

# Loyola Marymount University **Community Standards** 2017-18



## **Division of Student Affairs**

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[studentaffairs.lmu.edu/communitystandards](http://studentaffairs.lmu.edu/communitystandards)

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# Letter from Dean of Students

Dear Loyola Marymount University Students,

On behalf of the Division of Student Affairs, welcome to the 2017-18 academic year! We hope that you will fully participate in the richness that our academic community has to offer through its traditions and legacies. It is in this spirit that we invite you to read the Lion's Code, which you will find on page three.

Our mission at LMU embraces the encouragement of learning, the education of the whole person and the service of faith and the promotion of justice. We expect your experience to be transformative and supportive of your intellectual, ethical, spiritual and personal formation.

We pride ourselves on being a university that graduates students who are prepared to be global leaders with and for others. To this end, the Community Standards booklet contains policies that are based on the assertion that students view their campus with a sense of community and are engaged in the development of the university. The Community Standards have been established to assist in building a community of scholarship where the respect, consideration and dignity of every single one of us are paramount. Thus, we hold the members of our community to standards of excellence with their academics and personal behavior. Such an environment is essential in the delivery of LMU's particular brand of Catholic education, which has been marked profoundly by the Marymount and Ignatian traditions.

The policies and resources included in this booklet apply to all undergraduate and graduate students of Loyola Marymount University. Please take the time to carefully review this information, as it is your responsibility to be familiar with all of the university's standards of conduct. It is important to keep in mind that ignorance does not excuse the violation of any policy or procedure. We expect our students to not only adhere to the high standards we put in place, but also to intervene when a policy violation is witnessed to ensure the safety of all who are on LMU's campus. To that end, I encourage you to review the Good Samaritan and Self Reporting Policy, which details how the university is willing to remove impediments from bystanders to encourage them to step in and help others in need. Please be aware the university reserves the right to change any provision or requirement at any time. During the course of the year, updates to this booklet can be found at [studentaffairs.lmu.edu/communitystandards](http://studentaffairs.lmu.edu/communitystandards).

Loyola Marymount University is committed to providing an intellectually challenging and enlivened campus community. We ask that you engage in your learning to the fullest, that you lead with intelligent hearts and compassionate minds and that you serve those who are in need.

We wish you a successful academic year!

Sincerely,



Jeanne Ortiz, Ph.D., Dean of Students

**Student Affairs Dean's Office**

Malone Student Center 301

Tel (310) 338-3756

Fax (310) 338-1906

[lmu.edu/SADO](http://lmu.edu/SADO)

# Loyola Marymount University Resource Card 2017-18

**When dialing off campus,  
please use (310) XXX-XXXX**

## WHEN YOU WANT TO REPORT...

<b>A COMPLAINT/CONCERN REGARDING A STUDENT</b>	
Jeanne Ortiz, Dean of Students, Student Affairs .....	338-3756
<b>A COMPLAINT/CONCERN REGARDING A STAFF MEMBER</b>	
Rebecca Chandler, Vice President, Human Resources.....	338-5118
<b>A COMPLAINT/CONCERN REGARDING A FACULTY MEMBER</b>	
Michael O’Sullivan, Vice Provost, Academic Affairs .....	338-2733
<b>A COMPLAINT OF DISCRIMINATORY HARASSMENT</b>	
Faculty/Staff/Non-Students	
Sara Trivedi, Title IX Coordinator/EEO Specialist, HR.....	568-6105
Students	
Jade Smith, Associate Dean, Student Affairs.....	258-8753
<b>A CRIME ON CAMPUS</b>	
Hampton Cantrell, Chief, Public Safety .....	338-2893
<b>A COMPLAINT OF SEXUAL/INTERPERSONAL MISCONDUCT</b>	
Hampton Cantrell, Chief, Public Safety .....	338-2893

## QUESTIONS RELATING TO...

<b>ACADEMIC RESOURCE CENTER</b>	
Mia Watson, Director, ARC .....	338-2847
<b>CAMPUS MINISTRY</b>	
James Erps, SJ, Director, Campus Ministry.....	338-2860
<b>COMMITTEE ON THE STATUS OF WOMEN</b>	
Christina Andrick/Katharine Noon, Co-Chairs, CSW.....	258-4309
<b>DISABILITY SUPPORT SERVICES</b>	
Priscilla Levine, Director, DSS.....	338-4216
<b>ENVIRONMENTAL HEALTH &amp; SAFETY</b>	
David French, Director, Environmental Health & Safety .....	338-1932
<b>ETHNIC &amp; INTERCULTURAL SERVICES</b>	
Czarina Ramsay, Director, EIS.....	338-5808
<b>FACULTY</b>	
William Parham, President, Faculty Senate .....	338-2370
<b>GRADUATE STUDENTS</b>	
Sandie Valenzuela, President, GSLMU.....	338-2877
<b>HUMAN RESOURCES (Faculty/ Staff)</b>	
Human Resources .....	338-2723
<b>INTERCULTURAL AFFAIRS</b>	
Abbie Robinson-Armstrong, Vice President, Intercultural Affairs .....	338-7598
<b>INTERNATIONAL STUDENT SERVICES</b>	
Csilla Samay, Assistant Dean of Students, OISS .....	338-2937
<b>JUDICIAL AFFAIRS</b>	
Francesca Piumetti, Assoc. Dean of Students, Judicial Affairs .....	338-5307
<b>LGBT STUDENT SERVICES</b>	
Anthony Garrison-Engbrecht, Director, LGBTSS .....	338-5307

**EMERGENCY ON CAMPUS:**  
2-2-2 from campus phone / (310) 338-2894

**TO REPORT SUSPICIOUS ACTIVITIES ANONYMOUSLY:**  
[publicsafety.lmu.edu/incidentreporting/](http://publicsafety.lmu.edu/incidentreporting/)

**TO REPORT A BIAS INCIDENT ANONYMOUSLY:**  
[lmu.edu/birt](http://lmu.edu/birt)

**COMMUNITY OF CARE:**  
(310) 338-3756, deanofstudents@lmu.edu  
[lmu.edu/communityofcare](http://lmu.edu/communityofcare)

**EMERGENCY UPDATES FOR THE PUBLIC:**  
(866) 568-2968

**LAPD STATION:** (310) 482-6334  
**LAPD RAPE HOTLINE:** (626) 793-3385

<b>LMU CARES</b>	
Briana Maturi, Director, LMU CARES .....	258-4381
<b>MISSION &amp; IDENTITY</b>	
John Sebastian, Vice President, Mission and Ministry .....	338-2987
<b>OFF-CAMPUS/COMMUTER STUDENTS</b>	
Shannon Taylor, Director, Off-Campus Student Life.....	568-6262
<b>PUBLIC SAFETY</b>	
Hampton Cantrell, Chief, Public Safety .....	338-2893
<b>REGISTERED STUDENT ORGANIZATIONS</b>	
Kathryn Styles, Program Coordinator, SLD.....	338-2877
<b>SORORITY &amp; FRATERNITY LIFE</b>	
Briana Maturi, Director, Sorority & Fraternity Life .....	338-7814
<b>STAFF</b>	
Fred Puza, President, Staff Senate .....	338-1624
<b>STUDENT HEALTH SERVICES</b>	
Katie Arce, Director, SHS .....	338-2881
<b>STUDENT HOUSING OFFICE</b>	
Steve Nygaard, Director, SHO .....	338-2963
<b>STUDENT PSYCHOLOGICAL SERVICES</b>	
Kristin Linden, Director, SPS.....	338-2868
<b>TITLE IX</b>	
Sara Trivedi, Title IX Coordinator/ EEO Specialist, HR .....	568-6105
<b>UNDERGRADUATE STUDENTS</b>	
Hayden Tanabe, President, ASLMU .....	338-2891
<b>VETERANS</b>	
Julia Keighley, Associate Director, Student Success .....	338-8387

On the Web: [lmu.edu/resourcecard](http://lmu.edu/resourcecard)



# The Lion's Code

I WILL OWN  
THE ACTIONS  
OF MY MIND

I WILL  
JOIN THE  
DISCOURSE

I STAND  
IN FAITH

**I AM A LION**

## DESCRIPTIVE

To be in the world, to be fully alive, is to inhabit a place. A Lion finds their place guided by the tradition, the community, and the academy of the Society of Jesus and the Religious of the Sacred Heart of Mary.

Loyola Marymount University has cleared a place for you to stand in faith, learn to be one for others, and take up responsibility in the world. In faith, the Lion grows to be fully alive, clear in thought, rich in vision, and vigorous in act.

In the community of Loyola Marymount University, the Lion discovers their place in the world. Respect for others' individuality, culture, and beliefs provides the Lion the freedom to explore their identity. Recognizing dignity in others, in groups, and in traditions illuminates the dignity of all. The Lion gladly takes responsibility for the actions of the mind, hand, and heart, and thereby, builds the community that sustains all.

In the academy, the Lion bonds with wisdom of the ages. Academic discourse is composed of diverse perspectives, sciences, and arts. The conversation of this place requires respect for peers, professionals, professors, and students. With honesty of voice and integrity of scholarship, the Lion joins the conversation that summons the passion for learning and shelters the adventurous mind.

Some will pass through and never inhabit this place. Others will be here but never shape this place. Those who embrace

this tradition give form and force to this place, just as the tradition inhabits and shapes our mission: the encouragement of learning, the education of the whole person, the service of faith and the promotion of justice. In this tradition, among this community, within this academy, you are asked to stand, learn, and be in the world.

