



**SOUTHERN CALIFORNIA UNIVERSITY
OF HEALTH SCIENCES**

Title IX/SB 493

2022

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Taking Action Following Sexual Violence/Assault

These steps & resources are meant to immediately assist an individual involved in a sexual violence or sexual assault situation. More details exist in the remainder of this document.

A. Seek Medical Attention

**If you need immediate medical attention
call 911**

St. Jude Medical Center
714-871-3280
101 E. Valencia Mesa Drive, Fullerton CA,
92835

(Link provides directions from SCU)

Presbyterian Intercommunity Hospital
562-698-0811
12401 Washington Blvd, Whittier CA, 90602

(Link provides directions from SCU)

UCLA Medical Center, Rape Treatment
Center

310-319-4000
1250 16th Street, Santa Monica, CA 90404

(Link provides directions from SCU)

B. Seek Available Assistance

Los Angeles Area Community Sexual Assault
Crisis Center

408-843-7138

Peace Over Violence (24/7 hotline)

310-392-8381

213-626-3393

626-793-3385

www.peaceoverviolence.org

Cleveland Rape Crisis Center (24/7 hotline)

216-619-6192

www.clevelandrapecrisis.org

RAINN (Rape, Abuse, & Incest National
Network)

1-800-656-HOPE

www.rainn.org

C. Preserve

Do everything possible to not disturb the
crime scene;

Preserve all evidence in paper bag (plastic can
contaminate evidence);

Try NOT to: Bathe, Urinate, Douche,
Brush Teeth, or Drink Liquids.

D. Pursue University conduct charges & policy violations

Per the details found in this document.

E. Pursue criminal prosecution of the offender

Los Angeles County Sheriff's Department –
Norwalk Station

562-863-8711

12335 Civic Center Dr., Norwalk, CA 90650

F. File a formal complaint with the:

Office for Civil Rights

(OCR) 415-486-5555

ocr.sanfrancisco@ed.gov

www.ed.gov/ocr

U.S. Equal Employment Opportunity
Commission

800-669-4000

www.eeoc.gov

G. California Department of Fair Employment and Housing (DFEH)

www.dfeh.ca.gov

800-884-1684

H. Contact

Contact the appropriate Title IX Deputy
Coordinator, Administrator or the Coordinator
(see Section 5.0 below);

Call the Biola Counseling Center at
562-903-4800.

FORWARD

"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..."

"These requirements apply to all forms of sex discrimination and harassment, and are particularly important for preventing and effectively responding to sexual violence..."

"All students are protected by Title IX, regardless of whether they have a disability, are international or undocumented, and regardless of their sexual orientation and gender identity."

— Title IX of the Education Amendments of 1972

PROMULGATION

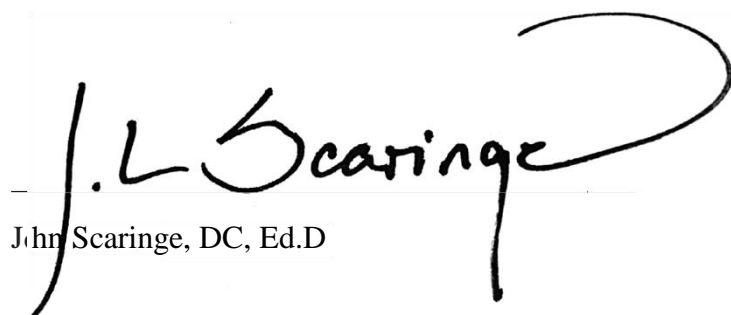
TITLE IX POLICIES & PROCEDURES

The primary duty of any institution is to provide for the welfare and safety of its community members. SCU remains committed to providing a campus community in which learning and working reflect a safe environment free from sex/gender-based discrimination, harassment, and – especially – violence.

In compliance with Title IX of the Education Amendments of 1972 and other federal, state, and local civil rights laws that prohibit discrimination based on sex in educational programs and activities which receive federal financial assistance, SCU has developed these policies and procedures which prohibit discrimination, harassment, violence, and retaliation on the basis of sex/gender. The guidelines are intended to define expectations, establish an instrument for determining when policies have been violated, and provide clear guidance for those individuals adversely impacted by any type of sexual or gender-based misconduct.

In accordance with the Title IX regulations, the University has designated select qualified individuals to act as SCU's Title IX personnel, headed by the Vice President for Operations and COS, who serves that same role under California law. These individuals are charged with the responsibility of monitoring institutional compliance with regulations promulgated under Title IX, eliminating instances of discrimination, harassment, and violence, as well as promoting overall awareness to the campus community concerning issues related to Title IX.

Therefore, in recognition of the regulatory requirements and safety responsibilities of SCU to its students, staff, faculty, patients, visitors, as well as those of the surrounding community and with the authority vested in me as the Chief Executive Officer of Southern California University of Health Sciences, I hereby promulgate this Title IX Policies and Procedures document.

A handwritten signature in black ink, reading "J. L. Scaringe". The signature is fluid and cursive, with a large loop at the end of the last name.

J. L. Scaringe, DC, Ed.D

01/01/2022

Date:

President/CEO Southern California University of Health Sciences

APPROVAL AND IMPLEMENTATION

This plan replaces, supersedes, and renders inactive Southern California University of Health Sciences' 2016 *Title IX Policies and Procedures: Discrimination on the Basis of Sex and Sexual Misconduct*, published independently and included as an Appendix to Vol. II of the *SCU Policy Manual*.

Vol. II of the *SCU Policy Manual* designates the Vice President for Operations/COS as the University's Title IX Coordinator with authority to direct the policies and procedures contained herein.

The continual approval and implementation of this document is as follows:

- Document is annually reviewed by SCU Safety & Compliance Committee;
- Recommendations for augmentations and edits are made to the Title IX Coordinator;
- Title IX Coordinator endorses the recommendations of the Safety & Compliance Committee;
- Title IX Coordinator facilitates the approval of revised document by SCU Cabinet; and
- Title IX Coordinator distributes the revised document to the campus community.

APPROVAL AND SIGNATURES

Southern California University of Health Sciences (SCU), President/CEO

J. L. Scaringe

08/03/2020

Dr. John Scaringe

Date

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for Operations*

*SCU, Vice President for SCU Health
System*

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8/3/2020

Mr. Chuck Sweet

Date

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Date

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8/7/2020

Dr. Tamara Rozhon

Date

Thomson

8/10/2020

Mr. Thomson

Date

Table of Contents

Title IX Policies & Procedures

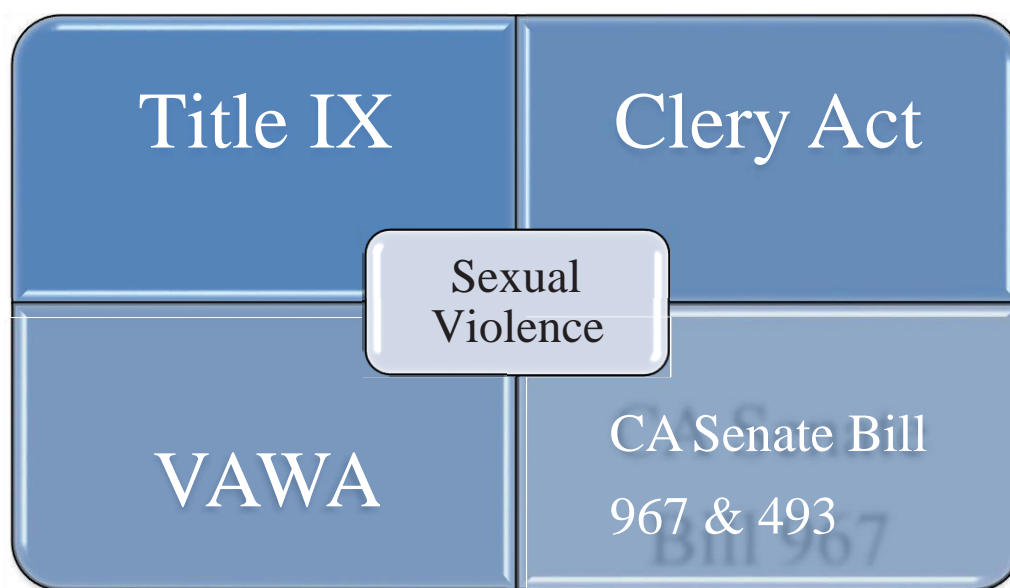
1.0	Navigating Title IX & Similar Legislation	2
2.0	Statement of Compliance	5
3.0	Scope.....	8
4.0	Definitions.....	10
5.0	Title IX Coordinators	17
6.0	Reporting Sex Discrimination, Harassment, Violence, & Analogous Behavior.....	19
7.0	Grievance Procedure	24
8.0	Anti-Retaliation & False Reports.....	42
9.0	Interaction with Other Relevant Laws:	43
10.0	Training & Dissemination.....	44
11.0	Record Keeping & References.....	45

1.0 Navigating Title IX & Similar Legislation

The guiding legal regulation for prohibiting discrimination, harassment, and violence as they relate to sex in educational institutions is Title IX of the Education Amendments of 1972. Since the initial codification of the regulations, numerous additional significant guidance documents have been published (especially since 2001) that expand and clarify the rules and regulations of Title IX.

In addition to Title IX, there are three other pieces of legislation that, while separate, do have intersecting causes as part – or all – of their scope. These laws are: the Jeanne Clery Act, the Violence Against Women Reauthorization Act (VAWA), and California Senate Bill 967, updated in 2021 by California SB 493. The overlap is most poignant with regards to sexual violence and the prevention thereof.

The information in this section is meant to highlight the different pieces of legislation so as to allow for a more comprehensive understanding of the policies and procedures contained within the remainder of this document.



1.1 Title IX

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in educational programs and activities that receive federal financial assistance. The United States Department of Education (ED) maintains an Office for Civil Rights (OCR) which enforces Title IX and its various requirements. Additionally, the United States Department of Justice (DOJ) shares enforcement authority over Title IX with OCR. To ensure compliance with Title IX and other federal and state civil rights law, SCU has developed these policies and procedures that prohibit sex discrimination in all of its forms. Over the years, OCR has clarified the intent, meaning, and scope of Title IX to include harassment, sexual violence (and prevention thereof), equitable treatment of pregnant or parenting individuals, and equitable treatment of Transgender persons.

For information on how to file a discrimination complaint with the Office for Civil Rights, visit: http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

1.2 The Jeanne Clery Act

Originally known as the Campus Security Act, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires colleges and universities across the United States to disclose information about crime on and around their campuses. The Act is enforced by the Department of Education's (ED) Federal Student Aid Office (FSA) and requires institutions to: publish an Annual Security Report, maintain a crime log, issue timely warnings about crimes which pose a serious or ongoing threat to students and employees, devise an emergency response notification and testing policy, and disclose criminal statistics concerning incidents related to the campus proper, the public area surrounding the campus, and at certain non-campus buildings.

More information on SCU's Annual Security Reports and Daily Crime Logs visit:

https://my.scuhs.edu/ICS/Departments/Campus_Safety/Annual_Security_Reports_Daily_Crime_Log.jnz

1.3 The Violence Against Women Re-Authorization Act (VAWA)

Section 304(b) of the *Violence Against Women Re-Authorization Act of 2013* (VAWA) (Pub. Law 113-4), adds three new crime classifications that must be reported in an institution's Annual Security Report. These new definitions are: "dating violence," "domestic violence," and "stalking." Section 304 and the Final Regulations of VAWA also amend certain portions of the Annual Security Report related to sexual assault and require that all institutions report the contact information for their lead Title IX coordinator in the Campus Safety and Security Survey as well as the Annual Security Report (ASR). Additionally, the Final Regulations require institutions to report how many crimes are found to be "unfounded" in both the ASR and on the Campus Safety and Security Survey beginning with 2014 calendar year statistics.

