

any of its educational services, programs, or activities. Students seeking more information regarding reasonable accommodations or any other related issues should refer to Volumes V, Section 5.4 (academic accommodations) and VI, Section 6.3 (all other accommodations) of the *SCUHS Policy Manual*.

2.1.5.4 Accessibility of Facilities

The University classifies the accessibility of facilities to the physically disabled into three broad categories:

1. Mobility;
2. Hearing;
3. Visual.

The University facilities are accessible to the mobility impaired based on applicable laws and regulations at the time of instruction and/or subsequent modifications. Accessibility for other types of impairment is limited.

2.1.5.5 Reasonable Accommodations at Campus Events

Events Open to the Public: SCUHS provides reasonable accommodations to campus visitors with disabilities and, therefore, all events open to the public should be scheduled in an accessible space. If for any reason a university community event is scheduled in a space that is not accessible, and the event organizer receives a request for an accommodation from an individual with a disability, the department organizing the event should work with the appropriate office to find an alternate location that is accessible.

Publication of Events Open to the Public: Event organizers are required to place an accessibility notice statement in the materials announcing the event and including the name of a person to contact with regard to accommodations.

Events Open only to the University Community: For events open to students, faculty and staff only (i.e. the university community) event coordinators shall make reasonable efforts to ensure that events are scheduled in accessible spaces. If for any reason a university community event is scheduled in a space that is not accessible, and the event organizer receives a request for an accommodation from an individual with a disability, the department organizing the event should work with the appropriate office to find an alternate location that is accessible. A club or student organization or an academic group that meets at regular intervals and has received a request for accommodations shall schedule all meetings for that academic year in an accessible space.

Complaints about lack of accessibility with respect to University events should be directed to the Employment Opportunity Executive (EEOE) (Human Resources).

2.1.6 Discrimination and Harassment

This policy applies to all employees, students, and independent contractors, vendors, and others doing business with SCUHS. Furthermore, it prohibits unlawful discrimination in any form, including verbal, physical, and visual harassment. It also prohibits retaliation of any kind against individuals who file valid complaints or who assist in a University investigation. Additionally, the University has adopted a comprehensive document, addressing issues of discrimination on the

basis of sex and sexual misconduct pursuant to Title IX regulations. This document can be found in Appendix 2.4.

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2.1.6.1 Definitions

2.1.6.1.1 Discrimination

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 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.

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2.1.6.1.1.2 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 sexual misconduct. 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.

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2.1.6.1.1.3 Sexual Discrimination

Sexual Discrimination is defined as inequitable treatment of individuals on the basis of gender; including both sexual harassment and sexual assault.

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2.1.6.1.2 Discriminatory Harassment of a Non-Sexual Nature

It is the University's policy to prohibit discriminatory harassment of a non-sexual nature, which includes verbal, physical, or graphic conduct that denigrates or shows hostility or aversion toward an individual or group on the basis of 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 (protected characteristic) and that:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive employment or educational environment; or
2. Has the purpose or effect of unreasonably interfering with an employee's work performance or a student's academic performance; or
3. Otherwise adversely affects an individual's employment or educational opportunities.

Examples of harassment include verbal (including slurs, jokes, insults, epithets, gestures or teasing), graphic (including offensive posters, symbols, cartoons, drawings, computer displays, or e-mails) or physical conduct (including physically threatening another, blocking someone's way, etc.) that denigrates or shows hostility or aversion towards an individual because of any protected characteristic.

2.1.6.1.3 Sexual Harassment

Sexual harassment is defined as unwanted or unwelcomed sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

1. Unwanted sexual advances;
2. Offering employment or academic benefits in exchange for sexual favors;
3. Making or threatening reprisals after a negative response to sexual advances;
4. Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters;
5. Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes;
6. Verbal sexual advances or propositions;
7. 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;
8. Physical conduct that includes touching, assaulting, or impeding or blocking movements; or
9. Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - a. 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;
 - b. Submission to or rejection of such conduct, communication, or solicitation is used or threatened as the basis for employment, academic, or student life decisions; or
 - c. Such conduct, communication, or solicitation has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working or academic environment.