**YOU ARE ASKED TO BE A LION.**

## DECLARATIVE

I am a Lion. Courageous of mind, charitable of heart, I stand in faith.

I will own the actions of my mind, hand, and heart, and build the community that sustains us. The respect and support that nurtures me is born of my respect for others. The dignity of the other, the stranger, grants me dignity. The expectations of my community are my own, and I will discover how I may be more fully alive.

I will join the discourse of the academy with honesty of voice and integrity of scholarship. Respecting peers, professionals, professors, and students, I will embrace the diverse perspectives, arts, and sciences to discover what it means to be human. I will shelter and support the intellectual adventures of others.

In this tradition, within my community, a part of this academy, I stand in faith, prepared to learn to be one for others, ready to take up responsibility in the world.

# Student Conduct Code

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## I. Judicial Affairs Mission Statement

Loyola Marymount University (hereinafter “LMU” or “University”) provides its Students with an academic environment conducive to the pursuit of knowledge. This academic environment is based upon accountability, integrity, respect and trust among all members of the University Community.

Operating within the context of the University’s mission, the Department of Judicial Affairs seeks to maintain the University’s academic environment by educating and upholding community standards. The Department of Judicial Affairs supports the educational mission of the University by administering the Student Conduct Code (“the Code” or “Student Conduct Code”) in a manner that educates Students, holds them accountable for Student Conduct Code violations and helps them grow into more responsible and community-minded persons.

## II. General Guidelines

It is the intention of the Student Conduct Code to clarify the standards of behavior essential to the University’s educational mission and its community life. Excepting Loyola Law School students (“Law School Students”) who are subject to the Law School’s disciplinary code, the Student Conduct Code is applicable to all LMU Students—undergraduate and graduate. Students are also responsible, and will be held accountable, for the conduct of their Guests.

### A. Interpretations of the Student Conduct Code

Student Conduct Code regulations are set forth in writing in order to give Students general notice of prohibited conduct. The Code and its regulations are intended to be read broadly and are not designed to define misconduct in exhaustive terms. Attempts to commit acts prohibited by this Code shall be handled and remedied in the same manner and to the same extent as completed violations.

### B. Jurisdiction of the University

Jurisdiction extends to conduct that occurs on University premises, in Study Abroad programs or at University events, programs or activities, on and off campus, as well as to other off-campus misconduct that adversely affects the University, Students, the University’s reputation or good will and/or the pursuit of the University’s mission, goals and objectives.

### C. Inherent Authority

The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the University and University Community. The University also reserves the right to take necessary and appropriate action as a result of Student incidents off campus that may adversely affect the well-being, reputation or good will of the University, University Community, University Community members and/or the pursuit of the University’s mission, goals or objectives.

### D. Code as Superseding Authority

This Code shall supersede any and all regulations and/or decisions made by Registered Student Organizations and their affiliates including, but not limited to, the Associated Students of Loyola Marymount University (ASLMU), Graduate Students of LMU (GSLMU), United Greek Council (UGC), Collegiate Panhellenic Council (CPC), InterFraternity Council (IFC), Resident Housing Association (RHA) and the Service Organization Council.

### E. Student Participation

Students are asked to assume positions of responsibility in connection with the enforcement of the Student Conduct Code so that they might contribute their skills and insights toward the resolution of Student Conduct Code matters. However, final authority in Student Conduct Code matters is vested in the University administration and primarily with the Senior Vice President for Student Affairs.

### F. Focus of the Proceedings

The primary focus of the inquiry in Student Conduct Code proceedings shall be to determine if the subject Student is responsible or not responsible for the alleged violation of the Student Conduct Code and, if the Student is found to be responsible for a violation, to provide the appropriate remedy. Proceedings shall be prompt, fair and impartial.

In keeping with the mission of the Department of Judicial Affairs and purpose of the Code, Student Conduct Code proceedings do not, and are not intended to, emulate the criminal justice system, its processes and/or procedures. Student Conduct Code proceedings are intended to be educational and less formal, less adversarial and less complex than criminal justice processes and procedures. Formal rules of evidence shall not be applicable nor

shall deviations from prescribed procedures necessarily invalidate a Student Conduct Code decision or proceeding.

#### **G. Violations of Law and the Student Conduct Code**

Students may be subject to criminal, civil and University proceedings for acts that constitute violations of federal, state or local law and of this Student Conduct Code. Because of the need to efficiently, effectively and promptly protect the academic environment, University life and operations, Student Conduct Code proceedings are independent and will normally proceed without regard to the pendency or potential pendency of criminal or civil proceedings.

Students subject to actual or potential criminal charges relating to conduct alleged in pending Student Conduct Code proceedings may assert their Fifth Amendment privilege against self-incrimination during Student Conduct Code proceedings. While no inference of responsibility for Student Conduct Code violations will be drawn because of the assertion of the Fifth Amendment privilege, the Judicial Officer(s) will nonetheless evaluate all the other information and evidence in making their determination.

#### **H. Burden of Proof**

The burden of proof shall be upon the Complainant who must establish the responsibility of the Respondent for the alleged Student Conduct Code violations by a Preponderance of the Evidence.

#### **I. Statute of Limitations**

Unless the law requires a longer period of limitation, as with incidents involving sexual or interpersonal misconduct, a Student Conduct Code complaint against the Respondent must be filed within one calendar year of the conduct alleged to be a violation.

#### **J. Communication**

The Department of Judicial Affairs will, at its discretion, communicate to all Students via any one or more of the following methods: official University e-mail account, U.S. Mail, parcel delivery (e.g. UPS, FedEx), and/or personal hand delivery. Students should normally expect that the Department of Judicial Affairs' primary medium of communication will be through their official University e-mail account. Students are held responsible and accountable for retrieving communications from their official University e-mail account on a daily basis. Failure to do so is not an acceptable excuse for delaying the judicial processes.

#### **K. Registered Student Organizations**

Registered Student Organizations may be charged with the violation of any section of the Code or violation of any published University policies and procedures. A Registered Student Organization and its officers may be held collectively or individually responsible when those associated with the Registered Student Organization violate this Code, particularly when those involved have received the tacit or overt consent or encouragement of the organization, its leaders, officers or spokespersons. The officer(s), leader(s) or any identifiable spokesperson(s) for a Registered Student Organization may be directed by the Dean of Students or a designee to take appropriate action designed to prevent or end violations of this Code by the Registered Student Organization. Sanctions for organizational misconduct may include revocation or denial of registration as well as other appropriate sanctions, pursuant to Section IV of this Code.

The Department of Judicial Affairs may notify any and all necessary University officials who act in a liaison or advisory capacity for the subject Registered Student Organization(s) of alleged violations of the Code by the Registered Student Organization(s) and the outcome of proceedings regarding alleged violations by Registered Student Organizations. Registered Student Organizations with a national governing body may be permitted to substitute one Advisor outside of the LMU community if an on-campus Advisor is not reasonably available to assist, but that outside Advisor may not be a lawyer or law student.

#### **L. Reservation of Rights**

The University expressly reserves the right to revise, supplement or withdraw any Code section, University policy or portion of a University policy periodically as it deems necessary.

Upon the declaration of a campus emergency, all student policies and procedures remain in effect. However, the Senior Vice President for Student Affairs, or designee, may temporarily suspend and/or revise existing policies, procedures or processes for the health and safety of the campus community and to assist and support the University's efforts during the emergency and subsequent recovery.

#### **M. Knowledge and Awareness of Policies and Code**

Students are expected to know and understand University policies. Ignorance is not an acceptable justification or defense for committing violations of University policies or this Code. Lack of intent or awareness of such policies

or Code will not be accepted as an excuse or defense for violations, and will generally subject the Respondent to the same consequences as deliberate violations.

## N. Definitions

As used in this Code, the following terms shall have the following meanings:

1. “**Advisor**” means any current LMU Student, faculty, staff or religious community member, but specifically excludes Law School Students, Law School faculty and Law School staff. Off-campus individuals, parents, family members, attorneys, alumni/ae and those persons who have no affiliation with the University are expressly excluded from the definition of “Advisor” and cannot serve as Advisors. Current faculty or staff cannot act as an Advisor to their own family members. In conformity with the Violence Against Women Act (VAWA), in incidents involving charges of sexual and interpersonal misconduct including Dating Violence, Domestic Violence and Stalking, (as referenced under Section IX of the Student-on-Student Sexual & Interpersonal Misconduct Policy and Protocol) the definition of Advisor is expanded to include any advisor of the Complainant’s or Respondent’s choice.
2. “**Aggravated Assault**” means an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
3. “**Bullying**” means an intentional course of conduct, individual act or series of acts that is intended to inappropriately impose one’s will or desire and causes harm to others, and may include verbal or non-verbal threats, Assault, Stalking and/or other methods of attempted coercion such as manipulation, blackmail or extortion (including, but not limited to, offending conduct that is undertaken or effected in whole or in part through the use of written communication, in person or physical contact, by telephone, mail, e-mail, other electronic means or through third parties). Bullying also includes, but is not limited to, unwanted or uninvited aggressive behavior that intends to harm, threaten, frighten or intimidate another person and may involve a pattern of behavior that is repeated over time where an imbalance of power exists between the Respondent and the Complainant.
4. “**Complainant**” means the individual(s) who file(s) a Student Conduct Code complaint with the University. In some instances the University may serve as a Complainant.
5. “**Dating Violence**” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved. Dating Violence includes, but is not limited to, sexual or physical abuse or threat of such abuse. Dating Violence does not include acts covered under the definition of “Domestic Violence.”
6. “**Day**” means a regular University business day. It shall not include Saturdays, Sundays or administrative holidays.
7. “**Disruptive Behavior**” means behavior that unreasonably interferes with the safety, stability or continuance of normal University life, operations or University-sponsored Activities. Disruptive Behavior includes, but is not limited to, behavior that threatens or endangers the physical and/or psychological well-being and/or safety of members of the University Community.
8. “**Distribution**” means the actual or intended sale, exchange and/or dispensation of prohibited substances or materials irrespective of personal profit.
9. “**Domestic Violence**” means a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under California law or by any other person against an adult or youth victim who is protected from that person’s acts under California law.
10. “**Guest**” means person(s) to whom a Student is extending or has extended hospitality, an invitation or permission to be present or remain in, on or at the campus, University facilities (including Residence Halls) or to attend University events on or off campus.
11. “**Group**” means any number of persons who are associated with each other and who have not complied with University requirements to form a Registered Student Organization.
12. “**Harassment**” means unwelcome verbal, non-verbal, physical or visual conduct including, without limitation, physical aggression, Bullying, intimidation or hostility (including, but not limited to, conduct that is undertaken in whole or in part through the use of written communication, in person or physical contact,



by telephone, mail, e-mail, other electronic means or through third parties), which may or may not be based on any category of protected characteristics under the law, that is sufficiently severe, persistent or pervasive so as to unreasonably limit or interfere with a Student's ability to participate in or benefit from any LMU program or activity on or off campus, and thereby creates an intimidating, hostile or offensive living, academic or work environment.