More information on VAWA & Section 304(b) can be found at:

<http://www.ifap.ed.gov/dpccletters/GEN1515.html>

1.4 California Senate Bill No. 967 and Senate Bill 493

Otherwise known as the "Yes Means Yes" law or "Affirmative Consent" law, SB 967 was passed by the state of California on September 28th, 2014.

The substantive addition to the Education Code necessitated by SB 967 is the insertion of the "affirmative consent" standard to determine whether consent was given by all parties participating in a given sexual activity.

More information on SB No. 967 can be found at:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB967

In 2021, California enacted Senate Bill 493 which makes significant updates to the requirements for California higher education institutions when responding to disclosures of sexual harassment and violence, including specific requirements for Responsible Employees to whom misconduct may be reported and enumerating specific elements of the investigation and adjudication process.

More information on SB 493 can be found at:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB493

1.5 Family Educational Rights & Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) is indirectly applicable to a vast number of University procedures, including those related to Title IX.

More information on FERPA can be found at:

<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104_pg13.html

1.5.1 Directory Information

SCU will follow its existing FERPA Policy as documented in Academic Catalog. Said policy allows, in compliance with federal law, the disclosure of certain “directory information” about a student. SCU does not consider sex, gender, gender identify, or any derivative therein to be “directory information” and will not disclose said information.

1.5.2 Disclosure Exceptions Related to Title IX

FERPA generally prohibits the nonconsensual disclosure of personally identifiable information from a student’s “education record.” However, FERPA permits a school to disclose to the student who is the complainant, information about the sanction imposed upon a student who was found to have engaged in violations concerning sexual discrimination, harassment, or violence when the sanction directly relates to the complainant. This includes an order that the respondent stay away from the complainant, or that the respondent is prohibited from attending school for a period of time, or transferred to other classes or another residency.

Disclosure of any other information in the respondent’s “education record,” including information about sanctions that do not relate to the complainant are not permitted under the above mentioned exception.

Further, when the conduct in question involves a crime of violence or incest or statutory rape, SCU is permitted to disclose to the complainant the final results of a disciplinary proceeding against the alleged respondent, regardless of whether the institution concluded that a violation was committed. Additionally, SCU may disclose to anyone – not just the alleged claimant – the final results of a disciplinary proceeding if it determines that the respondent is an alleged perpetrator of a crime of violence, incest, or statutory rape.

1.5.3 FERPA, Jeanne Clery Act, and Title IX Compliance

Per the requirements of the Jeanne Clery Act, SCU must ensure that the complainant and the respondent be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense. SCU’s continuing compliance with this requirement does not constitute a violation of FERPA. Furthermore, the FERPA limitations on re-disclosure of information do not apply to information that SCU is required to disclose under the Clery Act. Accordingly, the University may not require a complainant to abide by a nondisclosure

agreement, in writing or otherwise, that would prevent the re-disclosure of the information.

1.6 U.S. Constitution

Nothing in this policy shall restrict any rights guaranteed by the First Amendment, Fourth Amendment, and/or the Due Process Clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution.

1.7 Title VII

Nothing in this policy shall be used to deny any individual's rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq. or any regulations promulgated thereunder.

1.8 State & Local Law

If these policies conflict with a State or local law applicable to the University, Title IX preempts said law to the extent of the conflict and will be followed.

2.0 Statement of Compliance

Southern California University of Health Sciences (SCU) prohibits all types of discrimination against any protected characteristic; SCU prohibits all manifestations of sexual misconduct, discrimination, harassment, violence, and all forms of retaliation. Consequently, SCU does not discriminate on the basis of sex in its education programs or any activities that the University operates as required by Title IX of the Education Amendments of 1972.

Questions regarding Title IX may be referred to the University's Title IX Coordinator or Title IX Administrator (see section 5.0). Additionally, individuals may bring their questions or complaints directly to the Department of Education's Office for Civil Rights (OCR) which is responsible for overseeing Title IX compliance (see section 5.0).

The following policy & procedures focus on those types of prohibited behavior(s) concerned with sex, gender, sexual orientation, pregnancy status, gender identity, gender expression, and gender transition.

2.1 University Non-Discrimination Policy Statement

Southern California University of Health Sciences (SCU) takes positive action to insure that students and employees are treated in compliance with applicable laws and regulations governing non-discrimination on the basis of race, color, creed, religion, sex, national origin, disability, age, sexual orientation, gender identity, genetic characteristics, marital status, pregnancy, childbirth or related individual conditions, medical condition (as defined by state law), military status, political affiliation, or any other characteristic protected by federal, state or local law. It is therefore a violation of University policy to discriminate in the provision of educational or employment opportunities, benefits, programs, activities, or privileges; to create discriminatory work or academic conditions;

or to use discriminatory evaluative standards in employment, admissions, or educational settings if the basis of that discriminatory treatment is, in whole or part, the person's race, color, creed, religion, sex, national origin, disability, age, sexual orientation, gender identity, genetic characteristics, marital status, pregnancy, childbirth or related individual conditions, medical condition (as defined by state law), military status, political affiliation, or any other characteristic protected by federal, state or local law.

2.1.1 Supplemental Statement on University's Non-Discrimination on the Basis of Sex

Southern California University of Health Sciences (SCU) is committed to providing a learning and working environment that promotes personal integrity, civility and mutual respect in an environment free of discrimination on the basis of sex, including all forms of sex discrimination. Sex discrimination violates an individual's fundamental rights and personal dignity. SCU considers sex discrimination in all its forms to be an egregious offense. This policy refers to all forms of sex discrimination, including but not limited to: sexual harassment, sexual assault, and sexual violence by employees, students, and/or third parties.

2.1.2 Supplemental Statement on University's Non-Discrimination on the Basis of Gender Expression, Gender Identity, and Gender Transition

Southern California University of Health Sciences (SCU) is committed to ensuring equity and full participation of all members of the campus community. Accordingly, it is the policy of the University that discrimination on the basis of gender identity, gender expression, and gender transition is strictly prohibited. The University's non-discrimination policy extends to employment practices, conditions of employment, personnel actions and all other educational programs and activities of the University and its affiliates. It also extends to any retaliatory actions by an individual and associates that may arise as a result of a discrimination complaint.

Furthermore, during such time when the University has been made aware or otherwise officially notified that a student or employee will assert a gender identity that differs from previous representations or records, SCU will without delay and without any prerequisite information begin treating the individual in a manner consistent with their gender identity (including the use of pronouns and names consistent with the individual's gender identity and provide for equitable access to facilities consistent with their gender identity).

Individuals may choose to voluntarily provide identification documents to the University, or in unforeseen circumstances, the University may make a reasonable request to obtain such documents if, and only if, said request does not have the practical effect of limiting or denying the individuals equal access to any educational program, activity, or employment. Should any such request be made of an individual or should an individual voluntarily provide identification documentation, it shall not in any way adversely hinder or otherwise impede the equitable treatment of the individual as described above.

Terminology

2.1.2.1.1 Gender Identify

Refers to an individual's internal sense of gender. A person's gender identity may be different from or the same as the person's sex assigned at birth.

2.1.2.1.2 Transgender

Describes those individuals whose gender identity is different from the sex they were assigned at birth. A Transgender male is someone who identifies as male, but was assigned the sex of female at birth; a Transgender female is someone who identifies as female but was assigned the sex of male at birth.

2.1.2.2 Gender Transitions

Refers to the process in which Transgender individuals begin asserting the sex that corresponds to their gender identity instead of the sex they were assigned at birth. During gender transition, individuals begin to live and identify as the sex consistent with their gender identity and may dress differently, adopt a new name, and use pronouns consistent with their gender identity. Transgender individuals may undergo gender transition at any stage of their lives, and gender transition can happen swiftly or over a long duration or time.

2.1.3 Supplemental Statement on University's Non-Discrimination on the Basis of Pregnant and Parenting Individuals

Southern California University of Health Sciences (SCU) is committed to providing a learning and working environment void of discrimination and harassment as it might relate to pregnant or parenting individuals. Any discrimination or harassment of individuals based on pregnancy or related conditions shall not be tolerated as it represents a severe violation of SCU Policy and will be enforced accordingly.

Pregnant and parenting individuals shall not be excluded from University activities, events, clubs, leadership positions, classes, programs, or any other University sponsored or sanctioned offerings on the basis of their pregnant or parenting status. However, in order to ensure a pregnant individual's access to its educational program, the University, when necessary, will make adjustments to its regular program(s) that are both reasonable and responsive to the individual's temporary pregnancy status. As such, SCU may offer or make available separate programs, classes, and/or activities for individuals who are pregnant, but the participation in these offerings is strictly voluntary on behalf of the individual. SCU will not pressure or force a pregnant individual into an alternative offering separate from their regular classes, programs, and activities. Any such alternative offerings will be comparable (though not identical) to regular offerings.

The University does not require pregnant individuals (regardless of the stage of pregnancy) to produce a health professional's note or any such similar document in order to remain in school or participate in activities on the basis of their pregnancy. Pregnant individuals, during time away from the University concerning activities related to their status, will be treated in the same manner as any other individual that is under the care of a health professional.

2.2 University Sexual Abuse and Minor Policy

Southern California University of Health Sciences (SCU) is committed to an educational environment free from sexual abuse and the abuse of persons under the age of eighteen. Any such act carried out by faculty, staff, clinicians, and/or affiliated volunteers represents a severe violation of Policy and will be enforced accordingly.

All acts of sexual abuse and/or abuse of a person under the age of eighteen must be reported to the Title IX Coordinator (see sections 5.0 and 6.0 below). Those incidents which involve a minor will immediately be reported to the appropriate law enforcement agency and/or child protective services. Each allegation of sexual abuse or abuse of a minor will be investigated in accordance with this policy (see "Sexual Violence" 4.4.1).

3.0 Scope

These policies and procedures apply to the conduct of University constituents, potential students, current students, student workers, faculty, staff, all other employees, vendors, and visitors whether or not the individuals as stated above are considered temporary, full-time, part-time, adjunct, or any other sub-designation. While the policies and procedures apply equally to all those identified above, the University may be more or less able to effectuate the procedures listed below based upon its jurisdiction over any specific person or type of employee.

Additionally, these policies and procedures apply off campus in the following manners. The procedure established in Section 7(a) is equally applicable to off campus conduct that occurs in an education program or activity of the University in the United States. The procedure established in Section 7(b) is equally applicable to each incident that involves above mentioned personnel subject to University policies that occurs in connection with any educational activity or other program of the University, as well as incidents that occurred outside of those educational programs or activities, whether they occurred on or off campus, if based on the allegations, there is any reason to believe that the incident could contribute to a hostile educational environment or otherwise interfere with a student's access to education. This may, in certain cases, include incidents that occur outside the United States.

As detailed below in Section 7, where conduct alleged is covered by Title IX and California law, the Title IX procedure (Section 7(a)) is applied. Where conduct is covered by California law, but not by Title IX, the California law procedure (Section 7(b)) is applied. Where conduct is not covered by either, it may be covered by another University policy.

For individuals listed above over whom the University does not have jurisdiction, the University reserves the right to ban such individuals from any presence at the University when they are the subject of a complaint under this policy, and subject to any other laws and rules of the University.

Further, SCU strongly encourages the reporting of all prohibited conduct regardless of who engaged in the conduct. Even if the University does not have jurisdiction over the respondent,

the University will take prompt action to provide for the safety and well-being of the complainant and the broader campus community.

Lastly, Title IX regulations require that these same protections apply to recruiting, admissions, counseling, financial assistance, athletics (including student interests and abilities, sex-based harassment, single-sex education, pregnant and parenting students, employment, retaliation, as well as information collection and reporting).

Of note: At this time SCU does not maintain or promote any single-sex educational programs, nor does it maintain or promote an athletics program.

4.0 Definitions

4.1 Sexual Misconduct

Sexual misconduct is a broad term used to encompass unwelcome behavior of a sexual nature. Sexual misconduct may vary in its severity and consists of a range of behaviors including (but not limited to) sex discrimination, sexual harassment, sexual violence/assault, sexual exploitation, and stalking. Sexual misconduct can occur in any sex and gender configuration (i.e. between the opposite sex and/or the same sex) regardless of sex and gender identity.