2.1.6.1.4 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) sexual 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 or the same sex) regardless of sex and gender identity.

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2.1.6.1.5 Sexual Exploitation

Sexual exploitation occurs when a person takes non-consensual, unjust, or abusive sexual advantage of another, for their own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited.

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2.1.6.1.6 Stalking

Stalking involves an intentional course of repeated conduct or behavior over a period of time, directed at a specific person, which causes a person to feel harm, annoyance, emotional distress and/or fear. Stalking can also be done via usage of electronic medium/devices (cyber stalking) and is no less of an egregious offense. When performed based on the victim's gender, staling is considered sexual misconduct.

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2.1.6.2 Reporting Complaints

The University strongly urges the reporting of all incidents of discrimination, harassment or retaliation, sexual misconduct, or assault, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to the University's policy or who have concerns about such matters should file their complaints to the appropriate official at the University as set forth below:

Students: Any student who believes that he or she has been the victim of behavior that conflicts with University policy by another student, an employee of the University, or any other agent of the University, should promptly report the facts of the incident or incidents and the names of the individuals involved to the appropriate Title IX Coordinator or Deputy Coordinator as well as Campus Safety. In addition, he or she may want to report the issue directly to the Dean of the student's college, the Vice President for Enrollment Management and Student Affairs, or the Vice President for Academic Affairs. Alternative reporting can be made to any faculty or staff. University employees receiving complaints from a student shall report the allegations to Human Resources.

Employees: Employees who believe they have experienced conduct that they believe is contrary to the University's policy or who have concerns about such matters should file their complaints with their immediate supervisor, the appropriate Title IX Coordinator or Deputy Coordinator, Human Resources and/or the ADP TotalSource Employee Service Center at 800-554-1802 before the conduct becomes severe or pervasive. Individuals should not, however, feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of the Title IX Coordinator, Human Resources or the ADP TotalSource Service Center. If you make

a complaint under this policy and have not received a satisfactory response, you should contact the ADP TotalSource Employee Service Center at 800-554-1802.

Vendors, Contractors, 3rd Parties: Vendors, Contractors, and 3rd Parties should report complaints of behavior conflicting with University policy to the Vice President for Administration and Finance, who serves as a Title IX Coordinator; this individual shall in turn report the complaint to Human Resources and ADP TotalSource if necessary.

Upon receipt of the complaint, the individuals listed above will immediately forward the complaint to the University's Employment Opportunity Executive (EEOE), the Vice President of Administration and Finance..

Please note that if any of the individuals designated above to receive complaints is the subject of the discrimination or harassment allegations, or the complainant is otherwise uncomfortable approaching these individuals, the complainant should direct the complaint to the EEOE.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

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2.1.6.3 Investigation of Complaints and Responsive Action

The preliminary investigation will be completed over the next thirty (30) calendar days from the date the complaint was filed; however, if circumstances permit, more time may be required and an extension warranted. The purpose of this investigation is to establish whether there is a reasonable basis for believing that the alleged violation has occurred. The Title IX Coordinator or Deputy Coordinator responsible for the investigation shall promptly provide the person against whom the complaint is made with a copy of the formal complaint and shall notify the appropriate University officer or supervisor of the nature of the complaint and of the identity of the parties. In conducting the investigation, the Title IX Coordinator or Deputy Coordinator may interview the complainant, the person against whom the complaint is made, and any other persons believed to have relevant factual knowledge. At all times, the investigator shall make a demonstrated and documented effort to maintain confidentiality. The parties and any notified University officer or supervisor shall maintain strict confidentiality; 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 confidentiality to the degree possible.

If the investigation reveals that there is insufficient evidence to support the allegation, the complaint will be dismissed.

If, however, the Title IX Coordinator or Deputy Coordinator determines that there is sufficient evidence to support the allegation, the said Coordinator will inform the complainant and accused of the rights and procedures concerning the appropriate formal grievance process.