13. "**Institution**" and "**University**" mean Loyola Marymount University.

14. "**Preponderance of the Evidence**" means such evidence as when weighed with that opposed to it has more convincing force and the greater probability of truth.

15. "**Reckless Behavior or Endangerment**" means conduct that one should reasonably be expected to know would create a substantial risk of harm to persons or property or that would otherwise be likely to result in interference with normal University life, operations or University-sponsored Activities.

16. "**Registered Student Organization**" means any number of persons who have complied with University requirements for registration as a Registered Student Organization.

17. "**Respondent**" means the individual(s) against whom a Student Conduct Code complaint is made.

18. "**Retaliation**" is any adverse, non-permitted action taken against a person in response to an action, injury or protected activity, including, but not limited to, reporting a violation of policy, assisting someone with a report of a violation of a policy or participating in any manner in an investigation or resolution of a report of a policy violation. Retaliation can include, but is not limited to, threats, intimidation, coercion, harassment, reprisals, spreading negative information about an individual, exclusions from academic and non-academic programs and/or adverse actions related to employment (including, but not limited to, conduct that is undertaken in whole or in part through the use of electronic messaging services, commercial mobile services, electronic communications, social media and/or other technology).

19. "**Sexual Assault**" means engaging in sexual intercourse, or any of the sexual activities listed below, with another person without that person's consent (definition in the Student-on-Student Sexual & Interpersonal Misconduct Policy and Protocol). Sexual Assault includes, but is not limited to, rape, sexual

battery, anal intercourse, oral copulation or penetration of a body cavity by a foreign object. Sexual intercourse includes the penetration, however slight, of the vagina or anus with any object or body part and of the mouth with a body part and/or object in a sexual manner.

20. "**Sexual Harassment**" means unwelcome verbal, non-verbal, physical or visual conduct of a sexual nature (including, but not limited to, conduct or Bullying that is undertaken in whole or in part through the use of electronic messaging services, commercial mobile services, electronic communications, social media or other technology). In accordance with Title IX, Sexual Harassment includes, without limitation, unwelcome sexual advances, requests for sexual favors, sexual assault, sexual violence and sexual coercion.

21. "**Simple Assault**" means an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

22. "**Stalking**" means engaging in a course of conduct directed at a specific person(s) that would cause a reasonable person under similar circumstances and with similar identities to the Complainant to fear for their own safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, "course of conduct" is defined as two or more acts, including, but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property. For the purposes of this definition "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

23. "**Student**" means a person currently enrolled or eligible and matriculating in any University program or class during the fall or spring semesters, recess period between semesters or summer period, on or off University campus, and includes all persons taking courses at the University, full-time or part-time, pursuing undergraduate, graduate or professional studies or are non-degree seeking. However, the term "Student" does not include Law School Students. During the recess period between the fall and spring semesters or the summer period, Student includes one who has been enrolled at the University for the immediately preceding fall, spring or summer term and is eligible for continuing enrollment or graduation.

24. “**University Community**” means Students, staff, faculty, administration and religious community members of the University, but not their counterparts at the Law School.

25. “**University Premises**” means buildings or grounds owned, leased, operated, controlled or supervised by the University.

26. “**University-sponsored Activity**” means any activity on or off campus that is initiated, authorized or supervised by the University or a Registered Student Organization.

27. “**Weapon**” means any object or substance designed or utilized to inflict a wound, cause injury or a nuisance or incapacitate including, but not limited to, all firearms, ammunition, chukka sticks, explosives, laser pointers, pellet guns, knives, projectile launchers and chemicals, such as mace or tear gas. This definition also includes decorative, replica and look-alike weapons that are not functional, but reasonably appear to others to be real weapons.

28. “**Witness**” means any person, excluding experts, called upon to furnish relevant knowledge or information relating to an incident who is not a Complainant or Respondent.

29. The terms “**will**” or “**shall**” are used in the imperative sense. The term “**may**” is used in the permissive sense.

### III. Prohibited Conduct

The following is a non-exhaustive list of conduct that is considered to be in violation of the Code. Participation in any of the below mentioned conduct may result in the initiation of Student Conduct Code proceedings. The policies listed can be found in the Community Standards Booklet or on the LMU website.

**A.** Violating or attempting to violate federal, state or local laws including, but not limited to, the California Penal Code and Vehicle Code; published University regulations and/or policies including, but not limited to, the Alcohol and Drug Policy (e.g. underage possession or consumption of alcohol and knowingly being in the presence of alcohol while underage on campus), Anti-Hazing Policy, Child Abuse Policy, Community Relations Policy, Discriminatory Harassment Policy, Guest Policy, Student Housing Policies, Study Abroad Policies and Technology and Social Media Policy.

**B.** Intentionally or recklessly causing psychological or physical harm, endangering others, holding someone against their will or harassing any LMU community

member or to any person on or off campus, University premises or at University-sponsored Activities, or causing reasonable apprehension of such harm. This includes, without limitation, harm related to Aggravated and Simple Assault, Bias- related conduct (conduct in violation of the Student Conduct Code that is motivated by bias based on race, religion, gender, gender identity, sexual orientation, ethnicity, national origin or disability), Bullying, damage to reputation, Dating Violence, Domestic Violence, Harassment, hazing, Sexual Harassment and Stalking.

**C.** Intentionally or recklessly retaliating against any LMU community member or any non-community member involved in a Student Conduct Code complaint as a Complainant or witness in a physical, verbal, electronic or written manner for your own benefit or on behalf of another.

**D.** Disruptive Behavior, and/or intentionally or recklessly interfering with normal University life, activities, processes or University-sponsored Activities including, but not limited to, studying; teaching; research; classroom instruction; campus or residential life; University administration; judicial proceedings; Study Abroad or other University-sponsored travel; or fire, police or emergency services.

**E.** Failure to comply with the directions of University officials including, but not limited to, University administrators, faculty and staff, Public Safety Officers and contracted officers, Resident Directors and student staff and employees (i.e. Student Managers, Resident Advisors, Lion Express Shuttle Drivers) acting in performance of their University duties. Prohibited conduct includes, without limitation, verbally threatening, abusing or harassing of any of the above in the performance of their duties.

**F.** Vandalism, or intentionally or recklessly destroying or damaging University property or the property of others on University premises or at University-sponsored Activities.

**G.** Intentionally limiting or interfering with the freedom of expression or the freedom of movement of others on University premises or at University-sponsored Activities. (including, but not limited to, blocking entrances, exits or passageways from or to any University building or roadway, interfering with daily University business, instruction or scheduled event through congregating, assembling or any other means, creating a volume of noise that prevents normal University activity or events).

**H.** Possessing, distributing or attempting to distribute a fake governmental identification card or LMU OneCard

or intentionally furnishing false information and/or identification, on or off campus, to any University officer, administrator or official, or to the University, or failure to provide upon the request of a University administrator, faculty or staff, on or off campus, valid official picture identification, including, without limitation, the LMU OneCard and a government-issued identification card.

**I.** Intentionally initiating or causing to be initiated any false report, warning or threat to the University, the University community or members thereof, University property, University facilities or University-sponsored Activities.

**J.** Theft of property, University funds or services on University premises, University facilities or at University-sponsored Activities or knowingly possessing stolen property on University premises, University facilities or at University-sponsored Activities.

**K.** Use, possession, storage, being under the influence or knowingly being in the presence of any controlled substance or illegal drug, misuse of prescription drug(s), possession or use of Salvia divinorum or drug-related material(s), including, but not limited to, drug pipes, bongos, grinders, scales or other drug paraphernalia.

**L.** Distribution or possession for purposes of distribution of any controlled substance, illegal drug, prescription drug(s), Salvia divinorum or drug paraphernalia.

**M.** Use, possession or storage of any Weapon on campus, University Premises, at University facilities or reasonably adjacent or proximate to campus, University Premises, University facilities or University-sponsored Activities.

**N.** Intentionally or recklessly misusing, disabling, tampering with, covering or damaging University-related fire safety equipment, doors and signs.

**O.** Use, possession or storage of fireworks, blowtorches and/or other incendiary materials on campus, University premises, at University facilities, at University-sponsored Activities or reasonably adjacent or proximate to campus, University Premises, University facilities or University-sponsored Activities.