4.2. Sex/Gender Discrimination

Any act that treats someone unfavorably because of that person's gender, their gender status, or gender identity and/or inequitable treatment of individuals on the basis of gender, gender status, or gender identity (can include both sexual harassment and sexual violence).

4.3 Sexual Harassment

Under the Title IX definitions, there are three types of prohibited sexual harassment, quid pro quo, hostile work environment, and Violence Against Women Act/Clery Act crimes of sexual and interpersonal violence (Section 4.4).

4.3.1 Quid Pro Quo Sexual Harassment

Occurs when a University employee causes a student to believe that they must submit to unwelcome sexual conduct in order to participate in a University program or activity. It can also occur when an employee causes a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct. It can further manifest in other forms including – but not limited to – University employee on employee or employees and their superiors.

4.3.1.1 Example(s)

- a) Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - i. Submission to such conduct, communication, or solicitation is made either explicitly or implicitly a term or condition of an individual's employment or academic status or progress; or
 - ii. Submission to or rejection of such conduct, communication, or solicitation is used or threatened as the basis for employment, academic, or student life decisions.

4.3.2 Hostile Environment Sexual Harassment

Occurs when unwelcome conduct of a sexual nature that a reasonable person would believe is sufficiently severe, pervasive, and objectively offensive that it effectively denies a student's equal ability to participate in or benefit from an education program or activity. A hostile environment can be created by a University employee or another student. A hostile environment can be present in any combination of the above mentioned roles, i.e. student on student, employee on employee, etc. and must be evaluated from the perspective of a reasonable person in the alleged complainant's position, considering all circumstances.

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.

4.3.2.1 Examples (provided that they rise to the level of severe and pervasive for Title IX, Section 7(a); note that the standard is different under California law, Section 7(b))

- a) Making or threatening reprisals after a negative response to sexual advances;
- b) Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters;
- c) Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes;
- d) Verbal sexual advances or propositions;
- e) Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations;
- f) Physical conduct that includes touching, assaulting, or impeding or blocking movements; or
- g) Harassing a student based solely on their gender identity, their Transgender status, or their gender transition.

4.4 Sexual Violence

Any physical sexual act perpetuated against a person's will or where the person is incapable of giving consent due to that person's mental faculties or use of substances. Sexual violence may include: the intentional touching, either of the victim or when the victim is forced to touch, directly or through clothing, of another person's genitals, breasts, groin, or buttocks; sexual penetration or sexual penetration with an object. It should be noted that the lack of consent exists when force, intimidation or threat, temporary or permanent mental incapacity on the part of the victim, temporary or permanent physical helplessness on the part of the victim, or incapacity to consent due to the youth of the victim are factors. Sexual violence can be carried out by University employees, other students, or third parties and all such acts are forms of sexual discrimination prohibited by Title IX.

4.4.1 Example(s)

- a) Rape
 - i. Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Also includes being forced to penetrate, no matter how slight, the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without that person's consent.
 - a. Includes attempts to commit rape.
 - ii. Any nonconsensual sexual intercourse accomplished by means of threat, force, or fraud.

- b) Fondling
 - i. The touching of the private body parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- c) Incest
 - i. Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d) Statutory Rape
 - i. The engaging in of sexual intercourse wherein at least one individual is a minor (under 18 and not the spouse of the other individual), even when the underage party consents to the act.

4.5 Stalking

Engaging in a course of conduct, directed at a specific person, that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

4.5.1 Example(s)

- a) Intentionally following an individual;
- b) Appearing at a person's home, class, or place of work;
- c) Making frequent phone calls, emails, SMS messages, tweets, digital posts, etc. to an individual;
- d) Leaving frequent written messages or objects for an individual; or
- e) Vandalizing an individual's property.

4.6 Dating Violence

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 shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

4.6.1 Example(s)

- a) Abusing – sexually or physically – one's ex-boyfriend/ex-girlfriend/boyfriend/girlfriend or someone with whom they've had sexual contact; or
- b) Threatening to abuse – sexually or physically – one's ex-boyfriend/ex-girlfriend/boyfriend/girlfriend or someone with whom they've had sexual contact.

4.7 Domestic Violence

Any felony or misdemeanor crime of violence committed:

- a) *By a current or former spouse or intimate partner of the victim;*
- b) *By a person with whom the victim shares a child in common;*
- c) *By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;*
- d) *By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or*

- e) *By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.*

Additionally, in order for an incident to be considered Domestic Violence, the relationship between the perpetrator and the victim must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

4.8 California Law Violations

Under this Policy, certain alleged actions may meet definitions under California law and University policy, even if they do not meet the definitions of the federal Title IX Regulations. The following definitions are applicable to covered institutional personnel under California law and University policy, and correspond to the Procedure in Section 7.0(b) below. The definitions included below are, under California law, in addition to the definitions included in Section 4.1-4.7, above. The specific definitions of some violations may differ.

4.8.1 Sexual harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

- Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
- Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

4.8.2 Sexual Violence

Physical sexual acts perpetrated against a person without the person's affirmative consent, as established in Section 4.9, below. This includes (in addition to the definitions above):

4.8.2.1 Sexual battery

The intentional touching of another person's intimate parts without consent, intentionally causing a person to touch the intimate parts of another without consent, or using a person's own intimate part to intentionally touch another person's body without consent.

4.8.2.2 Sexual exploitation

A person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, including, but not limited to, any of the following acts:

- The prostituting of another person.
- The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion.
- The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent.
- The distribution of images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure.
- The viewing of another person's sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire.

4.8.2.3 Sexual Coercion

Pressuring an individual to perform sexual acts after a date because individual feels that it is "owed" to them; or

- a) Pressuring an individual to perform sexual acts after they have stated "NO."

4.9 Consent Summary

The term "consent" means a freely given agreement to the conduct at issue by a competent person.

- a) An expression of lack of consent through words or conduct means there is no consent as consent cannot be assumed;
- b) Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent;
- c) Consent to one form of sexual activity does not imply consent to other forms of sexual activity;
- d) A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent.

A sleeping, unconscious, or incompetent person cannot consent, nor can a minor. A person cannot consent to force causing or likely to cause death or grievous bodily harm or to being rendered unconscious. A person cannot consent while under threat or in fear or when:

- a) [A person is] making a fraudulent representation that the sexual act serves a professional purpose; or
- b) [A person is] inducing a belief by any artifice, pretense, or concealment that the person is another person.

Lack of consent may be inferred based on the circumstances of the offense. All

the surrounding circumstances are to be considered in determining whether a person gave consent, or whether a person did not resist or ceased to resist only because of another person's actions.

It is the responsibility of the initiator of sexual contact to:

- a) Ensure they understand fully what the person(s) with whom they are involved wants and does not want sexually; and
- b) Ensure that affirmative consent is present during the entirety of any given sexual activity and must cease a given sexual activity during such time as affirmative consent is no longer present or has been revoked by the other person(s) involved.

4.10 Actual Knowledge

The term "actual knowledge" means notice of sexual harassment or allegations of sexual harassment to SCU's Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University.

4.11 Notice

Notice includes relevant information provided to the parties or a party. It is the responsibility of all members of the University to maintain and regularly check their email accounts.

4.12 Complainant

The individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Anyone can bring forth a report of conduct alleged to have occurred against a third party for a report and potential investigation and adjudication, where appropriate and possible, but the person who brings forth that report while not being directly affected by the misconduct is not themselves the complainant. The directly affected person, if known and choosing to participate, would be the complainant.

4.13 Respondent

An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

4.14 Formal Complaint

A document filed and signed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the University investigate the allegation of sexual harassment.

4.15 Supportive Measures

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Supportive measures may include:

- a) Counseling;
- b) Extensions of deadlines or other course-related adjustments;
- c) Modifications of work or class schedules;
- d) Campus escort services;

- e) Mutual restrictions on contact between the parties;
- f) Changes in work or housing locations;
- g) Leaves of absence;
- h) Increased security and monitoring of certain areas of the campus; and
- i) Other similar measures.

4.16 Education Program or Activity

Locations, events, or circumstances over which SCU exercises substantial control over both the respondent and the context in which the sexual harassment occurs and also includes any building owned or controlled by a student organization that is officially recognized by SCU.

4.17 No contact orders

In certain cases, the University may issue a no contact order to one or all parties ordering them to have no contact with another party or parties during the course of the process or for a specific time. Failure to follow a no contact order may result in additional charges and potential sanction.

Please note that due to differences between federal Title IX Regulations and California law, there are differences in the University's required actions and approach related to no contact orders.

4.17.1 No Contact Orders Under Title IX (Section 7.0(a))

When requested by a complainant or otherwise determined to be appropriate, the University shall issue an interim no-contact directive that may be a mutual or one-way no contact order. Per the Title IX regulations, the standard is for no contact orders to be mutual, prohibiting contact between all parties during the pendency of the process. If, after a fact-specific analysis, and after weighing whether there is an undue burden on one or multiple parties and, if so, if the burden is outweighed by the need for the one way no contact order, the University may determine that a one way no contact order is appropriate. Examples for when a one way no contact order is appropriate include, but are not limited to, helping to enforce a restraining order, preliminary injunction, or other order of protection issued by a court, or where a one-way no-contact order does not unreasonably burden any other party.

For any order that prohibits physical proximity between the parties, whether mutual or a one way no contact order, the University shall undertake a fact specific inquiry as to the need for the no contact order and whether it presents an unreasonable burden on one or multiple parties and, if so, whether there exist other methods for separating the parties that present less or no burden on one or multiple parties.

A no-contact directive issued after a decision of responsibility has been made shall be unilateral and only apply against the party found responsible.

Per the intersection of Title IX and California law, even though in the Title IX process, the mutual no contact order will be the standard (with a fact specific inquiry before issuing a one way no contact order), upon the issuance of such a mutual no-contact directive, the University shall provide the parties with a written justification for the directive and an explanation of the terms of the directive. Upon the issuance of any no-contact directive, the institution shall provide the parties with an

explanation of the terms of the directive, including the circumstances, if any, under which violation could be subject to disciplinary action.

4.17.2 No Contact Orders Under California Law (Section 7.1(b))

When requested by a complainant or otherwise determined to be appropriate, the University shall issue an interim no-contact directive prohibiting the respondent from contacting the complainant during the pendency of the process. The University shall not issue an interim mutual no-contact directive automatically, but instead shall consider the specific circumstances of each case to determine whether a mutual no-contact directive is necessary or justifiable to protect the noncomplaining party's safety or well-being, or to respond to interference with an investigation. A no-contact directive issued after a decision of responsibility has been made shall be unilateral and only apply against the party found responsible.

Upon the issuance of a mutual no-contact directive, the University shall provide the parties with a written justification for the directive and an explanation of the terms of the directive. Upon the issuance of any no-contact directive, the institution shall provide the parties with an explanation of the terms of the directive, including the circumstances, if any, under which violation could be subject to disciplinary action.

5.0 Title IX Coordinators

5.1 University Title IX Personnel

The University has identified the following individuals as those responsible for addressing concerns, conducting investigations, and ensuring compliance concerning sexual misconduct, sex discrimination, sexual violence, and harassment policies. These individuals serve the same role under California law.

Title IX Coordinator

Joseph Eggleston

AVP for Auxiliary Operations

josepheggleston@scuhs.edu

(562) 902-3357

16200 Amber Valley Drive, Whittier, CA 90604 [Bldg. C]

The University has contracted with Grand River Solutions (<https://www.grandriversolutions.com>), a national consultancy specializing in Title IX, equity, student conduct, and related topics to staff the roles of Title IX Investigator, Decision Maker/Hearing Officer, and Appellate Officer, subject to the rules of the University and with all required training to conduct these roles for the University. Information on the individuals conducting these roles in a specific case will be maintained by the Title IX Coordinator.