In either case the Title IX Coordinator and/or Deputy Coordinators will, based on the preponderance of the available evidence issue a finding as to whether or not they, as a representative of the University, consider that the alleged conduct which necessitated the investigation did, or did not, occur. Both of the parties involved in the allegation are to be provided

this finding along with the recommendation concerning evidence. The Title IX Coordinator and/or Deputy Coordinators have the ability to investigate concerns related to sexual misconduct and sexual discrimination without the request of a formal inquiry.

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2.1.6.4 Additional Reporting

The Equal Employment Opportunity Commission (“EEOC”) may also investigate and process complaints of sexual and other unlawful discriminatory harassment. In addition, any person who is dissatisfied with the University’s internal procedures utilized for handling complaints, or who is dissatisfied with the result of the investigation or the sanctions imposed, may seek redress through the EEOC, to the extent allowed by law. In the event that a complaint is filed with an external agency or court, the University reserves the right to determine, in its discretion, whether the University’s internal complaint resolution procedure should be discontinued or continued separately.

2.1.6.5 Confidentiality

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.

2.1.6.6 Anti-Retaliation and False Accusations Statement

Retaliation against anyone who files a complaint, serves as a witness, or otherwise participates in the enforcement of this policy is strictly prohibited. Initiating a complaint of harassment or 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 of the facts pertaining to the situation.

False accusations of harassment or discrimination can seriously injure innocent people. It is a violation of this policy, therefore, for anyone knowingly to make false accusations of harassment and discrimination. 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. A determination that a complaint is not meritorious, however, is not necessarily equivalent to a false allegation. A finding for the accused does not constitute a finding the complaint was in bad faith.

Finally, 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, 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 characteristic, 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.

2.1.6.7 Title IX Coordinators

The Title IX Coordinator and Deputy Coordinators oversees monitoring of University policy in relation to Title IX law developments; implementation of complaint procedures, including notification, investigation and disposition of complaints; provision of educational materials and training for the campus community; conducting and/or coordinating investigations of complaints received pursuant to Title IX; ensuring a fair and neutral process for all parties; and monitoring all other aspects of the University's Title IX compliance. In addition, these officials will prepare annual statistical reports for the campus community on the incidence of sexual harassment. No information that identifies individuals will be reported in the annual statistical reports. For a listing of the Coordinators and their respective contact information, please see Appendix 2.4 for the University's complete Title IX Policies and Procedures guide.

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2.1.7 Electronic Devices

Cellular phones, pages, recording devices (audio and visual), and other electronic devices shall not be used in a manner that causes disruption in the classroom, library, health center, or within any University owned or operated facility. Abuse of cellular devices with photographic capabilities for purposes of photographing test questions or other notes and materials is a violation of the University's Academic Integrity Code (see Volume V).

Photographing individuals in secured areas such as bathrooms, locker rooms, or other areas where there is a reasonable expectation of privacy, and/or taking photographs of an individual against their will is strictly prohibited. Electronic transmission of photographs of any person without express permission is strictly prohibited.

Furthermore, it is a violation of University policy to record conversations with a tape recorder or other recording device (including a mobile telephone) unless all parties to the conversation give their consent. In the classroom setting, a student may only record classes with the express permission of the instructor. When permission has been granted by an instructor for the use of an electronic device in the classroom, the student shall employ such device solely in a manner appropriate to the course work and avoid distractions or interruptions to fellow students or the instructor. The course instructor has the discretion to grant either individual or a blanket approval or prohibition for the use of one or more types of electronic devices in the classroom.

Violators of this policy are subject to appropriate discipline.

2.1.8 Federal Educational Rights and Privacy Act

By federal law and University policy, access to and release of student education records are governed by strict standards. The Family Educational Rights and Privacy Act of 1974 (FERPA) (20 U.S.C & 1232g: 34 CFR Part 99) commonly known as the "Buckley Amendment", seeks to ensure the privacy of the educational records of students through elaborate procedural guarantees. This Federal Act encompasses records maintained by most independent institutions and limits the disclosure of information to third parties. Based on FERPA, the University has established a policy