you throughout the process
- inform you of policy definitions that describe prohibited conduct
- inform you of possible sanctions for policy violations
- provide you with common questions and answers asked by parties (Complainants and Respondents)

### IF YOU HAVE EXPERIENCED SEXUAL MISCONDUCT

**If you are off campus and experiencing an emergency, you can call local police by dialing 911. You may also call the local police department's non-emergency line at 909-596-1913.**

1. Go to a safe location as soon as you are able.
2. Seek immediate medical attention if you are injured, believe you may have been exposed to the risk of an STI/STD, or pregnancy.
3. Contact any of the following for immediate assistance on campus:
  - a. Title IX Coordinator at 909-448-4012. Regular business hours, M-F.
  - b. Campus Safety at 909-448-4950. 24 hours/7 days a week

- c. Student Health Services, at 909-448-4619. Regular business hours, M-F
  - d. Counseling and Psychological Services (CAPS), at 909-448-4105. Regular business hours, M-F
  - e. Chief Student Affairs Officer, at 909-448-4448. Regular business hours, M-F
  - f. Student Outreach and Support Case Manager, at 909-448-4520
  - g. Project Sister Rape Crisis Hotline, at 909-626-4357. 24 hours/7 days a week
  - h. House of Ruth Domestic Violence Support Hotline, at 1-877-988-5559. 24 hours/7 days a week
4. **Medical Attention:** Evidence collection should be completed within approximately 120 hours of an assault, but fluids, hair samples and DNA can be collected for a long time thereafter. Even if you have washed or bathed, evidence can often still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault. Sexual assault nurse examiners are trained in the collection of forensic evidence and can check for injuries and exposure to sexually transmitted infections and diseases. If you are still wearing any clothes worn during the incident, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the incident to the hospital in a clean paper (not plastic) bag or a wrapped in a clean bedsheet. Leave sheets/towels at the scene of the incident. Police will collect them. Typically, police will be called to the hospital to take custody of the forensic kit, but it is up to you whether you wish to speak with them or file a criminal complaint.
5. **Choose how to proceed.** You have options. You can: (1) do nothing until you are ready, (2) pursue resolution by the University of La Verne, and/or (3) initiate criminal proceedings, and/or 4) initiate a civil process against the perpetrator. You may pursue whichever combination of options is best for you. If you pursue resolution by the University of La Verne, your options can include a formal response, informal resolution, and/or supportive measures. If you wish to have an incident investigated and resolved by the University of La Verne, you should contact the Title IX Coordinator. University of La Verne procedures will be explained and are summarized below. Those who wish incidents to be handled criminally should contact local law enforcement and have the right to be assisted by the University of La Verne in doing so.

## CONFIDENTIALITY

To make informed choices, all parties should be aware of confidentiality and privacy considerations, as well as institutional mandatory reporting requirements.

**Confidential Reporting:** If a Complainant wishes to keep the details of an incident confidential, they should speak with campus mental health counselors and/or health service providers. Their service is free of charge. In addition, the University of La Verne has designated the University Chaplain as a resource that can be consulted confidentially. Local resources such as crisis centers are also confidential and have no duty to report disclosed information to the University. Complainants should be aware that state law requires that reports involving abuse of minors and certain vulnerable adults may require reporting to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed when receiving sexual misconduct reports that involve minors or vulnerable adults.

**Mandated Reporting:** All employees not designated as confidential above are mandated reporters. This means they are required to share information that you have disclosed to them with the Title IX Coordinator, though that does not obligate you to any formal involvement. The Title IX Coordinator will simply reach out to you to offer support and the opportunity to file a formal complaint.

## **TITLE IX POLICY AND DEFINITIONS**

### **When does Title IX apply?**

Title IX only applies when the University of La Verne has jurisdiction over the complaint. This happens when the Complainant is participating in (or attempting to participate) in the University of La Verne's educational program or activities, AND the Respondent is a student or employee of the University of La Verne, AND the behavior occurred within the University of La Verne's control in the United States (meaning not on private property, outside the scope of the educational program, etc.).

If it is unclear whether Title IX applies to your situation, contact the Title IX Coordinator for additional assistance. If Title IX does not apply to your situation, the conduct may still be addressable under other University of La Verne student conduct or employee policies. For such complaints involving students, contact the Student Affairs Office. For such complaints involving employees, contact the Office of Human Resources.