**P.** Unauthorized use, forgery or unauthorized alteration of any University mark, logo or intellectual property, document, instrument, card, certificate, record, instrument of identification or student electronic employment time card.

**Q.** Unauthorized presence in or use of University premises, facilities or property including, but not limited

to, classrooms, labs, study rooms, University-assigned housing, roofs, balconies, ledges and trellises, for any unsanctioned activities (including, but not limited to, holding events, unofficial organizational meetings, sleeping, use as a domicile, etc.)

**R.** Engaging in disorderly conduct or lewd, indecent or obscene behavior.

**S.** Any behavior that disrupts or causes disruption of University-related technology or information technology services; damages, alters or destroys University or related data or records; adversely affects University or related computer software, programs, systems or networks; the use of data, computer systems or networks to devise or execute any scheme to defraud, deceive, extort or wrongfully obtain money, property or data; the intentional introduction of any contaminant into any University or related network or computers. Unlawful downloading or use of patented, copyrighted or trademarked works, or violating the Information Technology Services' (ITS) Acceptable Use Policy.

**T.** Violating the terms of any disciplinary sanction imposed in accordance with this Code.

**U.** Failing to complete and/or tampering with a sanctioned drug test or testing positive for a sanctioned drug test.

#### **IV. Sanctions**

Violations of the provisions of Section III (Prohibited Conduct) of this Code will result in the imposition of sanctions including, without limitation, suspension or dismissal from the University unless specific and significant mitigating factors are present. Factors to be considered in mitigation shall include, but not be limited to: the nature and severity of the violation; the present demeanor, contrition and past disciplinary record of the Respondent; the nature of the offense and the severity of any damage, injury or harm resulting from it; and the health and safety of the University Community.

##### **A. Community Service/Education Project**

Community Service, work on campus, research projects or other appropriate learning experiences may be assigned.

##### **B. Disciplinary Probation**

The Student is informed that they are no longer in "good disciplinary standing" with the University for duration of probation. Students are given written notice that any further infractions of the Code or University policies may result in further sanctions. The Student may also be restricted from eligibility for or participation in

present and future student and University activities. This includes, but is not limited to: co-curricular and organizational activities, ASLMU positions and activities, Resident Advisor positions, Study Abroad programs, orientation leadership positions and other student leadership positions. Notification of disciplinary probation may be sent to the appropriate University offices and officials.

#### **C. Disciplinary Warning**

Without placing a Student on Disciplinary Probation, the Student is given verbal and/or written warning that future misconduct may result in more severe disciplinary action.

#### **D. Dismissal from the University**

Dismissal is the permanent separation of the Student from the University. Permanent notification may appear on the Student's University transcript. The Student will also be banned from campus and University Premises. The sanction of dismissal requires the review and approval by the Senior Vice President for Student Affairs, who may alter, defer or suspend this recommended sanction. Any alteration, deferral or suspension of this sanction may be subject to specified conditions. Notification of dismissal may be sent to the appropriate University offices and officials.

#### **E. Drug Testing**

In response to violations of the Code relating to use or possession of illegal drugs, controlled substances, Salvia divinorum or drug paraphernalia, the sanctions may include drug testing for a defined period of time.

#### **F. Educational Programs**

The Student is assigned to attend educational programming (e.g. Heads Up!, Choice Theory) or participate in online educational programming (e.g. E-Chug, E-Toke, Under the Influence, Marijuana 101) to increase awareness of the effects and issues related to alcohol, drugs and other behaviors. When possible, a student-run Alcoholics Anonymous, as well as Al-Anon, is offered on campus.

#### **G. Fines**

A monetary fine may be assessed to a Student, for example, as a deterrent to future policy violations.

#### **H. Housing Probation**

The Student is given written notice that any further infractions of the Code, University policies or Housing policies may result in removal from University housing and/or determination that the student be ineligible for or restricted from present and future housing opportunities.

The Student is required to meet with their Resident Director or Housing Designee within two weeks of being placed on housing probation.

#### **I. Ineligibility for Graduation and/or Participation in Ceremonies**

Sanctions for violations of the Code may include prohibition from participation in graduation ceremonies, and Students, charged with alleged Code violation prior to graduation that charges have not yet been adjudicated, may in the University's discretion be prohibited from graduating or participating in graduation ceremonies until the Student Conduct Code proceedings have been adjudicated and, if found responsible, sanctions completed.

#### **J. Parental Notification**

Students in violation of alcohol or drug policies may be required to write a letter to their parents (or legal guardian) describing the incident and what outcomes resulted from the conduct process.

#### **K. Removal From or Relocation Within University Housing**

Students who demonstrate that they are unable to live in University housing facilities as demonstrated by material and/or repeated Code or policy violations may be relocated to another University housing facility, or have their University housing license agreement terminated, and if removed may be banned from University housing facilities and ineligible for future University housing, including summer housing.

#### **L. Restitution**

The Student is required to make financial payment to the University for amounts assessed or incurred as a result of a determined Code violation. Restitution payments between individual Students, Groups or Registered Student Organizations will not be sanctioned, mandated or administered.

#### **M. Restriction from Campus, University Premises, Facilities or Events**

Excluding a Student from campus, University Premises, University facilities or events means that the Student is not allowed to be on the campus, University Premises, at University facilities or in attendance of an event for or during specific time periods. Restriction may include authorizing access to limited University Premises or facilities for specific purposes (e.g. to attend class).

#### **N. Suspension from the University**

Suspension is the separation of the Student from the University for a stated period with an opportunity for reinstatement consideration. Permanent notification of

the suspension may appear on the Student's University transcript. While suspended, the Student is ineligible for and shall not participate in any University-sponsored Activities and may be banned from campus and University Premises. Suspended time will not count against any time limits of graduate schools or programs for completion of a graduate degree. The sanction of suspension requires the review and approval of the Senior Vice President for Student Affairs, who may alter, defer or suspend this recommended sanction. Any alteration, deferral or suspension of this sanction may be subject to specified conditions. Notification of suspension may be sent to the appropriate University offices and officials.

#### **O. Other Sanctions**

The University and its Judicial Officers and Hearing Boards retain the right to impose additional and/or different sanctions according to the specific circumstances and needs of a situation including, but not limited to, loss of on-campus driving privileges, loss of network privileges, other conditions and restrictions and meetings with professional staff and/or faculty members.

### **V. Roles and Responsibilities**

Within the student conduct process several members of the University Community play critical roles and have varying responsibilities.

#### **A. The Role and Responsibilities of the Chief Judicial Officer**

1. Supervising, training and advising all Judicial Officers, Hearing Boards and Student Conduct Committee members.
2. Reviewing and approving the recommended decisions of the Judicial Officers, Hearing Boards and the Student Conduct Committee except as otherwise provided in this Code. This review may include the alteration, deferral or suspension of any recommended decision and the imposition of conditions.
3. Ensuring the maintenance of all student disciplinary records on file in the Department of Judicial Affairs.
4. Administering procedures for resolution of a Student's challenge of bias for any Judicial Officer or Hearing Board member.
5. Submitting a statistical report to the Senior Vice President for Student Affairs or designee each semester reporting the number of cases referred to the department, the number of cases resulting in disciplinary action and the range of sanctions imposed.
6. Conducting an annual review of the Student Conduct Code.

#### **B. The Roles and Responsibilities of the Judicial Officers and Hearing Boards**

1. Hearings or other proceedings as provided in this Code may be held before a Judicial Officer or an applicable Hearing Board.
2. The Senior Vice President for Student Affairs or designee shall appoint Judicial Officers and Hearing Boards.
3. The Judicial Officers and Hearing Board members shall develop procedures consistent with provisions in this Code. All procedures must be approved by the Senior Vice President for Student Affairs or designee.
4. In the event of a vacancy or disqualification of a Judicial Officer or Hearing Board member, the disciplinary matter shall be assigned to another Judicial Officer or Hearing Board by the Senior Vice President for Student Affairs or designee.
5. Judicial Officers may be called upon to participate in the annual review of the Student Conduct Code.

#### **C. The Roles and Responsibilities of the Student Conduct Committee**

1. Appeals or other proceedings (de novo) as provided in this Code may be held before the Student Conduct Committee.
2. The Student Conduct Committee may develop procedures consistent with provisions in this Code. Procedures must be approved by the Senior Vice President for Student Affairs or designee.
3. The Student Conduct Committee members shall be selected as follows:
  - a. The ASLMU President shall recommend members from the undergraduate student body.
  - b. The GSLMU President shall recommend members from the graduate student body.
  - c. The Student Housing Office shall recommend RHA student members and two Resident Ministers as members.
  - d. The Senior Vice President for Student Affairs shall appoint a minimum of two faculty/staff members, one of which shall be from the Division of Student Affairs.
  - e. Each meeting, one of the Senior Vice Presidential appointees shall be designated by the Senior Vice President or designee as the presiding officer of the Student Conduct Committee.
  - f. The Chief Judicial Officer or designee shall serve as an ex officio member.

4. The Senior Vice President for Student Affairs shall appoint all members of the Student Conduct Committee.
5. The term of office for the Student or faculty/staff Student Conduct Committee members shall be a minimum of one year as determined by the Senior Vice President for Student Affairs. Members may be re-appointed for additional terms.
6. Prior to participating in Student Conduct Committee deliberations, new members of the Student Conduct Committee will participate in one orientation session offered at least once each academic year by the Senior Vice President for Student Affairs or designee.
7. Student members of the Student Conduct Committee who are charged with any violation of this Code or with a criminal offense may be suspended from their judicial positions by the Chief Judicial Officer while charges are pending against them. Students found responsible for any such violation or offense may be disqualified from any further participation in the University judicial system by the Chief Judicial Officer.
8. In the event of a vacancy, suspension or disqualification of a Student Conduct Committee member, the Senior Vice President for Student Affairs shall fill the vacancy.
9. A quorum for the Student Conduct Committee shall be three members with a minimum of one Student and one faculty member.