5.1.1 Roles of University Title IX Personnel

Title IX Coordinator

- a. Maintains ultimate oversight responsibility for all Title IX

- investigations, requirements, proceedings, and – if warranted – corrective actions;
- b. Assists with Supportive Measures (does not require the filing of a formal complaint);
- c. Explain to complainant the process for filing formal complaint;
- d. Monitors outcomes of any complaints/incidents;
- e. Identifies and addresses any patterns concerning sexual discrimination;
- f. Assesses effects of Title IX preventive and – if present – corrective actions on the campus climate;
- g. Coordinates investigations, hearings, regulatory updates, trainings (student and employee), Title IX personnel trainings, publications, and distributions;
- h. Ensures compliance with related legislation, i.e. Clery and VAWA; and;
- i. Assists with investigations, interviews, and resources.

Title IX Administrator

- a. Conducts Formal Investigation; and
- b. Makes recommendations to Coordinator.

Title IX Hearing Officer

- a. Holds hearings;
- b. Decides whether policy violations have occurred; and
- c. Determines/implements sanctions.

Title IX Appellate Officer

- a. Hears appeals; and
- b. Grants appeals (if appropriate).

5.2 Office for Civil Rights

In addition to the persons listed above in 5.1, an individual has the option and the right to contact the Office for Civil Rights (OCR) directly with any complaints or questions they may have.

Office for Civil Rights

San Francisco Office

50 Beal Street (Suite 7200)

San Francisco, CA 94105

Phone: (415) 486-5555

Fax: (415) 486-5570

TDD: (877) 521-2172

Email: ocr.sanfrancisco@ed.gov

Web: www.ed.gov/ocr

5.3 Updated Title IX Coordinator Information

Federal requirements mandate that the title and name of the individuals above be listed; however, the following link has been made available so that the most current titles and names for any of the above mentioned roles can be easily attained should they have changed since the publication of this document:

https://my.scuhs.edu/ICS/Departments/Campus_Safety/Title_IXSexual_Misconduct.jnz

5.4 Title IX Personnel Succession Protocol

Federal guidelines mandate that the Title IX Coordinator position at any given institution not be left vacant. Though not required directly by legislation, SCU has opted to establish the Title IX personnel structure referenced above (5.1) and the following succession chain.

- a) In the event the individual serving as Title IX Coordinator can no longer perform their duties as prescribed by federal and state law, as well as this University guidance document; the Vice President of Operations will immediately begin serving as the University Title IX Coordinator until such time as a new Title IX Coordinator is appointed.
- b) In the event both the individuals serving as Title IX Coordinator and the Vice President of Operations, respectively can no longer perform their duties as prescribed by federal and state law, as well as this University guidance document; the University President will immediately begin serving as the University Title IX Coordinator until such time as a new Title IX Coordinator and/or Title IX Administrator is appointed.

5.5 Conflict of Interest involving University Title IX Personnel

Should the involvement of any of the above mentioned individuals, whether in their predefined roles or outside of them, represent a conflict of interest concerning a Title IX complaint or investigation, another member from 5.1, above will take their place.

5.6 University Title IX Individual Listed as Respondent

Should the alleged respondent be a member of SCU's Title IX Personnel, a non-alleged individual from 5.1, above will handle the complaint.

5.7 Conflict of Interest

Should any Title IX Personnel, listed above, have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, the Title IX Personnel in question will immediately recuse themselves from all aspects of the case and a suitable replacement will be found.

6.0 Reporting Sex Discrimination, Harassment, Violence, & Analogous Behavior

Southern California University of Health Sciences (SCU) considers all complaints seriously and will diligently strive to remedy the situation and ensure the safety of complainants while respecting the rights of respondents. SCU encourages those who have experienced or observed any form of sex discrimination, harassment, assault or analogous behavior to report the incident promptly per the following methods:

- a) Complainants should report the incident to either the Title IX Administrator or Title IX Coordinator (contact information in 5.1), reports can be made at any time;
- b) If the complainant is an employee, they may also notify their immediate supervisor, but are not obligated to do so prior to bringing the matter to the University Title IX Personnel;
 - i. Employees may also notify ADP Total Source Employee Service Center by calling (800) 554-1802;
 - ii. Employees who make a complaint under this policy who do not feel they have received a satisfactory response, should contact the ADP Total Source Employee

Service Center at (800) 554-1802.

Investigations under this policy shall be conducted in a manner that will protect, to the extent possible, the confidentiality of all parties. The University, however, cannot guarantee complete confidentiality where it would conflict with the University's obligation to investigate meaningfully and, where warranted, take disciplinary action.

6.1 Responsible Employees

According to California law, a responsible employee is:

- a) An employee who has the authority to take action to redress sexual harassment/violence; and
- b) An employee who has been given the duty of reporting incidents of sexual /harassment violence or related misconduct by students to the Title IX Coordinator.

SCU has interpreted the above guidance to mean that the following employee categories constitute "responsible employees:"

- a) Title IX Personnel (per Section 5.1);
- b) Any full time employee who directly supervises at least one additional individual;
- c) Any faculty member that engages in teaching;
- d) Any faculty member than engages in patient care;
- e) Student life directors, coordinators, or deans.
- f) Faculty and associate faculty, teachers, instructors, or lecturers.
- g) Graduate student instructors, while performing the duties of employment by the University.
- h) Laboratory directors, coordinators, or principal investigators.
- i) Internship or externship directors or coordinators.

Federal Work Study students are not considered responsible employees even if they qualify under one of the above mentioned categories.

Employees, whether full-time, part-time, or contracted that do not fit into any of the above categories are not considered "responsible employees" under SCU's interpretation of both Title IX and OCR guidance. Differentiating between "responsible employees" and "non-responsible employees" allows the University to focus educational and training efforts so as to provide for the most efficient and accurate interaction with any given individual should they allege sex discrimination, harassment, violence, or a related concern. However, SCU does, and will continue to, encourage all members of the campus community to bring forth issues related to prohibited behaviors and practices to the appropriate parties (in this case, members of SCU's Title IX Personnel 5.0) so that they may be investigated and addressed appropriately.

6.1.1 Exception for Counseling Personnel:

Individuals such as Counseling Personnel who are professional or pastoral counselors or who have a duty of confidentiality under California law or other relevant provisions, and who receive a disclosure in such role, are not Responsible Employees required to report such disclosures received in that role. This includes individuals acting in a professional capacity for which confidentiality is mandated by law (such as physicians, licensed mental health counselors, and other relevant professions).

When such an individual receives a disclosure of a violation of this policy, they must inform each student with information regarding that student's ability to report to a responsible employee under this policy, and direct that student to one or more responsible employees (including via the SCUHS website).

The University offers counseling resources through an external institution, Biola University (562) 903-4800). Licensed counselors are not required to report— without an individual's consent — incidents of sexual discrimination/harassment/violence to SCU in a manner that identifies the individual and encourages all counselors to, if and when they deem it appropriate, inform any individuals they are counseling about their right to pursue charges as well as the ability to report crimes or file a Title IX complaint on a voluntary or confidential basis to SCU. Consequently, only aggregate (non-specific) data provided by counselors is considered for the inclusion of the incident(s) in the annual publication of crime statistics per Clery Act requirements (see Section 9.2).

6.1.2 Exception for University Awareness Events and Programs:

SCU ardently desires to make all members of the campus community aware of their individual rights and responsibilities as it relates to sexual discrimination, harassment, violence, and analogous behaviors. Accordingly, the University sponsors various campus events and campaigns aimed at keeping the community informed and safe.

Should an individual disclose experiences relates to sexual discrimination/harassment/violence as part of the aforementioned events and/or campaign, the University will not – by default – open a Title IX investigation. SCU wants all campus members to feel free to participate in such preventive measures and utilize available resources. As such, information shared at these events or as part of preventive education campaigns will aid SCU Administration and the designated Title IX personnel in reviewing our policies, creating campus-wide educational programs, and conducting climate surveys to learn more about the prevalence of sexual discrimination, harassment, and violence that may be present at the University.

6.1.3 Amnesty for Sexual Misconduct Complaints and Witnesses:

The University encourages reporting of sexual misconduct and seeks to remove any barriers to making a report. The University recognizes that an individual who has been consuming alcohol (including underage consumption) or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for that conduct. To encourage reporting, an individual who makes a good faith report of sexual misconduct that was directed at them or another person or participates in an investigation as a witness will not be subject to disciplinary action by the University for a conduct or policy violation that is related to and revealed in the sexual misconduct report or investigation, unless the University determines that the violation was serious and/or placed the health or safety of others at risk.

6.1.4 Responsible Employee Obligations & Duties

A responsible employee must report to the Title IX Coordinator or Administrator, all relevant details about an allegation concerning sexual discrimination/harassment/violence that an individual has shared in order that the

University may determine what occurred and seek to resolve the situation.

Responsible employees must disclose the names of the alleged perpetrator (if known), the individual who experienced the alleged discrimination/harassment/violence, other individuals involved in the allegation, as well as relevant facts such as date, time, and location.

Prior to the disclosure of any information that an individual may desire to keep confidential, responsible employees must make every effort to ensure that the individual fully understands:

- a) The employee's obligation to report the names of the alleged perpetrator and claimant involved in the allegation, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX Coordinator or other appropriate University officials;
- b) The individual's option to request that the University maintain their confidentiality, which the Title IX Personnel will consider; and
- c) The individual's ability to share the information confidentially with counseling, advocacy, health, mental health, or sexual-assault-related services. If the individual requests confidentiality, the Title IX Personnel should make every effort to respect this request and should evaluate the request in the context of the University's responsibility to provide a safe and nondiscriminatory environment for all individuals.

6.1.5 Requests for Confidentiality in the Process

If a complainant requests confidentiality, which could preclude a meaningful investigation or potential discipline of the potential respondent, or that no investigation or disciplinary action be pursued to address alleged sexual harassment, the University shall take the request seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including for the complainant. The University shall generally grant the request. In determining whether to disclose a complainant's identity or proceed to an investigation over the objection of the complainant, the University may consider whether any of the following apply, generally going to the risk of the person committing additional acts that violate this policy:

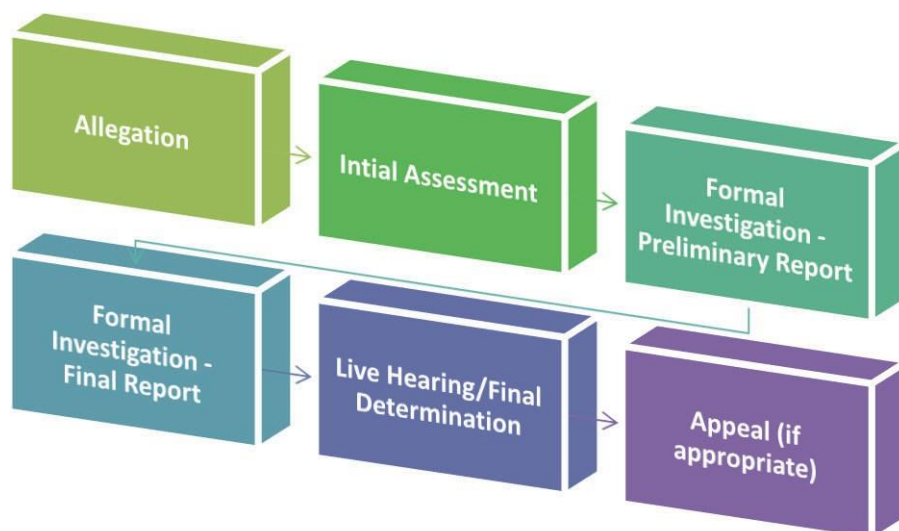
- There are multiple or prior reports of sexual misconduct against the respondent.
- The respondent reportedly used a weapon, physical restraints, or engaged in battery.
- The respondent is a faculty or staff member with oversight of students.
- There is a power imbalance between the complainant and respondent.
- The complainant believes that the complainant will be less safe if the complainant's name is disclosed or an investigation is conducted.
- The University is able to conduct a thorough investigation and obtain relevant evidence in the absence of the complainant's cooperation.