### **University of La Verne Title IX Policy**

University of La Verne's Policy on Sex Discrimination Involving Sexual Assault, Sexual and Gender-Based Harassment, Other Forms of Relationship Violence and Retaliation ("Title IX policy") is intended to define expectations for appropriate conduct and outline resolution processes to address conduct that does not meet these expectations. You can review the full policy [here](#).

Sex offenses, including sexual harassment, sexual assault, sexual exploitation, domestic violence, dating violence, and/or stalking are violations of the Title IX policy. A number of federal laws and regulations, including Title IX, VAWA, and the Clery Act, mandate how institutions of higher education must respond to sex offenses. Many types of sex offenses also constitute violations of California law.

Members of the campus community, guests, and visitors have a right to be free from sexual offenses and to be protected by University of La Verne policy regardless of sex, sexual orientation, gender identity, or gender expression. All members of the campus community must conduct themselves in a way that does not infringe upon the rights of others. When individuals are found to have violated policy, the University of La Verne will impose serious sanctions, as noted in the Sanctions section of this document.

### **Title IX Policy Key Definitions**

**Actual Knowledge:** Notice of Sex-Based Discrimination, Sexual Harassment, or Retaliation allegations to the University's Title IX Coordinator or any University official with the authority to institute corrective measures. A conclusion that the University "should have known" does not meet this standard.

**Advisor:** An individual that is permitted to accompany a Party to all stages of the Title IX process and may conduct cross examination on behalf of a Party during a Hearing. The Advisor may be, but is not required to be, an attorney

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

**Confidential Reporting Source:** Any University employee who is a clergy, or a licensed medical, clinical or mental-health professional and those performing services under their supervision or as their administrative or operational support, when acting in their professional role in the provision of services to a patient.

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

**Formal Complaint:** A document filed by the Complainant or signed by the Title IX Coordinator against a Respondent alleging conduct which would constitute a violation of this policy and requesting that the University investigate the allegation(s). The document may be in a physical

or electronic format so long as the document includes a physical or digital signature indicating the indicating that the Complainant is filing the form of their own behalf.

**Investigator:** A person or persons designated by the University to gather facts about an alleged violation of the policy, assess relevance and credibility, synthesize the evidence, and compile this information into an investigation report of relevant evidence and a file of directly related evidence.

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

**Party:** The Complainant or the Respondent. The Title IX Coordinator and the University are not Parties.

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

**Responsible Employee:** Any University Employee who is not a Confidential Reporting Source. 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.

**Supportive Measures:** Actions taken by the University designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's educational environment, or deter Sexual Harassment, Discrimination, and/or Retaliation.

### **Title IX Policy Sexual Misconduct Definitions**

The following are the definitions of conduct prohibited by the University of La Verne Title IX policy:

**Dating Violence:** Violence committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the recipient or victim of the violence. Dating violence is not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access, as such conduct is sufficiently serious to deprive a person of equal access.

**Domestic Violence:** Violence committed by a current or former spouse, current or former intimate partner, current or former cohabitant of the Complainant, someone with whom the Complainant shares a child, or a person similarly situated under California domestic or family violence law. A cohabitation relationship must be romantic in nature and may not merely consist of roommates. Domestic Violence is not evaluated for severity, pervasiveness,

offensiveness, or denial of equal educational access, as such conduct is sufficiently serious to deprive a person of equal access.

**Hostile Environment Harassment:** A type of sexual harassment in which subjectively unwelcome conduct is determined to be such that a reasonable person would consider it so severe, and pervasive, and objectively offensive, that it effectively denies a person equal access to an educational program or activity of the University.

**Quid pro Quo Harassment:** The conditioning of access to educational benefits on unwelcome sexual conduct. Quid pro Quo is not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access, as such conduct is sufficiently serious to deprive a person of equal access.

**Sexual Assault:** Any Penetration or Sexual Contact of a person that is unwelcome and/or without Affirmative Consent, including Rape, Sodomy, Sexual Assault with an Object, or Fondling. Sexual Assault is not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access, as such conduct is sufficiently serious to deprive a person of equal access.

**Sexual Exploitation:** 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. It includes, but is not limited to, recording private sexual activity or intimate body parts of another without Affirmative Consent, engaging in voyeurism, disseminating images or recordings of private sexual activity or intimate body parts of another without Affirmative Consent, sexual trafficking, and possession, production, distribution, sale, or purchase of child pornography.