## **VI. Student Procedural Protection**

### **A. Referrals**

Suspected violations of this Code, including those discovered during the adjudication and/or investigation of Student Conduct Code proceedings, shall be submitted to the Department of Judicial Affairs. Persons making such referrals (the Complainants) are required to provide information and evidence pertinent to the case and may be asked to appear before a Judicial Officer/Hearing Board and/or the Student Conduct Committee.

### **B. Student Conduct Code Hearings**

The Chief Judicial Officer or designee shall review referrals to determine whether or not there is sufficient evidence to charge a Student with a violation of the Code and to hold a Student Conduct Code hearing.

### **C. Due Process**

Students charged with Code violations are accorded the following procedural protections:

1. A written or electronic notice (via the official University e-mail account) of misconduct charges, the location of

copies of the Student Conduct Code, a scheduled hearing with a Judicial Officer or applicable Hearing Board and timely notice of that hearing. Students who fail to appear after timely notice will be deemed to have accepted responsibility for the charges asserted against them;

2. A hearing during which the Judicial Officer/Hearing Board shall specify the nature of the alleged misconduct and the basis for the charge, including the time, date and place where it is alleged to have occurred. Students (Complainants and Respondents) shall have the opportunity to present evidence relevant to the alleged misconduct and to respond to the evidence against them including the right to offer evidence and call appropriate fact (non-expert) witnesses. Absent express permission, expert witnesses are not allowed and character witnesses are disfavored. Students (Complainants and Respondents) may utilize the assistance of an Advisor during the hearing;

3. During the hearing, the Judicial Officer/Hearing Board shall explain the University's judicial system and Student rights and provide a copy of the Student Conduct Code. The Judicial Officer/Hearing Board shall also explain the quasi- confidential nature of the judicial process and the fact that the hearing may become a part of the file relating to the case;

4. Reasonable access to the evidence supporting the charge will be made available to the Students (Complainants and Respondents), upon request, prior to the hearing;

5. If a further hearing is necessary, a supplemental proceeding will be scheduled;

- a. Students (Complainants and Respondents) or the Judicial Officer/Hearing Board may submit new and/or additional evidence and call appropriate fact (non-expert) witnesses at the supplemental proceeding. Absent express permission, expert witnesses are not allowed and character witnesses are disfavored. Students (Complainants and Respondents) shall have the opportunity to respond to any new or additional evidence that is presented for the first time at the supplemental proceeding;

- b. Students (Complainants and Respondents) may utilize the assistance of an Advisor during the supplemental hearing;

6. Students who wish to have the assistance of an Advisor must inform the presiding Judicial Officer in writing or via e-mail at least two days prior to the scheduled date of the hearing. The Advisor's role is to assist students in understanding the judicial process during hearings. Advisors may not address the Judicial

Officer/Hearing Board or play any other role during hearings. All communication involving Advisors must be between the Advisor and Student. An Advisor may not appear in lieu of the Student;

7. Sanctions shall be levied if it is determined that the Student is responsible for the violation. If not, the charge will be dismissed;

8. Students (Complainants and Respondents) may have the assistance of fact (non-expert) witnesses. Expert witnesses are not allowed and character witnesses are disfavored. The Judicial Officer/Hearing Board must be notified prior to the hearing that the Student plans to provide witnesses. These witnesses must have relevant knowledge and information pertaining to the case;

9. Complaints will be promptly investigated. In normal circumstances, complaints will be investigated and at least an initial determination made within 60 days of the receipt of the complaint;

10. For compliance with Clery Act records retention requirements, all official judicial correspondence will be retained for a minimum of seven years;

11. A Student's judicial history and record is cumulative; therefore increased sanctions may be imposed to take into consideration the Student's overall record of violations of all types, not just those of a similar type.

## VII. Hearing Procedures

The following procedural guidelines shall be applicable in judicial hearings before the Judicial Officer/Hearing Board:

**A.** The Judicial Officer/Hearing Board has the right to request the presence of and interview witnesses.

**B.** Hearings will generally be private except for Judicial Officers/Hearing Boards, parties and Advisors. Recording devices (audio and/or video) of any kind are not permitted for use by the Students, witnesses or Advisors. Complainants and Respondents will not normally be expected to appear at the same hearing time before the Judicial Officer/Hearing Board, but will have individual meetings with the Judicial Officers/Hearing Boards. That shall not preclude the Judicial Officer/Hearing Board from arranging to have the Complainant and the Respondent participate in the hearing before the Judicial Officer/Hearing Board without the ability to observe or physically see the other. If observation is permitted, it may be by electronic or other means intended to screen the parties' view of each other.

**C.** The Judicial Officer/Hearing Board shall exercise control over the procedures to avoid needless consumption of time. Any person, including the Advisor,

who is disruptive during the hearing, refuses to follow the rules or procedures and/or who fails to adhere to the admonitions and rulings of the Judicial Officer/Hearing Board may be excluded from the proceedings.

**D.** The decision of the Judicial Officer/Hearing Board should include a summary of the testimony, findings, decision and applicable sanction(s). The decision shall be sufficiently detailed to permit review as provided in this Code. In cases involving allegations of sexual or interpersonal misconduct, both Complainant and Respondent will receive decision letters explaining the decision.

**E.** Prior to the hearing, Students (Complainants and Respondents) may challenge a Judicial Officer/Hearing Board member on the grounds of personal bias. Any such challenge must be made in writing to the Dean of Students or designee not less than two days prior to the hearing. The disqualification challenge of a Judicial Officer/Hearing Board member shall be determined by the Dean of Students or designee. If a challenge is sustained, the charge shall be referred to another Judicial Officer/Hearing Board member.

**F.** Witnesses shall be asked to affirm that their testimony is truthful and may be subject to charges of providing false information pursuant to Section III(H) of this Code.

**G.** The burden of proof shall be upon the Complainant who must establish the responsibility of the Respondent by a Preponderance of the Evidence.

**H.** Except as provided herein, formal rules of evidence and discovery shall not be applicable in proceedings conducted pursuant to this Code. The Judicial Officer/Hearing Board shall give effect to recognized rules of privacy (including the Family Education Rights and Privacy Act [FERPA]) and privilege, but shall otherwise admit all matters into evidence which a reasonable person would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

**I.** Written statements shall not be admitted into evidence unless signed by the affiant and witnessed by a person designated by the Dean of Students or designee.

**J.** A Student with a case assigned to a Student Hearing Board has the option to have the matter heard by a Judicial Officer. Notice of such election must be given to the presiding Judicial Officer no less than two business days prior to the date of the hearing.

## VIII. Appeal Procedures

**A.** Except for appeals of charges of sexual and interpersonal misconduct, including Dating Violence, Domestic Violence

and Stalking, which are authorized under Section IX(R) of this Code, any Judicial Officer or Hearing Board disciplinary sanction not resulting in suspension or dismissal may be appealed by the Respondent to the Student Conduct Committee on one or more of the following grounds:

1. The sanction is substantially disproportionate to the offense;
2. The procedures provided for in this Code were not materially followed resulting in significant prejudice to the Student;
3. New relevant evidence is available which in the exercise of reasonable diligence could not have been produced at the time of the hearing;
4. The decision is not supported by substantial evidence.

**B.** All petitions for appeals shall be submitted to:

The Student Conduct Committee  
c/o The Department of Judicial Affairs  
Malone Student Center 355  
JudicialAffairs@lmu.edu

**C.** Appeal petitions must be submitted via written (typed or printed) statement by the Student and received by the Student Conduct Committee c/o The Department of Judicial Affairs within three days from the date of the imposition of the original decision. Appeal petitions may not be submitted by Advisors or third parties (including, without limitation, lawyers or Law School Students) on behalf of the Student. Failure to appeal within the allotted time will render the original decision final and conclusive.

Failure to comply with these procedures may result in the rejection of an appeal petition.

**D.** Pursuant to either Section VIII(A) or Section IX(A) the appeal petition must be accompanied by a written statement in support of an appeal. Upon notification of the receipt of a proper and timely appeal petition, the Chief Judicial Officer or designee shall convene the Student Conduct Committee.

**E.** On appeal pursuant to Section VIII(A), the Student Conduct Committee will review the Judicial Officer's/Hearing Board's summary of the testimony, findings and decision and the recommended sanction, the Student's disciplinary history and the written statement of the Student filed with the appeal petition. The Student Conduct Committee may, but is not required to, request either the Judicial Officer/Hearing Board or the Student to submit additional information in writing. If the Judicial Officer/Hearing Board is requested to submit additional information, the Student shall be entitled to reply in

writing to the additional written information supplied by the Judicial Officer/Hearing Board.

**F.** The Student Conduct Committee shall give deference to the determinations of the Judicial Officer/Hearing Board, and may make one of the following recommendations:

1. Recommended sanctions may be reduced, if found to be substantially disproportionate to the offense; increased, if found to be an inadequate response to the misconduct; or affirmed;
2. The case may be referred back to the Dean of Students or designee for reassignment to a new Judicial Officer/Hearing Board if specified procedural errors in interpretation of this Code were so substantial as to effectively deny the student a fair hearing or if significant new evidence became available which could not have been discovered by a properly diligent Student before or during the original hearing;
3. The case may be dismissed if the decision is not supported by substantial evidence;
4. The Student Conduct Committee will not alter a decision of the Judicial Officer/Hearing Board if there is any amount of evidence, or reasonable inferences arising there from which supports the decision, regardless of the amount or quality of contradictory evidence or conflicting evidence.