If the University determines that it can honor the student's request for confidentiality, it shall still take reasonable steps to respond to the complaint, consistent with the request, to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the complainant. These steps may include increased monitoring,

supervision, or security at locations or activities where the alleged misconduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys regarding sexual violence. The University shall also take immediate steps to provide for the safety of the complainant while keeping the complainant's identity confidential as appropriate. These steps may include changing living arrangements or course schedules, assignments, or tests. The complainant shall be notified that the steps the University will take to respond to the complaint will be limited by the request for confidentiality.

If the University determines that it must disclose the complainant's identity to the respondent or proceed with an investigation, it shall inform the complainant prior to making this disclosure or initiating the investigation. The University shall also take immediate steps to provide for the safety of the complainant where appropriate. In the event the complainant requests that the University inform the respondent that the student asked the University not to investigate or seek discipline, the University shall honor this request.

7.0 Grievance Procedure



The University's Grievance Procedure set forth in this policy meets Title IX requirements and California state law, and affords complainants a prompt and equitable resolution utilizing the preponderance of evidence standard (meaning it is more likely than not that the alleged conduct did or did not occur), while additionally upholding due process as it relates to the respondent so as to protect the integrity of all party's rights.

When a report of misconduct as defined under Section 4 above is received, the University shall follow Title IX and California law in providing equitable notice to all parties regarding the receipt of the report, investigation, availability of the investigation report, hearing, determination, appeal, final determination, and all other major stages of the process. If new allegations arise or are reported during the course of the process, additional notice may be issued, which will be shared equitably with parties.

Outreach to parties shall include, where relevant and appropriate:

- The institution has received a report that the student may have been a victim of sexual harassment.
- A statement that retaliation for filing a complaint or participating in a complaint process, or both, under this section is prohibited.
- Counseling resources within the institution or in the community.
- Where a crime may have occurred, notice that the student has the right, but not the obligation, to report the matter to law enforcement.
- The institution's investigation procedures established pursuant to the requirements of this section.
- Potential interim measures, such as no-contact directives, and academic schedule changes, where applicable.
- The importance of preserving evidence.
- A request for the person to meet with the Title IX coordinator or other designated employee to discuss options for responding to the report.
- The manner in which the institution responds to reports of sexual harassment and a description of potential disciplinary consequences.

The University shall provide all parties notice regarding appropriate counseling resources.

As it pertains to allegations concerning violations of this policy, the University Grievance Procedure shall not – at any time – permit, encourage, or allow for questions pertaining to the complainant’s sexual history, except as specifically enumerated here. The University shall not consider prior or subsequent sexual history between the complainant and anyone other than the respondent for any reason unless directly relevant to prove that physical injuries alleged to have been inflicted by the respondent were inflicted by another individual. The investigator or hearing officer shall not consider the existence of a dating relationship or prior or subsequent consensual sexual relations between the complainant and the respondent unless the evidence is relevant to how the parties communicated consent in prior or subsequent consensual sexual relations. Where the investigator or hearing officer allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the complainant and the respondent, the mere fact that the complainant and respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual. Before allowing consideration of any evidence of prior sexual history, the University shall provide a written explanation to the parties as to why consideration of the evidence is consistent with this Procedure.

In all phases of the process, under Sections 7(a) and 7(b), the University shall prohibit questions of any party that are repetitive, irrelevant, or harassing. Such a decision shall be made by the Title IX Coordinator.

The University expects all parties and advisors to act with decorum in all phases and aspects of the process, even as it acknowledges that these matters can create angst and stress. To that end, when addressing University officials or other parties and advisors (where applicable), all persons shall convey all information in a neutral tone intended to elicit information and not argumentation. All persons shall use the name and gender pronoun of the other person to whom they are speaking and shall not intentionally mis-name or mis-gender any other person. No person shall act abusively or disrespectfully towards any other person in the process. At no time may a person approach with menace or anger, use abusive language, yell, scream, badger, or physically lean in to another person (including but not limited to during direct cross-examination in Section 7(a)). No person shall take any action during the process that a reasonable person in the shoes of the affected person would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

All questions of decorum and appropriateness of questions shall be determined by the Title IX Coordinator or Title IX Hearing Officer.

The University’s Grievance Procedure is applicable for all complaint scenarios (student against student, employee against student, student against employee, employee against employee, student against third party, etc.). It is applicable whether the complainant filed the complaint directly or if it was filed on their behalf by another party, though for Title IX to apply, Section 7(a), there must be a formal complaint filed and signed by the complainant themselves or by the Title IX Coordinator and the other factors established in this Section must be present.

The University’s Grievance Procedure is not an adversarial process between the complainant, the respondent, and the witnesses, but rather a process for the University to comply with its

obligations under existing law. The complainant does not have the burden to prove, nor does the respondent have the burden to disprove, the underlying allegation or allegations of misconduct. The burden of determining whether a violation occurred is on the University.

During the Grievance Procedure, the University will be adamant concerning the fair and equitable treatment of all parties involved. Additionally, the complainant has the right to file criminal charges of their own accord (the University can assist where appropriate and warranted), and the procedures described below are in no way meant to discourage pursuit of said charges outside the institution.

During the Grievance Procedure, the presumption is that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of Grievance Procedure based on the preponderance of evidence.

In the event that a complaint is filed with an external agency or court, the University reserves the right to determine, in its discretion and subject to federal and California law, whether the University's Grievance Procedure should be discontinued or continued separately.

All University personnel participating in the investigation or adjudication of violations under either 7.0(a) or 7.0(b) shall be, at all times, neutral.

Coverage of the Policies, Sections 7(a) and 7(b)

The response to sexual harassment and sexual and interpersonal violence by the University is governed by several laws. While those laws mostly conform, there are specific sections that are very different and some that are incompatible. Of primary application are three laws, Title IX of the Education Amendments of 1972, with the most recent changes coming in the 2020 Title IX Final Rule, the Clery Act as amended by the Violence Against Women Act, with the most recent changes coming in the 2014 Final Rule to implement the VAWA changes to the Clery Act, and California law, with the most recent changes coming in the 2021 Senate Bill 493. The two federal laws, Title IX and the Clery Act, are primary where they conflict with state law (this means that in case of conflict, the University must follow federal requirements). But where a federal law such as Title IX does not apply, the University must still follow California law.

The University recognizes that this can lead to confusion among members of the community. The University wants to assure those impacted by harassment and violence that they may call upon any of the officials listed in Section 5 above to assist them in working through the distinctions and which policy applies. Only incidents that fall within the Title IX rules established by the federal government will be brought through an investigation and live hearing under Section 7(a). The specific provisions of 7(a) have no effect on, and are not transferrable to, any other University policy or process, unless specifically outlined in that policy or process.

When a report outlines some conduct that is covered by Title IX (Section 7(a)), and other conduct that is not, the University will split the reported conduct and investigate/adjudicate conduct alleged that is covered by Title IX under Section 7(a) and investigate/adjudicate the remaining conduct alleged that is not covered by Title IX under Section 7(b).

Note that a person may obtain supportive measures regardless of whether their case is investigated or adjudicated under 7(a) or 7(b).

For Section 7(a), the procedure governed primarily by Title IX (with non-conflicted provisions of California law) to apply, a complaint must meet several factors:

- The alleged conduct must have occurred in an on campus or off campus educational program or activity of the University.
- The alleged conduct must meet one of the definitions in Section 4.1-4.7 of this Policy.
- The alleged conduct must have occurred after August 14, 2020.
- The alleged conduct must have occurred in the United States.
- At the time of filing a formal complaint, the complainant is participating in or attempting to participate in an education program or activity of the University.
- The complainant must file a formal complaint, or the Title IX Coordinator must file a formal complaint on their behalf.

If a complaint does not meet *all* of the factors listed above, it still may be governed by California law, Section 7(b), of this policy if it:

- Meets any of the definitions in Section 4.0, above, including the definitions in Section 4.8 (California law definitions) above.
- Involves members of the University community over whom the University has jurisdiction.
- Occurs in connection with any educational activity or other program of the University, as well as incidents that occurred outside of those educational programs or activities, whether they occurred on or off campus, if based on the allegations, there is any reason to believe that the incident could contribute to a hostile educational environment or otherwise interfere with a student's access to education.
- A formal complaint is filed by the complainant, a complaint is filed by the Title IX Coordinator, or regardless of whether a complaint is filed, if the institution knows, or reasonably should know (such as through the knowledge of a Responsible Employee as established in Section 6.0, above), about possible sexual harassment involving individuals subject to the institution's policies at the time (the ability of the University to fully or partially respond will depend, in part, on the participation of those impacted by the alleged violation).

Timeline For Major Stages of the Process:

As per Sections 7(a) and 7(b), reports will be generally handled under the timelines listed in each relevant section.

7.0(a) Title IX Procedure:

7.1(a) Initial Assessment

The first step in addressing any complaint is for the Title IX Administrator to conduct an initial assessment which will determine whether or not the allegation constitutes a potential violation under Title IX. If this policy is invoked, a Formal Investigation (7.2(a) below) shall be conducted to determine whether or not there has been a violation of policy.

The Administrator or Coordinator will provide for the adequate, reliable, and impartial investigation of all complaints.

- a) Reporting incidents or complaints directly to the Title IX Coordinator or Administrator is the most efficient way of beginning the grievance procedure.
 - i. Refer to Section 5.0 above for their contact information;
 - ii. Refer to Section 6.0 above for additional reporting options.
- b) There is no time limit for the reporting of an incident or complaint of sex

discrimination or sexual violence, nor beginning the grievance procedure; however, all incidents of sex discrimination, including sexual violence, sexual misconduct, or retaliation, etc. should be reported as soon as practicable.

- i. Timely reporting is essential for an efficient investigation and the prevention of any future discriminatory actions;
- ii. Responsible employees are obligated to report any behavior they feel is in violation of this policy.

7.2(a) Formal Investigation

The formal investigation will be completed over the course of forty-five (45) calendar days from the date the complaint was filed; however, if circumstances permit, more time may be required and an extension warranted. Such a decision will be rendered by the Title IX Coordinator. The purpose of this investigation is to establish whether policy has been violated.

The individual responsible for the investigation shall promptly notify the person against whom the complaint is made (respondent) with a notification of investigation. If warranted, the Title IX Coordinator and/or Administrator shall notify the appropriate University officer or supervisor concerning the nature of the complaint and of the identity of the parties. In general, parties will be simultaneously notified of the allegations and any future allegations that arise.

In conducting the investigation, the assigned investigator may interview the complainant, the person against whom the complaint is made, and any other person(s) believed to have relevant factual knowledge. During the formal investigation, the complainant and respondent are never to be questioned in the same room or directly question each other (for cross-examination in the Title IX hearing, see 7.2.1(a) below). Additionally, the investigator will make a good faith effort to provide adequate notice prior to any interview so as to allow the party being interviewed to prepare for meaningful participation. All parties are afforded the right to fully participate in the investigation, provide evidence and identify witnesses as they deem necessary, and to be accompanied by an advisor (see 7.5(a) below). Any evidence available, but not disclosed during the investigation might not be considered at a subsequent hearing.

Submission Limitations

Pursuant to California law, the University includes the following submission limits for documentation. This covers all phases of the process (including investigation, adjudication, and appeals). Parties are encouraged to concentrate submissions on factual documents, documents that tend to prove or disprove one or more facts. There are no limits on the submission of relevant factual information. Parties may, but are not required to, submit additional documents that are in the nature of advocacy for their position (making arguments for or against the investigator and/or hearing officer relying on or weighting certain facts and testimony). These non-factual documentation are limited to five type-written, single-spaced pages, Times New Roman or Arial font, one inch margins all around for each of the investigation, adjudication, and appeals process. Pages beyond this limitation shall not be considered. The Title IX Coordinator shall make the determination as to whether a document or page shall count against this limit by determining whether it is more factual than argument or more argument than factual.