**Sexual Harassment:** Conduct committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved which is either Quid pro Quo Harassment, Hostile Environment Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking, or Sexual Exploitation.

**Stalking:** 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 and includes acts 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. Stalking is not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access, as such conduct is sufficiently serious to deprive a person of equal access.

## **CONSENT**

In all sexual encounters, it is important that you obtain consent. Each of us is responsible for obtaining consent and has a right to choose to give consent or not give consent. Consent is:

- Informed, knowing, and voluntary (freely given)
- Active (not passive)
- Affirmative, clear words or actions that create mutually understandable permission regarding the conditions of sexual or intimate activity
- Not something that can be given by someone who is known to be, or who should be known to be, mentally or physically incapacitated
- Not something that can be obtained by use of physical force, compelling threats, intimidating behavior, or coercion

If consent is withdrawn, sexual activity must stop reasonably immediately. Any party can place conditions on their willingness to consent, and those conditions must be respected.

People may experience the same interactions differently, therefore each party is responsible for making sure that their potential partner has provided ongoing, clear consent to engage in any sexual activity or contact.

Consent to some forms of sexual activity (e.g., kissing, fondling, etc.) should not be construed as consent for other kinds of sexual activities (e.g., intercourse).

**Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” which elicits the response, “Okay, don’t hit me, I’ll do what you want.”).

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**Incapacitation:** This is defined as a state in which individuals are unable to make rational, reasonable decisions because they lack the capacity to understand the “who, what, when, where, why, or how” of a situation or interaction. Individuals cannot sexually consent if they are unable to understand what is happening, or if they are disoriented, helpless, asleep, or unconscious for any reason. That applies even if it is because they voluntarily consumed alcohol or drugs. Unless

consent is “knowing,” it is not valid. Individuals engaging in sexual activity who know or should have known that the other party is incapacitated are engaging in sexual misconduct. The fact that a Respondent was intoxicated and therefore did not realize that the Complainant was incapacitated does not excuse sexual assault.

## **SEXUAL MISCONDUCT PROCEDURES**

The University of La Verne’s full grievance process for sexual harassment defined above and in accordance with the regulations can be accessed [here](#).

The University of La Verne treats Complainants and Respondents equitably by providing remedies to a Complainant when a determination of responsibility for sexual harassment has been made against the Respondent and by following a grievance process that complies with the Title IX regulations and VAWA.

Here is an overview of the major steps in the formal grievance process:

### **Step One: Intake**

The Title IX Coordinator may assist the Complainant with understanding the policy and procedures, their options, and accessing resources. Assuming the Complainant chooses to file and complaint and move forward with a formal or informal resolution process, the next step is an Initial Assessment. If there is an anonymous report, third-party report, or an unidentified Complainant, the Title IX Coordinator will attempt to: (1) take appropriate action to determine who was impacted and/or involved in the reported behavior to offer them supportive measures and resources and explain their process options, and (2) take reasonable action to stop the behavior, remedy its effects on individuals and the campus community, and prevent it from recurring in the future.

All resolutions will be conducted by officials who receive annual training on issues related to sexual harassment, which includes domestic violence, dating violence, sexual assault, and stalking. The Title IX Coordinator, Investigators, Decision-makers, and any person who facilitates an informal resolution process are required to be trained on: the definitions of sexual harassment; the scope of the University of La Vern’s education program or activity; how to conduct an investigation and grievance process that includes hearings, appeals, and informal resolution processes, as applicable; and serving impartially, including by avoiding prejudgment of the facts at issue, identifying conflicts of interest, and bias.

Additionally, Decision-makers must receive training on any technology used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant. Any materials used for training the Title IX team will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal Complainants of sexual harassment.



The University of La Verne will protect the confidentiality of parties throughout the resolution process, consistent with the provisions of state and federal law. Any required release of information about a resolution will be accomplished without the inclusion of identifying information about the Complainant. Information about the Respondent will only be released to the extent permitted by law.

### **Step Two: Initial Assessment**

An initial assessment of the allegations is made by the Title IX Coordinator to determine appropriate jurisdiction and applicable policies/procedures. Under the federal Title IX regulations, the Title IX Coordinator is required to dismiss any formal complaint if one or more of the following is true:

- The alleged conduct would not constitute sexual harassment as defined within the Title IX policy, even if proved
- The alleged conduct did not occur in the University of La Verne's education program or activity
- The alleged conduct did not occur against a person in the United States
- The Complainant is not participating or attempting to participate in the University of La Verne's education program or activities at the time of filing the complaint.