**G.** A tie vote in an appellate proceeding will result in affirmation of the original decision.

## **IX. De Novo Hearing Procedures**

The following procedural guidelines shall be applicable in de novo hearings before the Student Conduct Committee:

**A.** Except for appeals of sexual and interpersonal misconduct including Dating Violence, Domestic Violence and Stalking charges, which appeals are authorized under subsection (R) below, any recommended Judicial Officer or Hearing Board disciplinary sanction resulting in suspension or dismissal from the University may be appealed by the Respondent to the Student Conduct Committee for *de novo* review. The sanction may be appealed to the Student Conduct Committee on the following grounds:

1. The sanction is substantially disproportionate to the offense.
2. The procedures provided for in this Code were not materially followed, resulting in significant prejudice to the Student.
3. New relevant evidence is available within the exercise of reasonable diligence that could not have been produced at the time of the hearing.
4. The decision is not supported by substantial evidence.



If the appeal petition requesting a *de novo* hearing is granted, the Student shall receive a *de novo* hearing before the Student Conduct Committee.

**B.** The presiding officer may request the presence of fact witnesses upon their motion, upon the motion of the Student Conduct Committee or of the Complainant or Respondent. Requests will be determined and approved or disapproved by the Senior Vice President for Student Affairs or a designee, and shall be transmitted to the witness by personal delivery or U.S. Mail, or by e-mail to the witnesses' official University e-mail account. University Students and employees are expected to comply with requests issued pursuant to this procedure, unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities, in which case they must notify the Chief Judicial Officer of the factual basis of the hardship or interference prior to appearing before the Committee. The Chief Judicial Officer will then make a ruling on whether the appearance request will be withdrawn.

**C.** Respondents who fail to appear at a *de novo* hearing after proper notice will be deemed to have abandoned their appeal and to have accepted responsibility for the charged misconduct.

**D.** Hearings will generally be private except for Student Conduct Committee personnel, the Complainant and Respondent and their Advisors.

**E.** The presiding officer shall exercise control over the hearing to avoid needless consumption of time. Any person, including an Advisor, who disrupts a hearing or who fails to adhere to the admonitions or rulings of the presiding officer may be excluded from the proceedings.

**F.** Hearings may be recorded and transcribed by the Student Conduct Committee only. If a recording or transcription is not made, the decision of the Student Conduct Committee must include a summary of the testimony, findings and recommended decision and recommended sanction if a violation is found.

**G.** Recording units (audio and/or video) are not permitted for use by the Student (Complainant or Respondent), witnesses and/or Advisors.

**H.** Concurrent with the filing of an appeal petition, Complainant or Respondent may challenge a member of the Student Conduct Committee on the grounds of personal bias. All disqualification challenges of Student Conduct Committee members shall be determined by the Senior Vice President for Student Affairs or designee. If a challenge is sustained, the proceedings will continue without the participation of the disqualified member.

**I.** Witnesses shall be asked to affirm that their testimony is truthful and may be subject to charges of providing false information pursuant to Section III(H) of this Code.

**J.** Prospective witnesses, other than the Complainant and the Respondent, may be excluded from the hearing during the testimony of other witnesses. All parties, Advisors and witnesses shall be excluded during Committee deliberations. Complainants and Respondents will not normally be expected to appear at the same hearing time before the Student Conduct Committee, but will have access to individual meetings with the Student Conduct Committee. That shall not preclude the Student Conduct Committee from arranging to have the Complainant and the Respondent participate in the hearing before the Student Conduct Committee without the ability to observe or physically see the other. If observation is permitted, it may be by electronic or other means intended to screen the parties' view of each other.

**K.** The burden of proof shall be upon the Complainant who must establish the responsibility of the Respondent by a Preponderance of the Evidence.

**L.** Except as provided herein, formal rules of evidence and discovery shall not be applicable in these proceedings conducted pursuant to this Code. The Student Conduct Committee shall give effect to the recognized rules of privacy (including the Family Education Rights and Privacy Act [FERPA]) and privilege but shall otherwise admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

**M.** Affidavits shall not be admitted into evidence unless signed by the affiant and witnessed by a person designated by the Dean of Students or designee.

**N.** The Student Conduct Committee may take judicial notice of matters that would be general knowledge of other University Students.

**O.** The Student Conduct Committee shall be provided copies of the Student's disciplinary record when reference to the Student's disciplinary history is included in the decision made by the Judicial Officer/Hearing Board.

**P.** A quorum for the Student Conduct Committee shall be three members with a minimum of one Student and one faculty member.

**Q.** Procedural, evidentiary and final recommendations of the Student Conduct Committee shall be by majority vote of the members present and voting. A tie vote in a *de novo*

proceeding will result in dismissal of the charge. Procedural or evidentiary issues in any hearing before the Student Conduct Committee shall be determined by the Committee's presiding officer in accordance with this Code. The Student Conduct Committee shall give effect to the recognized rules of privacy (including the Family Education Rights and Privacy Act [FERPA]) and privilege but shall otherwise admit all matters into evidence which a reasonable person would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

**R.** In regards to appeals of sexual and interpersonal misconduct including Dating Violence, Domestic Violence and Stalking, determinations resulting in either a dismissal of the charge or imposition of any sanction against the Respondent, both Complainants and Respondents may appeal determinations of sexual and interpersonal misconduct charges under this Code by providing written notice within three business days. Appeals of sexual and interpersonal misconduct determinations shall be appealable as provided for in this Section IX.

## **X. Exceptional Procedures**

**A.** Violations of this Code that in ordinary circumstances may not result in a sanction of suspension or dismissal may nonetheless result in a sanction of suspension or dismissal if, in the view of the Senior Vice President for Student Affairs, suspension or dismissal is appropriate under all the facts and circumstances (e.g. intentional, malicious or aggravated violation, history of repeated Code violations, etc.).

**B.** The Senior Vice President for Student Affairs or a designee may suspend a Student for an interim period pending Student Conduct Code proceedings or medical evaluation. Such interim suspension becomes immediately effective without prior notice whenever there is reasonable suspicion that the continued presence of the Student on the University campus poses a substantial threat to the health, safety or well-being of members of the University community or to unreasonably interfere with the stability and continuance of normal University functions.

**C.** A Student suspended on an interim basis shall be given an opportunity to appear personally for an interim suspension hearing before the Senior Vice President for Student Affairs or a designee within three days from the effective date of the interim suspension to present their case to discontinue the interim suspension in accordance with Section X(D) below.

**D.** An interim suspension hearing shall determine whether the interim suspension should continue through the

hearing and determination on the merits of the Student Conduct Code charge(s) because the alleged misconduct and surrounding circumstances reasonably indicate that the continued presence of the Student on campus pending the hearing and determination of the Student Conduct Code charge(s) poses a substantial threat to the health, safety or well-being of members of the University community or unreasonably interferes with the stability and continuance of normal University functions.

**E.** If, at the interim suspension hearing referenced in Section X(D) above, the Student's continued presence is determined to pose a substantial threat to the health, safety or well-being of members of the University community or to unreasonably interfere with the stability and continuance of normal University functions, the Senior Vice President for Student Affairs or designee may continue the interim suspension through the conclusion of the proceedings on the alleged Student Conduct Code violation.

**F.** In cases alleging sexual and interpersonal misconduct including Dating Violence, Domestic Violence and Stalking, the Senior Vice President for Student Affairs or a designee may take interim measures, including, but not limited to, academic, residential, transportation and/or employment accommodations, intended to ensure the well-being of the Complainant, the Respondent, the investigatory process and/or the University community while the complaint is being investigated and prior to the determination on the charge. Any such interim measures shall not be referred to or offered as evidence at the hearing on the underlying charge. Any such interim measures shall be designed and implemented in a manner intended to achieve their purpose while at the same time limiting, to the extent practicable, any adverse effect to the Complainant and/or Respondent's educational program.

**G.** Final decisions of the Judicial Officer, Hearing Board or the Student Conduct Committee recommending a suspension or dismissal from the University shall be reviewed and approved by the Senior Vice President for Student Affairs. All other final decisions shall be reviewed and approved by the Dean of Students or designee. The reviewing officer may change, defer or suspend the decision and sanction, or impose conditions in connection with any change, deferral or suspension.

**H.** Unless otherwise determined by the Senior Vice President for Student Affairs or designee, the imposition of sanctions will be deferred during the appeal process.

I. A judicial hold may be placed on a Student's file/account and a notation entered on the Student's University transcript when the Student has been dismissed or suspended from the University or has officially or unofficially withdrawn, taken a leave of absence or has been academically disqualified while Student Conduct Code proceedings are pending. In addition, when the Student has incomplete sanctions or open judicial cases and leaves the University for any reason, including, but not limited to, leave of absence, withdrawal or academic disqualification, a judicial hold will be placed on the Student's file/account and the Student may also be prohibited from entering campus during the period of the judicial hold. This judicial hold must be cleared before a Student will be allowed to return to the University.

### **XI. Judicial Files and Records**

A. Case referrals may result in the development of a judicial file in the name of the Respondent that may be voided if the Respondent is found not responsible for the charges.

B. The files of Respondents found responsible for any of the charges against them will be retained as a judicial record for a minimum of seven years from the date of the letter providing notice of the final judicial action.