Parties shall have an equitable opportunity to submit evidence and documentation. No party

will obtain an extension that is not offered equitably to the other party.

The submission by one party in any timeline does not, in and of itself, extend the timeframe for submission for the other party. In other words if the parties have ten (10) calendar days for a submission as part of the process, and one party timely submits on the ninth day, that does not restart the clock for other parties to submit. They will be bound by the original ten (10) day timeline unless some other reason for extension exists.

In order to promote accuracy, for each conducted interview, the investigator shall produce a transcript within five (5) calendar days and provide to the party being interviewed for commentary. At all times, the investigator shall make a demonstrated and documented effort to maintain privacy; however, the University cannot guarantee complete confidentiality where it would conflict with the obligation to investigate meaningfully and, where warranted, take disciplinary action. Additionally, the University will act to ensure that all participants involved maintain privacy to the degree possible.

Lastly, the Title IX Coordinator and Administrator have the authority to investigate concerns without the request of a formal inquiry.

7.2.1(a) Preliminary Report & Commentary Period

Upon completion of the investigation, a Preliminary Report documenting the facts and conclusions will be compiled and issued to all parties as well as the Title IX Coordinator. This report will not contain a recommendation concerning whether policy was violated.

All parties will have ten (10) calendar days from the date of issuance to respond to the report with commentary, additional information, recommended corrections, and/or written questions for witnesses and/or parties when necessary and appropriate. All questions will be submitted to the appropriate party indirectly by way of the investigator. Additionally, the investigator reserves the right to modify or reject a question if deemed inappropriate at which point the submitting party will be notified. Further, under no circumstances will a party be compelled to answer questions that may lead to criminal prosecution.

7.2.2(a) Final Report

The investigator shall produce a Final Report within twenty (20) calendar days of the issuance of the Preliminary Report; however, additional time may be granted if warranted (determined by the Title IX Coordinator). This Final Report will document the facts, conclusions, and recommended sanctions (if any). For each alleged violation, the Final Report will, based on the preponderance of the available evidence, recommend a finding as to whether or not the investigator considers that the alleged conduct which necessitated the investigation did, or did not, occur.

The Final Report will be issued to all parties simultaneously as well as the Title IX Coordinator.

7.3(a) Final Determination/Hearing

7.3.1(a) Scheduling and Medium

After receiving the Final Report, the Title IX Coordinator will – within fourteen (14) calendar days – schedule a live hearing with the complainant, respondent, advisors, and witnesses (if any/necessary). Said hearing will be conducted by the Title IX Hearing

Officer using teleconference technology and will be recorded. Said recording will be made available to all parties no later than three (3) Calendar days after the hearing has concluded. All parties participating in the hearing must attend using both a camera and microphone unless granted a waiver for a disclosed disability that prevents use of such technology.

7.3.2(a) Structure

The Title IX Hearing Officer will structure and conduct the live hearing as they see fit so as to maintain the integrity and efficacy of the hearing so long as it does not conflict with any policies herein.

7.3.3(a) Witnesses and Evidence

All parties have an equitable opportunity to identify and present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

Generally, the parties may not introduce evidence, including witness testimony, at the hearing that the party did not identify during the investigation and that was available at the time of the investigation. However, the Title IX Hearing Officer has discretion to accept for good cause, or exclude, such new evidence offered at the hearing.

7.3.4(a) Cross-Examination and Advisors

During the hearing, the Title IX Hearing Officer 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. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the Title IX Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

If a party does not have an advisor present at the live hearing, the University shall provide without fee or charge to that party, an advisor of the University's choice, who may be, but is not required to be, an attorney, in order to conduct cross-examination on behalf of that party. Said advisor shall only be provided for the purposes of cross-examination during the live hearing.

Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.

7.3.5(a) Hearing Officer Limitations

The Title IX Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

7.3.6(a) Final Determination

At the conclusion of the hearing, the Title IX Hearing Officer will issue a final determination as to whether policy was violated, and whether sanctions are appropriate. Said determination will also be provided in written format to all parties. The written determination will include the following:

- a) Identification of the allegations potentially constituting sexual harassment as defined in Section 4;
- b) A description of the procedural steps taken from the receipt of the formal

- complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c) Findings of fact supporting the determination;
 - d) Conclusions regarding the application of the University's code of conduct policies to the facts; and
 - e) A statement of, and rationale for, the results as to each allegation, including:
 - a. Any disciplinary sanctions the University imposes on the respondent; and
 - b. Whether remedies designed to restore or preserve equal access to the University's educational program or activity will be provided by the University to the complainant.
 - f) The findings letter shall provide assurances, consistent with federal and California law, that the University will take steps to prevent recurrence of any harassment (if found) and to correct its discriminatory effects on the complainant and others, if appropriate.

7.3.7(a) Sanctions

Violation(s) of this Policy may result in the imposition of one or more of the sanctions listed below. In certain limited situations, the Title IX Hearing Officer may impose a sanction but suspend or postpone its actual implementation. Failure to comply with the sanction(s) imposed by the Title IX Officer may result in further disciplinary action, including but not limited to, a registration hold, placement on, or extension of, University probation, suspension, or permanent dismissal.

Sanctions are based on general principles of fair treatment. While attempting to be consistent in its disciplinary decisions, the University also seeks to be fair and sensitive to the facts and circumstances of each individual case. The following are the potential sanctions that may be imposed.

- a) **Warning:** Oral or written notice to the individual that the individual is violating or has violated the University's Title IX Policy and that continuation or repetition of misconduct may result in a more severe sanction.
- b) **University Probation:** A status which indicates that an individual's relationship with the University is tenuous. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the individual is found in violation of the University's Title IX Policy or other policy violations. Probation may also result in the loss of privileges, depending on the policies of various University departments and organizations.
- c) **Loss of Privileges:** Such loss may include, but is not limited to, financial assistance, eligibility to represent the University officially, or use of specific University facilities, or services.
- d) **Restitution:** Compensation for loss, damage or injury. Failure to pay such charges may result in additional sanctions (including, but not limited to, denial of re-enrollment or refusal to release official transcripts and records).
- e) **Educational Sanctions:** Reading/writing assignment, drug or alcohol assessment/treatment, seminar attendance, or other discretionary sanctions as deemed appropriate.
- f) **Suspension:** Temporary separation of the individual from the University for a definite period of time, after which the individual (if a student) is eligible to return without reapplying through the office of admissions. Conditions for readmission may be specified.
- g) **Expulsion:** The individual is permanently separated from the University with a

notation of the reason(s) for the termination in their file. No refunds are made and the individual will suffer the academic consequences of their actions.

- h) Termination: The individual's employment with the University is permanently severed with a notation of the reason(s) for the termination placed in their file. No opportunity for reemployment will be afforded.

7.4(a) Appeals Process

Any decision made by the Title IX Hearing Officer may be appealed by the respondent or by the complainant (if there is one) to the Title IX Appellate Officer within five (5) calendar days of the decision.

The basis for appeal shall only include the following:

- a) A claim of procedural irregularity that affected the outcome of the matter;
- b) A claim that the Title IX Coordinator, Administrator, and/or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
- c) A claim that there is new evidence to present that is sufficient to alter the decision that was not reasonably available at the time of the determination.

An individual's notice of appeal does not suspend the imposition of sanctions or interim measures until the appeal is finally decided. If an appeal is upheld, the sanctions will be reversed.

If the Title IX Appellate Officer determines there is merit for an appeal, the facts of the incident will be reviewed with the party, typically in a personal meeting with the Title IX Appellate Officer. Appeals, if granted, can result in one of the following:

- a) The original determination/sanction will be upheld.
- b) The original determination/sanction will be modified.
- c) A new hearing will be scheduled.

7.5(a) Right to an Advisor

Both complainants and respondents have the right to be assisted by an advisor of their choice. The purpose of the advisor is to support an individual during the Grievance Procedure, including accompanying the individual to in-person interviews or other meetings during the process.

- a) With the sole exception of direct cross examination of parties and witnesses as part of a hearing under the Title IX rules, for cases that fall under those provisions, the advisor may not appear in lieu of the complainant or the respondent or speak on their behalf in either in-person or written communications to the University. The advisor may not communicate directly with the investigator(s), the Title IX Coordinator, the Title IX Administrator, or any other University official involved in the Grievance Procedure and may not interrupt or otherwise delay the Grievance Procedure, except during the course of cross examination, where applicable, and to raise reasonable objections during the hearing process on behalf of their party.
- b) Advisors may have access to information concerning a case only when accompanying a party (for in-person access to information) or when a party has given permission for the advisor to be copied on emails or other correspondence (for access to written communications). An advisor's access to such information is subject to the same limitations as those placed upon the parties and conditioned upon the advisor's agreement to maintain the confidentiality of any student educational records or other confidential information, as applicable under law.

- c) While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum. Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning. No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers. All questions and statements must be conveyed in a neutral tone.
- d) Parties must provide the name of the person they have selected as their advisor to the either the Title IX Coordinator or Title IX Administrator. Advisors will be required to sign an Advisor Agreement acknowledging receipt and understanding of the requirements described herein. Failure to comply with these requirements, including violations of confidentiality or other forms of interference with the complaint resolution procedure by the advisor, may result in the disqualification of an advisor.
- e) The University will notify a party involved in the Grievance Procedure if another party involved has obtained an advisor, and if so, whether the other party's advisor is an attorney.

7.6(a) Emergency Removal of Student Respondent

The University may remove a student respondent from its education programs or activities on an emergency basis, only after:

- a) Undertaking an individualized safety and risk analysis; and
- b) Determining if an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
- c) Providing the respondent with notice and an opportunity to challenge the decision immediately following removal while respecting all rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, as applicable.

7.7(a) Placing Non-Student Employee on Administrative Leave

The University may, if warranted, place a non-student employee respondent on administrative leave during the pendency of a grievance process under its existing procedures, without modifying any rights provided under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

7.8(a) Temporary Delay of Grievance Process

The University may temporarily delay the Grievance Process or extend the time frames established above for good cause with written notice to the complainant and the respondent of the delay/extension and the reason(s) for the action. Good cause may include, but is not limited to, considerations such as: the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

7.9(a) Dismissal of Formal Complaints/Suspension of Grievance Procedure

Formal Complaints *shall* be dismissed if:

- a) The conduct alleged in the Formal Complaint would not constitute sexual harassment even if proved;
- b) The conduct did not occur in the University's education program or activity;
- c) The conduct did not occur against a person in the United States;
- d) At the time of filing a Formal Complaint, a complainant is not participating in or attempting to participate in the education program or activity of the University.

Formal Complaints *may* be dismissed, if at any time during the investigation or hearing:

- e) A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the Formal Complaint or any allegations therein; and/or
- f) The respondent is no longer enrolled or employed by the University; and/or
- g) Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Should a Formal Complaint be dismissed, prompt written notice will be sent to all parties.

Further, if a Formal Complaint is dismissed under these policies (Title IX), the complaint may be reinstated under another provision of the University's code of conduct or other applicable resolution procedures, including Section 7(b) of this policy.

7.10(a) Reservation of Flexibility

The procedures set forth in this Policy reflect the University's desire to respond to complaints in good faith and in a manner that promotes fairness to all parties. The University recognizes that each case is unique and that circumstances may arise which require that it reserve some flexibility in responding to the particular circumstances of the matter. Where it is not possible or practical to follow these procedures, the University reserves the right to modify the procedures or to take other administrative action as appropriate under the circumstances, with notice to all parties and a reasonable, limited opportunity to provide input, as established by the Title IX Coordinator, on the modifications prior to a determination by the University.