Additionally, the Title IX Coordinator *may* dismiss any formal complaint if one or more of the following is true:

- At any time during the investigation or hearing a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal Complaint or any allegations therein
- The Respondent is no longer enrolled or employed by the University of La Verne
- Specific circumstances prevent the University of La Verne from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein

Upon a dismissal required or permitted under the federal Title IX regulations, the Title IX Coordinator will promptly send written notice of the dismissal and the rationale to the parties simultaneously. The parties (meaning the Complainant and Respondent) will have an opportunity to appeal this decision by following the appeal procedures described in the Title IX policy.

If a dismissal occurs, the Title IX Coordinator may refer or reinstate the allegations for resolution under an alternative campus process, if appropriate.

### **Step Three: Choose an Advisor**

The parties are each entitled to an Advisor of their choice to accompany them to any and all meetings pertaining to the complaint. An Advisor can be anyone, including but not limited to an attorney, friend, roommate, or parent. Advisors can be extremely helpful in assisting parties with navigating the Title IX resolution process, especially when it comes to the hearing. The University of La Verne is required to have a live hearing as part of its formal grievance process. At the live hearing, the Decision-maker(s) must permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. If a party does not have an Advisor for the live hearing, the University of La Verne will provide an Advisor, without fee or charge, from a pool of trained Advisors. University of La Verne-appointed Advisors are not attorneys.

### **Victim Advocates**

Complainants may want to choose an advocate as their Advisor, or to have access to an advocate for support. Advocates are individuals who may or may not be employed by an institution for the purpose of providing confidential support and resources independent of or in conjunction with a sex- or gender-based discrimination or misconduct resolution process. Advocates are typically trained to provide crisis response services and connection to law enforcement, legal, health, and other emergency services. Advocates are often involved in assisting with the provision of supportive measures for Complainants such as academic adjustments, employment adjustments, housing relocation, and coordination of medical or mental health services.

### **Step Four: Investigation**

Trained campus or external Investigators will conduct an investigation that is prompt, thorough, reliable, equitable, fair, and impartial. They will interview the parties and witnesses and prepare a preliminary and final investigative report. Your Advisor can accompany you to all interviews. As part of the investigation, parties and their Advisors will be provided access to all relevant and directly related evidence collected and will be given an opportunity to review and comment upon it.

### **Step Five: Hearing**

The University of La Verne resolution process provides for a neutral and independent Decision-maker. The Decision-maker(s) will have the opportunity to question Investigators, parties, and witnesses during a hearing. The parties may make opening and closing statements. During the hearing, parties' Advisors will have the opportunity to question the other party and witnesses.

**Standard of Evidence:** The University of La Verne uses a preponderance of the evidence standard of evidence. This means that Decision-makers consider whether, given the available relevant, credible evidence, it is more likely than not that a violation of policy occurred.

**Past History:** Questions and evidence about the Complainant's sexual predisposition cannot be asked. Questions about a Complainant's prior sexual behavior cannot be asked unless:

- Such questions and evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, OR
- The questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

### **Step Six: Final Determination**

The parties will be informed of the outcome of the University of La Verne's resolution of a complaint in writing, without significant delay between the notifications to each party. This notice will include the final determination, any sanctions imposed, a rationale for the final determination and any sanctions, the institution's procedures for the parties to appeal, any change to the results that occurs prior to the time that such results become final, and when the University of La Verne considers those results to be final.

### **Step Seven: Appeal**

All parties involved in sexual harassment proceedings may appeal a decision within ten business days of being informed of the outcome of the University of La Verne's resolution on the basis of grounds permitted by the Title IX policy. All parties are included in any appeal reconsideration and have equal rights of participation. All appeals are conducted by written exchange of materials. There is only one level of appeal. That decision is final.

### **Timelines for Formal Grievance Resolution**

The University of La Verne is committed to resolving complaints within a reasonably prompt timeframe. The Title IX policy and procedures detail this timeline for each step more specifically. The University of La Verne's process allows for the temporary delay of the grievance process or limited extensions of time frames for good cause with written notice to the Complainant and the Respondent. Contact the Title IX Coordinator if you need a delay in the process, or an extension for an aspect of the process.