C. Judicial records may be voided and any records or notations related thereto purged by the Dean of Students for good cause following consideration of a written petition of Respondent. Among the factors considered by the Dean of Students in review of such petitions shall be:

1. The nature of the charge;
2. The period of time that has elapsed since the violation;
3. The present demonstrated demeanor and contrition of the Respondent;
4. The demonstrated conduct of the Respondent subsequent to the violation; and/or
5. The nature of the violation and the severity of any damage, injury or harm resulting from it.

Decisions on petitions under this subsection are at the discretion of the Dean of Students.

D. When Students sign a release offered by prospective employers, Study Abroad, University offices or graduate schools, this release allows the University to release Student disciplinary information to these parties.

# Academic Honesty Policy and Procedures

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## I. Statement of Policy

### A. The LMU Academic Honesty Policy

Loyola Marymount University is a community dedicated to academic excellence. Academic honesty in scholarship and creative work stands at the center of LMU's academic life and is essential for true learning and creation of knowledge to take place. As a university in the Jesuit and Marymount traditions, this community expects its members to act in accordance with the highest standards of honesty and ethics at all times. Violations of academic honesty undermine the fundamental educational mission of the University and cannot be tolerated. Students are responsible for understanding the standards of academic honesty and determining how they apply to their academic work and behavior. Students are responsible for contacting their instructor(s) before assignments are due to proactively resolve any questions they may have.

### B. Definitions of Academic Honesty and Dishonesty

Academic honesty requires that all members of the LMU community act with integrity, respect their own intellectual and creative work as well as that of others, acknowledge sources consistently and completely, act honestly during exams and on assignments and report results accurately.

Academic dishonesty is any violation of the standards of academic honesty. Examples of academic dishonesty are defined below. These examples are intended to provide guidance but not to constitute an exhaustive list of the forms that academic dishonesty might take.

#### 1. Plagiarism

- a. Presentation or appropriation of another's ideas, words, images, work, materials, results, etc., as one's own, including but not limited to, omission or improper use of citations; copying another's work without attribution.
- b. Inappropriate use of an Internet or digital source, including but not limited to, inappropriate copying in whole or part; submission of a paper or other work, or any part thereof, obtained via the Internet or a digital source, as one's own work; inappropriate sampling of images or sound; the use of online solutions typically made available as instructor resources for a course.
- c. Unauthorized presentation or partial or complete

resubmission of one's own previous academic work for additional academic credit.

#### 2. Fraud

- a. Representing oneself as another person in relation to an academic assignment or course, or allowing another to represent oneself in relation to an academic assignment or course. For example, signing an attendance sheet in class or at an extracurricular event on behalf of an absent student, representing oneself as someone else in the context of an online course, or permitting another person to complete an assignment or take an examination on one's behalf in the context of an online course.
- b. Presenting forged signatures or documents as authentic.
- c. Altering or fabricating data.
- d. Submitting false or fabricated citations.

#### 3. Cheating and Facilitating Cheating

- a. Possession, distribution and/or use of materials or technology for the purpose of cheating or facilitating cheating.
- b. Coercing or attempting to coerce a classmate to facilitate cheating.
- c. Using resources and materials prohibited by the Instructor.
- d. Collaboration on coursework that violates an Instructor's stated policies or instruction.
- e. Misrepresenting contributions to group projects.

#### 4. Unauthorized Access to or Alteration of Privileged and Proprietary Information

- a. Unauthorized access to and/or use of privileged University documents, files or information and/or alteration thereof by electronic or any other means.
- b. Unauthorized access to and/or use of proprietary information. For example, the unauthorized dissemination of research prior to publication.
- c. Unauthorized access to and/or use of University course resources and materials. For example, distribution of any course materials (syllabus, assignments, exams, etc.) without explicit permission from the instructor.

#### 5. Other Academic Dishonesty

- a. Acts of academic sabotage. For example, the purposeful theft, vandalism or unauthorized access of library books, academic records, equipment or materials, or the theft or destruction of other Students' work.
- b. Any other means of violating the standards of academic honesty set out above, existing or yet to be invented.

#### C. Student Protections

1. The burden shall be upon the Instructor to provide evidence that it is more probable than not that the Student has committed the alleged academic honesty violation.
2. A Student has the right to appeal the Instructor's decision concerning an allegation of academic dishonesty.
3. Access to materials, files and records alleging and documenting a Student's violation of the Academic Honesty Policy will only be authorized for disclosure to individuals necessary for the processing of the Academic Honesty Policy violation (such as the Student, Instructor, Chair, Dean, Provost, Academic Honesty Review Committee (AHRC)).
4. Students have the right to petition the AHRC to have records of their violation of the Policy expunged. The AHRC shall review the petition and make its recommendation to the Provost. Factors to be considered include: (1) severity of the violation; (2) time that has elapsed since the violation; (3) present demeanor and contrition of the Student; (4) demonstrated conduct since the violation; and (5) the severity of any damage, injury or harm resulting from the violation. Decisions on such petitions are at the discretion of the Provost, whose decision is final.

#### D. Instructor Protections

1. Instructors are expected to apply academic integrity standards consistently across all of their students in all of their classes and pursue all cases of academic dishonesty.
2. Instructors may attempt to stop suspected cheating in progress when appropriate (for example, during an examination). Instructors must then follow the procedure outlined in this policy prior to imposition of any academic dishonesty sanction.
3. For each incident of academic dishonesty, a record identifier that does not identify the student is generated that the Instructor may make reference to or include in retention, merit, rank and promotion decisions (if applicable).

4. Should an Instructor require legal assistance during any proceedings related to the charge of academic dishonesty, having followed the procedures outlined in the Policy, LMU will provide the faculty member with the assistance of University counsel. In addition, it is recognized that faculty have the right to be indemnified for all necessary expenditures or losses incurred in direct consequence of the discharge of their duties under California Labor Code section 2802.

#### E. Sanctions

Factors to be considered in applying sanctions for determinations of academic dishonesty under this policy shall include the nature and severity of the violation and whether there is a pattern of violations. Sanctions for violations of the Academic Honesty Policy may include the following:

1. Instructor-Imposed Sanction. Imposed at the sole discretion of the Instructor of record and may include (but is not limited to): a requirement to re-do the assignment; a reduced or failing grade on an assignment, or part of an assignment; a reduced or failing grade in the course. If the Instructor imposes a failing grade sanction in the course, a failing grade will appear on the transcript even in the case of subsequent withdrawal.
2. Suspension from the University. The sanction of suspension requires recommendation by the AHRC and approval of the Provost.
3. Dismissal from the University. The sanction of dismissal requires recommendation by the AHRC and approval of the Provost.

## II. Definitions

**A. Academic Honesty Violation Form:** the official form on which the Instructor reports a violation of academic honesty.

**B. AHRC:** the Academic Honesty Review Committee, the body that provides a ruling to the Provost concerning appeals and other matters related to violations of the Academic Honesty Policy.

**C. Day:** a regular University business day. It shall not include Saturdays, Sundays or administrative holidays.

**D. Dismissal:** the permanent separation of the Student from the University. Permanent notification may appear on the Student's transcript. The Student will also not be permitted on campus or University premises. Any alteration, deferral or suspension of this sanction may be subject to conditions.

**E. Institution/University:** Loyola Marymount University.

**F. Instructor:** any LMU faculty member, librarian or other individual authorized to evaluate students' academic work.

**G. NR:** Not Reported. NR will be used as a placeholder at the time of a final grade submission or recordation while an academic honesty violation appeal is in process.

**H. Policy:** the Academic Honesty Policy.

**I. Provost:** the Provost or the Provost's designee for managing the day-to-day operations of the Academic Honesty Policy.

**J. Record/Student Record:** the permanent documentation kept by the University concerning the student's matriculation and performance. Files are all relevant physical or digital documentation of a case.

**K. Student:** a person enrolled in any University program or class.

**L. Supervisor:** the person to whom an Instructor reports directly in teaching-related matters. In most cases, "Supervisor" is the Instructor's Department Chair or Program Director; for most Department Chairs and Program Directors it is the Dean or Associate Dean.

**M. Suspension:** the separation of the Student from the University for a stated period with an opportunity for reinstatement consideration. Permanent notification of suspension may appear on the Student's transcript. While suspended, the Student is ineligible for and shall not participate in any University sponsored activities and may be prohibited from a presence on campus and University premises. Suspended time will not count against any time limits of graduate schools or programs for completion of a graduate degree. Any alteration, deferral or suspension of this sanction may be subject to conditions.

**N. Violation:** a determined violation of the University's Academic Honesty Policy.

**O.** The terms "**will**" and "**shall**" are used in the imperative sense. The term "**may**" is used in the permissive sense.

### III. Procedures

#### A. Process

1. An Instructor who has reason to believe that a student has violated the Academic Honesty Policy will inform the Student of the suspected academic dishonesty in an email sent to the Student's LMU email address (with

a copy to the Instructor's Supervisor) within five days of discovering evidence of the academic dishonesty. This message should include a statement of the nature of the suspected violation, the evidence supporting the suspected violation and a deadline of five days for the Student to respond by email. Because at this point in the process there is only a suspicion or allegation of a policy violation, no determination has been made and there should not be any mention of a prospective sanction in the message. The communication should also include a request to meet (or confer) with the Student within five days after the student's response to the email.

2. The Instructor's meeting with the Student shall take place after receipt of the Student's email reply and provides an opportunity for the Instructor and the Student to discuss the suspected academic honesty violation, the evidence, and the prospective sanction (e.g., a failing grade on an assignment or a failing grade in a course) and any concerns the Student may have.