7.0(b) California State Law Procedure:

7.1(b) Initial Assessment

The first step in addressing any complaint is for the Title IX Administrator to conduct an initial assessment which will determine whether or not the allegation constitutes a potential violation under Title IX and/or California law. If this policy is invoked, a Formal Investigation (7.2(b) below) shall be conducted to determine whether or not there has been a violation of policy.

The Administrator or Coordinator will provide for the adequate, reliable, and impartial investigation of all complaints.

- c) Reporting incidents or complaints directly to the Title IX Coordinator or Administrator is the most efficient way of beginning the grievance procedure.
 - i. Refer to Section 5.0 above for their contact information;
 - ii. Refer to Section 6.0 above for additional reporting options.
- d) There is no time limit for the reporting of an incident or complaint of sexual discrimination or sexual violence, nor beginning the grievance procedure; however, all incidents of sex discrimination, including sexual violence, sexual misconduct, or retaliation, etc. should be reported as soon as practicable.
 - i. Timely reporting is essential for an efficient investigation and the prevention of any future discriminatory actions;
 - ii. Responsible employees are obligated to report any behavior they feel is in violation of this policy.

7.2(b) Formal Investigation

The formal investigation will be completed over the course of forty-five (45) calendar days from the date the complaint was filed; however, if circumstances permit, more time may be required and an extension warranted. Such a decision will be rendered by the Title IX Coordinator. The purpose of this investigation is to establish whether policy has been violated.

The individual responsible for the investigation shall promptly notify the person against whom the complaint is made (respondent) with a notification of investigation. If warranted, the Title IX Coordinator and/or Administrator shall notify the appropriate University officer or supervisor concerning the nature of the complaint and of the identity of the parties.

In conducting the investigation, the assigned investigator may interview the complainant, the person against whom the complaint is made, and any other person(s) believed to have relevant factual knowledge. During the formal investigation, the complainant and respondent are never to be questioned in the same room or directly question each other. Additionally, the investigator will make a good faith effort to provide adequate notice prior to any interview so as to allow the party being interviewed to prepare for meaningful participation. All parties are afforded the right to fully participate in the investigation, provide evidence and identify witnesses as they deem necessary, and to be accompanied by an advisor (see 7.5(b) below). Any evidence available, but not disclosed during the investigation might not be considered at a subsequent hearing.

Submission Limitations

Pursuant to California law, the University includes the following submission limits for documentation. This covers all phases of the process (including investigation, adjudication, and appeals). Parties are encouraged to concentrate submissions on factual documents, documents that tend to prove or disprove one or more facts. There are no limits on the submission of relevant factual information. Parties may, but are not required to, submit additional documents that are in the nature of advocacy for their position (making arguments for or against the investigator and/or hearing officer relying on or weighting certain facts and testimony). These non-factual documentation are limited to five type-written, single-spaced pages, Times New Roman or Arial font, one inch margins all around for each of the investigation, adjudication, and appeals process. Pages beyond this limitation shall not be considered. The Title IX Coordinator shall make the determination as to whether a document or page shall count against this limit by determining whether it is more factual than argument or more argument than factual.

Parties shall have an equitable opportunity to submit evidence and documentation. No party will obtain an extension that is not offered equitably to the other party.

The submission by one party in any timeline does not, in and of itself, extend the timeframe for submission for the other party. In other words if the parties have ten (10) calendar days for a submission as part of the process, and one party timely submits on the ninth day, that does not restart the clock for other parties to submit. They will be bound by the original ten (10) day timeline unless some other reason for extension exists.

In order to promote accuracy, for each conducted interview, the investigator shall produce a transcript within five (5) calendar days and provide to the party being interviewed for commentary.

At all times, the investigator shall make a demonstrated and documented effort to maintain privacy; however, the University cannot guarantee complete confidentiality where it would conflict with the obligation to investigate meaningfully and, where warranted, take disciplinary action. Additionally, the University will act to ensure that all participants involved maintain privacy to the degree possible.

Lastly, the Title IX Coordinator and Administrator have the authority to investigate concerns without the request of a formal inquiry.

7.2.1(b) Preliminary Report & Commentary Period

Upon completion of the investigation, a Preliminary Report documenting the facts and conclusions will be compiled and issued to all parties as well as the Title IX Coordinator. This report will not contain a recommendation concerning whether policy was violated.

All parties will have ten (10) calendar days from the date of issuance to respond to the report with commentary, additional information, recommended corrections, and/or written cross-examination questions for witnesses and/or parties when necessary and appropriate.

7.2.2(b) Final Report

The investigator shall produce a Final Report within twenty (20) calendar days of the issuance of the Preliminary Report; however, additional time may be granted if warranted (decided by Title IX Coordinator). This Final Report will document the facts, conclusions, and recommended sanctions (if any). For each alleged violation, the Final Report will, based on the preponderance of the available evidence, recommend a finding as to whether or not the investigator considers that the alleged conduct which necessitated the investigation did, or did not, occur.

The Final Report will be issued to all parties simultaneously as well as the Title IX Coordinator.

7.3(b) Final Determination/Hearing

7.3.1(b) Scheduling and Medium

After receiving the Final Report, the Title IX Coordinator will – within fourteen (14) calendar days – determine whether or not a hearing is necessary and, if necessary, schedule a live hearing with the complainant, respondent, advisors, and witnesses (if any/necessary). Factors for deciding whether to schedule a hearing include whether the parties elected to participate in the process and whether all parties could suggest questions to be asked of other parties in the investigation. Said hearing will be conducted by the Title IX Hearing Officer using teleconference technology and will be recorded. Said recording will be made available to all parties no later than three (3) Calendar days after the hearing has concluded. All parties participating in the hearing must attend using both a camera and microphone unless granted a waiver for a disclosed disability that prevents use of such technology.

7.3.2(b) Structure

The Title IX Hearing Officer will structure and conduct the live hearing as they see fit so as to maintain the integrity and efficacy of the hearing so long as it does not conflict with any policies herein.

7.3.3(b) Witnesses and Evidence

All parties have an equitable opportunity to identify and present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

Generally, the parties may not introduce evidence, including witness testimony, at the hearing that the party did not identify during the investigation and that was available at the time of the investigation. However, the Title IX Hearing Officer has discretion to accept for good cause, or exclude, such new evidence offered at the hearing.

7.3.4(b) Cross-Examination and Advisors

During the hearing, the Title IX Hearing Officer shall consider questions to parties that are in the nature of cross-examination that were submitted in writing in advance of the hearing. After each party and witness testifies, the first set of questions will be asked by the Title IX Hearing Officer. Once the Title IX Hearing Officer is satisfied that their questions have been answered (including follow up questions), they will then turn to the submitted questions and will ask them to the party. At any point, the Title IX Hearing Officer may pause the cross examination process to ask a question, and the questions of the Title IX Hearing Officer shall be primary in nature over those submitted in writing by the parties.

Questions that are harassing in nature, irrelevant, repetitive, or otherwise violate this Policy or Procedure shall not be asked, but shall be marked in writing as such and that document shall remain a part of the record. The Title IX Hearing Officer shall conduct a brief analysis of each question prior to asking it out loud. The Title IX Hearing Officer may partially or fully discard, rephrase, or modify any question. Either party may object to any question. After verbally stating that they have an objection, the Title IX Hearing Officer will ask them to share the nature of their objection. For standard or simple objections, an oral conversation, where both parties, through their advisors, can be heard on the objection, will suffice. For more complex objections, the Title IX Hearing Officer may request that the objection, and any argument on it, be submitted in writing for consideration. The Title IX Hearing Officer may choose to take a recess to complete this or may move on to another portion of the testimony and come back to the issue at a later time. The determination of the Title IX Hearing Officer to sustain or overrule the objection shall be final. The Title IX Hearing Officer is under no obligation to rule on or respond to any specific objection and may simply include the objection in the record.

Only relevant cross- examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the Title IX Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

At the discretion of the Title IX Hearing Officer, a party through their advisor, may submit follow up questions to a response. Such submissions shall be in writing

only and shall not be stated out loud or otherwise shared by the advisor or party, but only by the Title IX Hearing Officer after they have reviewed the follow up question or questions under the requirements of this Procedure.

7.3.5(b) Hearing Officer Limitations

The Title IX Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

7.3.6(b) Final Determination

At the conclusion of the hearing, the Title IX Hearing Officer will issue a final determination as to whether policy was violated, and whether sanctions are appropriate. Said determination will also be provided in written format to all parties. The written determination will include the following:

- a) Identification of the allegations potentially constituting sexual harassment as defined in Section 4;
- b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c) Findings of fact supporting the determination;
- d) Conclusions regarding the application of the University's code of conduct policies to the facts; and
- e) A statement of, and rationale for, the results as to each allegation, including:
 - a. Any disciplinary sanctions the University imposes on the respondent; and
 - b. Whether remedies designed to restore or preserve equal access to the University's educational program or activity will be provided by the University to the complainant.
- f) The findings letter shall provide assurances, consistent with federal and California law, that the University will take steps to prevent recurrence of any harassment (if found) and to correct its discriminatory effects on the complainant and others, if appropriate.

7.3.7(b) Sanctions

Violation(s) of this Policy may result in the imposition of one or more of the sanctions listed below. In certain limited situations, the Title IX Hearing Officer may impose a sanction but suspend or postpone its actual implementation. Failure to comply with the sanction(s) imposed by the Title IX Officer may result in further disciplinary action, including but not limited to, a registration hold, placement on, or extension of, University probation, suspension, or permanent dismissal.

Sanctions are based on general principles of fair treatment. While attempting to be consistent in its disciplinary decisions, the University also seeks to be fair and sensitive to the facts and circumstances of each individual case. The following are the potential sanctions that may be imposed.

- i) Warning: Oral or written notice to the individual that the individual is violating or has violated the University's Title IX Policy and that continuation or repetition of misconduct may result in a more severe sanction.

- j) **University Probation:** A status which indicates that an individual's relationship with the University is tenuous. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the individual is found in violation of the University's Title IX Policy or other policy violations. Probation may also result in the loss of privileges, depending on the policies of various University departments and organizations.
- k) **Loss of Privileges:** Such loss may include, but is not limited to, financial assistance, eligibility to represent the University officially, or use of specific University facilities, or services.
- l) **Restitution:** Compensation for loss, damage or injury. Failure to pay such charges may result in additional sanctions (including, but not limited to, denial of re-enrollment or refusal to release official transcripts and records).
- m) **Educational Sanctions:** Reading/writing assignment, drug or alcohol assessment/treatment, seminar attendance, or other discretionary sanctions as deemed appropriate.
- n) **Suspension:** Temporary separation of the individual from the University for a definite period of time, after which the individual (if a student) is eligible to return without reapplying through the office of admissions. Conditions for readmission may be specified.
- o) **Expulsion:** The individual is permanently separated from the University with a notation of the reason(s) for the termination in their file. No refunds are made and the individual will suffer the academic consequences of their actions.
- p) **Termination:** The individual's employment with the University is permanently severed with a notation of the reason(s) for the termination placed in their file. No opportunity for reemployment will be afforded.

7.4(b) Appeals Process

Any decision made by the Title IX Hearing Officer may be appealed by the respondent or by the complainant (if there is one) to the Title IX Appellate Officer within five (5) calendar days of the decision.

The basis for appeal shall only include the following:

- a) A claim of procedural irregularity that affected the outcome of the matter;
- b) A claim that the Title IX Coordinator, Administrator, and/or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
- c) A claim that there is new evidence to present that is sufficient to alter the decision that was not reasonably available at the time of the determination.

An individual's notice of appeal does not suspend the imposition of sanctions or interim measures until the appeal is finally decided. If an appeal is upheld, the sanctions will be reversed.

If the Title IX Appellate Officer determines there is merit for an appeal, the facts of the incident will be reviewed with the party, typically in a personal meeting with the Title IX Appellate Officer. Appeals, if granted, can result in one of the following:

- a) The original determination/sanction will be upheld.
- b) The original determination/sanction will be modified.
- c) A new investigation will be scheduled.