### **INFORMAL RESOLUTION PROCESS**

To initiate an informal resolution process, a Complainant must submit a formal complaint first. After submission of the formal complaint, the Title IX Coordinator will provide additional information if an informal resolution is an option. Parties who wish to initiate an informal resolution process should contact the Title IX Coordinator.

All parties must agree, in writing, to initiate an informal resolution process. The parties may agree as a condition of engaging in informal resolution that statements made or evidence shared during the informal resolution process will not be considered in the formal grievance process unless all parties consent.

It is not necessary to pursue informal resolution first to pursue a formal grievance process, and any party participating in informal resolution can stop the process at any time and begin or resume the formal grievance process.

There are three main types of informal resolution:

- Supportive Resolution. When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
- Alternative Resolution. When the parties agree to resolve the matter through an alternative resolution mechanism, including mediation, restorative practices, facilitated dialogue, etc., usually before a formal investigation takes place.
- Accepted Responsibility. When the Respondent accepts responsibility for violating policy, and desires to accept the sanction(s) and end the resolution process.

## **RIGHTS OF COMPLAINANTS AND RESPONDENTS**

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment, discrimination, and/or retaliation made in good faith to University of La Verne officials
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations
- The right to be informed in advance of any public release of information by the University of La Verne regarding the allegation(s) or underlying incident(s), whenever possible
- The right not to have any personally identifiable information released by the University of La Verne to the public without consent provided, except to the extent permitted by law
- The right to be treated with respect by University of La Verne officials
- The right to have University of La Verne policy and procedures followed without material deviation

- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence
- The right not to be discouraged by University of La Verne officials from reporting sexual harassment, discrimination, and/or retaliation to both on-campus and off-campus authorities
- The right to be informed by University of La Verne officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by the University of La Verne in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by University of La Verne officials
- The right to be informed of available supportive measures, such as counseling; advocacy; health care; student financial aid, visa, and immigration assistance; and/or other services, both on campus and in the community
- The right to a University of La Verne-implemented no-contact order when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available.
- The right to have the University of La Verne maintain such actions for as long as necessary and for supportive measures to remain confidential, provided confidentiality does not impair the University of La Verne's ability to provide the supportive measures
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible
- The right to have the Investigator(s), Advisors, and/or Decision-maker(s) identify and question relevant available witnesses, including expert witnesses
- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant, may be asked of any party or witness
- The right to have inadmissible prior sexual predisposition/history or irrelevant character evidence excluded by the Decision-maker
- The right to know the relevant and directly related evidence obtained and to respond to that evidence

- The right to a fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record
- The right to receive a copy of all relevant and directly related evidence obtained by the investigation, subject to privacy limitations imposed by state and federal law, and a ten (10) business day period to review and comment on the evidence
- The right to receive a copy of the final investigation report, including all factual, policy, and/or credibility analyses performed, and to have at least ten (10) business days to review and comment on the report prior to the hearing
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant
- The right to regular updates on the status of the investigation and/or resolution
- The right to have complaints addressed by Investigator(s), Title IX Coordinator(s), and Decision-maker(s) who have received relevant annual training
- The right to a Hearing Panel that is not single-sex in its composition, if a panel is used
- The right to preservation of confidentiality/privacy, as permitted by law
- The right to meetings, interviews, and/or hearings that are closed to the public
- The right to petition that any University of La Verne representative in the process be recused on the basis of disqualifying bias and/or conflict of interest
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process
- The right to the use of the appropriate standard of evidence, preponderance of the evidence, to make a finding after an objective evaluation of all relevant evidence
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing
- The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process (if any) and a detailed rationale of the decision including an explanation of how credibility was assessed, delivered simultaneously (without undue delay) to the parties

- The right to be informed in writing of when a decision by the institution is considered final and any changes to the final determination or sanction(s) that occur post Notification of Outcome
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal
- The right to a fundamentally fair resolution as defined in these procedures

### **SANCTIONS AND REMEDIES**

There are several factors considered when determining a sanction. Sanctions are imposed and enforced when the Respondent has been found in violation of the University of La Verne's Title IX policy. Some considerations for sanctioning include:

- The nature, severity of, and circumstances surrounding the violation (s)
- The Respondent's disciplinary history
- The need for sanctions to bring an end to the discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

Sanctions are typically implemented as soon as feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

Examples of student sanctions are:

- **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any University of La Verne policy, procedures, or directive will result in more severe sanctions/responsive actions.
- **Required Counseling:** A mandate to meet with and engage in either University of La Verne-sponsored or external counseling to better comprehend the misconduct and its effects.
- **Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified

social privileges, exclusion for co-curricular activities, exclusion from designated areas of campus, no-contact order, and/or other measures deemed appropriate.