7.5(b) Right to an Advisor

Both complainants and respondents have the right to be assisted by an advisor of their choice. The purpose of the advisor is to support an individual during the Grievance Procedure, including accompanying the individual to in-person interviews or other meetings during the process.

- a) With the sole exception of direct cross examination of parties and witnesses as part of a hearing under the Title IX rules, for cases that fall under those provisions, the advisor may not appear in lieu of the complainant or the respondent or speak on their behalf in either in-person or written communications to the University. The advisor may not communicate directly with the investigator(s), the Title IX Coordinator, the Title IX Administrator, or any other University official involved in the Grievance Procedure and may not interrupt or otherwise delay the Grievance Procedure, except during the course of cross examination, where applicable, and to raise reasonable objections during the hearing process on behalf of their party.
- b) Advisors may have access to information concerning a case only when accompanying a party (for in-person access to information) or when a party has given permission for the advisor to be copied on emails or other correspondence (for access to written communications). An advisor's access to such information is subject to the same limitations as those placed upon the parties and conditioned upon the advisor's agreement to maintain the confidentiality of any student educational records or other confidential information, as applicable under law.
- c) While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum. Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning. No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers. All questions and statements must be conveyed in a neutral tone.
- d) Parties must provide the name of the person they have selected as their advisor to the either the Title IX Coordinator or Title IX Administrator. Advisors will be required to sign an Advisor Agreement acknowledging receipt and understanding of the requirements described herein. Failure to comply with these requirements, including violations of confidentiality or other forms of interference with the complaint resolution procedure by the advisor, may result in the disqualification of an advisor.
- e) The University will notify a party involved in the Grievance Procedure if another party involved has obtained an advisor, and if so, whether the other party's advisor is an attorney.

7.6(b) Emergency Removal of Student Respondent

The University may remove a student respondent from its education programs or activities on an emergency basis, only after:

- d) Undertaking an individualized safety and risk analysis; and
- e) Determining if an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
- f) Providing the respondent with notice and an opportunity to challenge the decision immediately following removal while respecting all rights under the Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, as applicable.

7.7(b) Placing Non-Student Employee on Administrative Leave

The University may, if warranted, place a non-student employee respondent on administrative leave during the pendency of a grievance process under its existing

procedures, without modifying any rights provided under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

7.8(b) Temporary Delay of Grievance Process

The University may temporarily delay the Grievance Process or extend the time frames established above for good cause with written notice to the complainant and the respondent of the delay/extension and the reason(s) for the action. Good cause may include, but is not limited to, considerations such as: the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

7.9(b) Dismissal of Formal Complaints/Suspension of Grievance Procedure

Formal Complaints *shall* be dismissed if:

- a) The conduct alleged in the Formal Complaint would not constitute sexual harassment even if proved;
- b) The conduct did not occur in connection with any educational activity or other program of the University, or occurred outside of those educational programs or activities, whether they occurred on or off campus, if based on the allegations, there is any reason to believe that the incident could contribute to a hostile educational environment or otherwise interfere with a student's access to education.

Formal Complaints *may* be dismissed, if at any time during the investigation or hearing:

- c) A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the Formal Complaint or any allegations therein; and/or
- d) The respondent is no longer enrolled or employed by the University; and/or
- e) Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Should a Formal Complaint be dismissed, prompt written notice will be sent to all parties.

7.10(b) Reservation of Flexibility

The procedures set forth in this Policy reflect the University's desire to respond to complaints in good faith and in a manner that promotes fairness to all parties. The University recognizes that each case is unique and that circumstances may arise which require that it reserve some flexibility in responding to the particular circumstances of the matter. Where it is not possible or practical to follow these procedures, the University reserves the right to modify the procedures or to take other administrative action as appropriate under the circumstances, with notice to all parties and a reasonable, limited opportunity to provide input on the modifications prior to a determination by the University.

8.0 Anti-Retaliation & False Reports

8.1 Retaliation

It is a violation of this policy for any person to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceedings, or hearing under Title IX.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purposes of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Initiating a complaint of sexual misconduct and/or sex discrimination will not affect a complainant's employment, compensation or work assignments or, in the case of students, grades, class selection, or any other matter pertaining to student status. Distinguishing between harassing or discriminatory conduct and conduct that is purely personal or social without a harassing or discriminatory work or educational effect requires a determination based on all the known and available facts pertaining to the situation.

Additionally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business, work-related, academic, or student social activities or discussions in order to avoid allegations of harassment. The law and the policies of the University prohibit disparate treatment on the basis of protected characteristics, with regard to terms, conditions, privileges and perquisites of employment or admission as a student. The prohibitions against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

Complaints alleging retaliation may be filed according to the grievance procedures described above in Section 7 (above).

8.2 False Reports

False accusations and reports of sex discrimination, harassment, or violence can seriously injure innocent persons and their reputation. It is a violation of this policy, therefore, for anyone knowingly to make false accusations. If, during the conducting of the investigation, it is determined that the evidence demonstrates the accusation was made falsely, appropriate disciplinary action will be instituted by the University and will follow the Grievance Process as defined in Section 7 of this policy. A determination that a complaint is not meritorious is not necessarily equivalent to a false allegation. A finding for the accused does not constitute a finding the complaint was in bad faith.

Complaints alleging false reports may be filed according to the grievance procedures described above in Section 7(a) or 7(b) (above), dependent upon whether the underlying matter, based upon the facts of that matter, was covered by the Title IX grievance process 7(a) or the California State grievance process 7(b).

9.0 Interaction with Other Relevant Laws:

9.1 Jeanne Clery Act

In compliance with Public Law 101-542, the Student Right to Know and Security Act, the University will provide information on campus security policies and campus crime statistics to current and prospective students, faculty, and staff. The University will make available, upon request to all interested people, information on policies regarding the use of campus facilities; the reporting of criminal actions and/or emergencies which have occurred on campus; a statement of current procedures regarding campus security, campus law enforcement, the authority of security personnel to perform their duties and their liaison with state and local police; policies which include a prompt reporting of any Clery Act reportable crimes on campus; policies which might deter crime; statistical reporting for a calendar year of all Clery Act reportable crimes, as well as a statistical report of the number of arrests for drug, alcohol, and weapons law violations on campus during that time period. The Campus Safety Office and the Office of Student Affairs shall maintain copies of the entire text of the act for use by students, faculty, and staff.

9.1.1 Timely Warnings

In the event that a crime or series of crimes under the Clery Act, occurring within the Clery Act geography of the campus that, in the judgment of the Campus Safety Office, University Administration, or local law enforcement, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through the University email system and MySCU portal. In the event a given incident jeopardized the technological infrastructure, a hard copy of the warning will be posted throughout the campus. Timely warnings are usually issued for arson, burglary, robbery, aggravated assault, criminal homicide, motor vehicle theft, sex offenses, hate crimes, arrests/referrals for drug, alcohol, or weapon disciplinary actions, and other Clery Act crimes. Anyone with information warranting a timely warning should immediately report the circumstances to the Campus Safety Office, by phone (562) 902-3333, in person (F Bldg., Room 20), or by utilizing any of the yellow phone boxes located throughout campus or the blue poles located in the parking lots.

Complainants of sexual misconduct, discrimination, harassment, or violence should be aware that University administrators must issue timely warnings for

certain types of incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community per these Clery Act guidelines. Many reports made under this policy do not rise to the level requiring a Timely Warning under the Clery Act. The University will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community member's safety decision is light of any potential danger.

9.1.2 Campus Crime Log

Clery Act requirements mandate that the Campus Safety Office keep a daily crime log of alleged criminal incidents and make said log publicly available.

Complainants of sexual misconduct and/or sex discrimination should be aware that allegations of criminal activity associated with their complaint may be placed on the daily crime log; however, any and all personally identifying information is not required to be recorded and will not be disclosed.

10.0 Training & Dissemination

10.1 Employee Training & Dissemination

Employees of the University will be provided a copy of this policy during the new hire orientation process and when any augmentation is made to this policy.

Additionally, employees will be required to complete a comprehensive online training concerning this policy and relevant federal, state, and local regulations during the new hire orientation process and annually thereafter. This shall include information on identifying sexual harassment and whom it should be reported to.

10.2 Student Training & Dissemination

All students of the University will be provided a copy of this policy during the application process, during the orientation process, and at the beginning of each calendar year. Students will also be provided a copy of this policy when any augmentation is made.

Additionally, all students will be required to complete a comprehensive online training concerning this policy and relevant federal, state, and local regulations during their first week of instruction and annually thereafter.

10.3 Training for Campus Safety Personnel

Campus Safety Officers will be held to the same standards in 10.1 above. Additional training may be provided by SCU or officer's parent company as appropriate.

10.4 Training for SCU Title IX Personnel

Because of their importance to the policies and procedures outlined in this document, Title IX personnel are required to take an additional annual training beyond that listed in 10.1 This will include, at minimum, a comprehensive, trauma-informed training program for all officials involved in investigating and adjudicating violations under this policy. This includes trauma-informed investigatory and hearing practices that help ensure an impartial and equitable process, best practices for assessment of a sexual harassment or sexual violence complaint, best practices for questioning of the complainant, respondent, and witnesses, and implicit bias and racial inequities, both

broadly and in school disciplinary processes.

Further, each representative will be required to participate in an annual review of this policy in order to propose the addition of relevant contemporary standards or augment the existing language so as to better serve the campus community.

11.0 Record Keeping & References

11.1 Recording Keeping

The following must be maintained for a period of seven (7) years:

- a) Each sexual harassment investigation including any determination regarding responsibility;
- b) Any audio or audiovisual recording or transcript;
- c) Any disciplinary sanctions imposed on the respondent;
- d) Any remedies provided to the complainant designed to restore or preserve equal access to the University's educational program or activities;
- e) Any appeal and the result therefrom;
- f) All materials used to train Title IX Personnel;
- g) Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment

11.2 References

The following were consulted during the revision of this document:

- a) Title IX Resource Guide
 - a. <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf>
- b) Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, Title IX, January 19th, 2001
 - a. <http://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>
- c) DLC April 4th, 2011
 - a. <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>
- d) DLC April 24th, 2013
 - a. <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201304.pdf>
- e) DLC June 25th, 2013
 - a. <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201306-title-ix.pdf>

- f) DLC May 13th, 2016
 - a. <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>
- g) Questions & Answers on Title IX and Sexual Violence
 - a. <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>
- h) Dear Title IX Coordinator, April 24th, 2015
 - a. <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-letter-201504.pdf>
- i) Guidance on Supporting the Academic Success of Pregnant & Parenting Students: Under Title IX of the Education Amendments of 1972
 - a. <http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>
- j) Examples of Policies and Emerging Practices for Supporting Transgender Students
 - a. <http://www2.ed.gov/about/offices/list/oese/oshs/emergingpractices.pdf>
- k) Know Your Rights: Title IX Requires Your School to Address Sexual Violence
 - a. <http://www2.ed.gov/about/offices/list/ocr/docs/know-rights-201404-title-ix.pdf>
- l) FERPA
 - a. <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>
- m) The Handbook for Campus Safety & Security Reporting 2016 Edition
 - a. <http://www2.ed.gov/admins/lead/safety/handbook.pdf>
- n) Title IX and Beyond: The Adjudicatory Process – United Educators
 - a. <https://www.edurisksolutions.org/Templates/template-article.aspx?id=2571&pageid=94>
- o) California Senate Bill no. 967
 - a. https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=20132014_0SB967
- p) [California Senate Bill 493](#)
 - a. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB493
- q) Higher Education Law Report
 - a. <http://www.higheredlawreport.com/2014/05/responsible-employees-and-title-ix/>
- r) DLC September 22nd, 2017
 - a. <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-title-ix-201709.pdf>
- s) Questions & Answers on Campus Sexual Misconduct (2017)
 - a. <https://www2.ed.gov/about/offices/list/ocr/docs/qa-title-ix-201709.pdf>