- Suspension: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at the University of La Verne.
- Expulsion: Permanent termination of student status and revocation of rights to be on campus permanently as a Conduct Expulsion on the student's official transcript.
- Withholding Diploma: The University of La Verne may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for an alleged violation.
- Revocation of Degree: The University of La Verne reserves the right to revoke a degree previously awarded for fraud, misrepresentation, and/or other violation of the University of La Verne's policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- Organizational Sanctions: Deactivation, loss of recognition, loss of some or all privileges (including registration) for a specified period of time.
- Other Actions: In addition to or in place of the above sanction, the University of La Verne may assign any sanctions as deemed appropriate.

Examples of employee sanctions are:

- Warning—Verbal or Written
- Performance Improvement Plan/Management Process
- Enhanced supervision, observation, or review
- Required counseling
- Required training or education
- Probation
- Denial of pay increase/pay grade
- Loss of oversight or supervisory responsibility
- Demotion
- Transfer
- Reassignment
- Delay of tenure track progress
- Assignment to a new supervisor
- Restriction of stipends, research, and/or professional development resources
- Suspension with pay
- Suspension without pay



- Termination
- Other actions: In addition to or in place of the above sanctions/ responsive actions, the University of La Verne may assign any other responsive actions as deemed appropriate

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent recurrence.

### **PREVENTION AND AWARENESS PROGRAMS**

**Bystander Intervention:** The University of La Verne offers bystander intervention programming to all new students in an effort to ensure that each member of the campus community is invested in creating a safe campus environment. Program participants are instructed on safe options for preventing harm and intervening when a risk of sexual misconduct exists.

**VAWA Training:** Incoming students and new employees are provided with education and training on awareness and risk reduction of sexual violence, dating violence, domestic violence, stalking and consent in compliance with the Violence Against Women Act.

**Ongoing Campaigns:** Ongoing awareness and prevention campaigns are provided throughout the school year to students, faculty and staff.

### **FREQUENTLY ASKED QUESTIONS (FAQ)**

#### **Can an attorney be my Advisor?**

Yes. You have the right to an Advisor of your choice, which can include an attorney.

#### **Will my parents/guardians find out about this incident?**

It depends. If you are a minor, members of the Title IX team have certain mandatory reporting obligations, which may include notifying your parents/guardians of the incident.

If you are not a minor, this incident is a part of your education record, which is protected under the Family Educational Rights and Privacy Act (FERPA). This means that your education record cannot be shared with anyone with whom you have not given the University of La Verne permission to share.

#### **Do I have to resolve this through a formal grievance process?**

No. You have options. If you are a Complainant and wish to resolve informally, you must first make a formal complaint. Upon receipt of this formal complaint, the Title IX Coordinator will provide you with additional information. Any party who wishes to resolve the matter informally

should contact the Title IX Coordinator. All parties must agree, in writing, to informally resolve for this to be an option.

**Is there a time limit on when I can report?**

There is no statute of limitations on when a complaint can be filed however there are certain jurisdictional requirements that must be met to pursue a formal grievance process under Title IX.

**Will I get in more trouble if I was drinking underage during the incident?**

The University of La Verne maintains a policy of offering parties and witnesses amnesty from minor policy violations such as underage consumption of alcohol or the use of illicit drugs related to the incident.

**What happens if the Respondent fails to comply with the sanctions?**

Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s). Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination.

**What happens if the Respondent transfers, leaves, or resigns prior to the conclusion of the formal resolution process?**

If a Respondent permanently withdraws or resigns, the resolution process generally ends with a dismissal, as the University of La Verne no longer has disciplinary jurisdiction over the withdrawn student or former employee. However, the University of La Verne will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

**What if law enforcement is involved?**

The University of La Verne's action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced. The University of La Verne may undertake a short delay in its investigation if circumstances require. Communication will be sent to the parties explaining the reason(s) for the delay and the anticipated duration of the delay.