- a. If the Instructor determines that no violation of the Academic Honesty Policy has occurred, no further action or steps will be taken. The Instructor will notify the Supervisor of the determination.

- b. If the Instructor determines that a violation of the Academic Honesty Policy has occurred, a sanction within the purview of the Instructor will be imposed. A completed Academic Honesty Violation Form (with supporting evidence) will be forwarded to the Provost (with a copy to the Instructor's Supervisor and to the Student).

3. If the Student does not respond to the initial email from the Instructor within five days, a determination shall be made by the Instructor and if a determination of an Academic Honesty Policy violation is made, a sanction within the purview of the Instructor will be imposed. A completed Academic Honesty Violation Form with the supporting evidence will be forwarded to the Provost (with a copy to the Instructor's Supervisor and to the Student).

4. The Student may submit an appeal of the Academic Honesty Policy violation determination and/or sanction within five days of the Instructor's emailing of the Academic Honesty Violation Form.

- a. If no appeal is filed, then the Academic Honesty Policy violation determination becomes final. The Provost will file the paperwork, with a copy to the Student's Dean's Office, and apply the sanction determined by the Instructor. This terminates the process.

b. If the Student files an appeal, then the grade on the relevant assignment, or in the course, will be converted to “NR” within five days of receipt of the appeal, and remain as such until the final resolution of the appeal process.

c. In the case of a Student appeal, the Provost will submit the case to the AHRC for reconsideration and will notify the Student and Instructor thereof.

5. When a determination becomes final, the Provost shall review the Student’s record to determine if there is a prior history or pattern of academic dishonesty. For cases in which the Provost determines that such a history or pattern exists and therefore the Student’s record and pattern of behavior warrants further review, the Provost will submit the Student’s record of proceedings under the Academic Honesty Policy to the Academic Honesty Review Committee (AHRC) for consideration of additional action and will so notify the Student thereof.

6. If the AHRC determines that a violation merits a different result or sanction (in cases of appeal) or that the Student’s pattern of behavior warrants an additional sanction, up to and including the Student’s suspension or dismissal (in cases where the Provost requests further review), it shall communicate its decision to the Student and to the Provost within 15 days of the Provost’s request for consideration.

a. In cases of a ruling for additional sanction based on a pattern of behavior, the Student has 10 days to respond to the AHRC ruling; the response shall be submitted directly to the Provost.

b. The Provost shall make the final decision within 5 days after the window for the Student’s response to the AHRC ruling closes. Upon making the final decision, Provost shall add appropriate documentation to the Student’s record, with a copy to the Student’s Dean’s Office, and apply the sanction. The Provost’s decision is final and terminates the process.

7. All deadlines apply during the semester – that is, from the first day of classes to five days after final grades are due. Attempts will be made to conclude pending cases in May before the end of the academic year. All unresolved cases will be considered and determined in the next regular semester.

8. A Student charged with an Academic Honesty Policy violation prior to graduation may not receive a diploma/degree until any pertinent proceedings regarding that Student have been completed. A Student who has been suspended cannot graduate unless and until they are reinstated.

9. The Provost’s office will provide an annual report, without identifying Students, detailing the number and type of violations reported in different areas of the LMU community, as well as the number and type of AHRC rulings and Provost decisions, if applicable.

## **B. Appeals**

1. A Student has the right to appeal the Instructor’s decision concerning an allegation of academic dishonesty.

2. A Student may appeal on one or more of the following grounds:

a. The violation determination is not supported by substantial evidence.

b. New relevant evidence is available.

c. The sanction is substantially disproportionate to the offense.

d. The procedures detailed in this document were not materially followed, resulting in significant disadvantage or prejudice to the Student.

3. The Student must make an appeal in writing no later than five days following the Instructor’s emailing of the Academic Honesty Violation Form to the Student.

4. All appeals must be submitted by email to the Provost (with a copy to the Instructor and the Instructor’s Supervisor).

5. The Provost will inform the Instructor of the receipt of an appeal request within five days, and will submit the appeal request to the AHRC. At the request of the AHRC, the Instructor will be given the opportunity to provide additional evidence or argument should the Student present new arguments or evidence. The Student shall have a right to know of and respond to the AHRC respecting any new or additional evidence or argument provided by the Instructor to the AHRC.

6. The AHRC shall determine whether or not the evidence supports the allegation, if so, whether the sanction is appropriate taking into account all available evidence related to the academic dishonesty as well as, during the sanctions deliberations, any evidence provided by the Provost regarding any prior offenses, and whether the correct procedures were followed.

7. The AHRC will communicate its findings and ruling to the Provost.

8. In cases of an AHRC ruling for suspension or dismissal, the Student has 10 days to respond to the AHRC ruling

about the propriety of the sanction; the response shall be submitted directly to the Provost.

9. The Provost shall make the final decision, in light of the recommendation of the AHRC and after consideration of any submission from the Student, and will communicate this decision to the Student and Instructor, with a copy to the Student's Dean's Office. The Provost's decision is final and terminates the process.

**C. Documentation: Files and Records**

1. A digital copy of the Academic Honesty Violation Form, with supporting evidence, will remain on file in the Provost's Office.
2. Records will have a protected status, with access only as authorized by law and permitted by the Provost.



# Alcohol and Drug Policies

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## I. Introduction

The goal of the Loyola Marymount University Policy on Alcohol and other Drugs is to create an environment in which the responsible use of alcohol is taught and promoted for individuals age 21 years and over who choose to lawfully drink or provide alcoholic beverages to other adults. The misuse of alcohol and the use of illicit drugs are discouraged and will be disciplined. This goal can be achieved by campus-wide involvement in comprehensive and on-going alcohol and drug education and the enforcement of the following guidelines.

## II. University Regulations Governing the Use of Alcohol

The LMU Alcohol Policy adheres to the laws of the State of California (listed in Section V of this policy) regarding the purchase, sale, furnishing and consumption of alcohol. Intoxication and/or alcohol abuse is not permissible as an excuse for unlawful behavior or misconduct. Providing false information and/or identification to consume alcohol is subject to disciplinary action as outlined in the Student Conduct Code. The policy acknowledges the fact that persons age 21 years and over may purchase and consume alcoholic beverages. Those who fall in this category are responsible for setting a positive example to all minors by discouraging alcohol-related behavior that is abusive to oneself or to others.

The University expects all members of the campus community to conduct themselves in an appropriate manner and encourages the adoption of a mature attitude towards the use of alcohol. Alcohol consumption is permitted for those of legal age in designated areas on campus (The Hannon Loft, Crimson Lion, private living units in apartment or suite style housing facilities) and at certain University sponsored and/or approved events on campus. It is the position of the University that drunkenness and public intoxication are unacceptable and that those who violate the norm of temperate drinking will be subject to disciplinary sanctions. Accordingly, each person assumes full personal responsibility and will face disciplinary proceedings for any of their actions or the actions of their Guest(s) that violate any University policy.

**A. Regulations regarding Registered Student Organization Events on campus**

The following policy applies to all organizations wishing to provide alcoholic beverages at on-campus events.

1. Prior to the Event
  - a. Student events involving alcohol must be approved by Student Leadership & Development and Sodexo.
  - b. All event publicity must comply with all Student Leadership & Development policies including the Alcohol Advertising Policy.
  - c. Sodexo is the sole provider of alcohol for all Registered Student Organization events. Only beer and wine may be served. A Sodexo bartender must be hired for the event to serve alcohol and check IDs.
2. General Event Guidelines
  - a. LMU Students wishing to consume alcohol must be 21 or over and present a valid state-issued ID or passport. All individuals consuming alcohol are required to wear wristbands during the event.
  - b. Non-alcoholic beverages and food must be provided.
  - c. Several factors will be considered to determine if a controlled area for those consuming alcohol is required. Factors include numbers of attendees, ages of attendees, location of event and type of event.
  - d. There are two (2) options for providing alcohol at a Registered Student Organization event.
    - i. Cash Bar- A cash bar must be used if there is a charge to attend the event or alcohol is sold. Examples include charging an event fee, individual drink tickets or cash exchanged for drinks. An alcohol license is required and must be obtained through Sodexo a minimum of 14 days prior to the event.
    - ii. Hosted Bar- A hosted bar may be used if alcohol is donated. Alcohol must be provided to Sodexo three (3) working days in advance. Alcohol remaining at the end of the event will be returned within three (3) days following the event to the on-campus advisor. Registered Student Organization funds may not be used to purchase alcohol.
  - e. Alcohol may not be served at events where new member recruitment is the primary focus.

### 3. Event Advisors and Security

a. Public Safety officers and/or Alcohol Moderators are required for events where alcohol is served. The sponsoring group is responsible for the cost, and Public Safety and Student Leadership & Development will determine the number of officers required.

### B. Regulations within Student Housing Facilities

1. In accordance with California law, Students under the legal age are not allowed to consume or possess alcohol. In accordance with University policy, Students under the legal age and their Guests are not allowed to consume or be in the presence of alcohol.

2. Alcohol may be consumed or possessed by those Students of legal age (21 years of age) only inside private living units with the door closed and not with underage persons (other than a roommate/suitemate) present.

3. Delivery of alcohol by retail or wholesale distributors to a student housing facility is prohibited.

4. Kegs, party balls or other such containers not designed for individual consumption are strictly prohibited.

5. Construction and/or use of drinking game playing surfaces (e.g. beer pong tables) is prohibited.

6. All alcoholic beverages transported on campus and within the living areas must be sealed and carried in a concealed fashion (in covered, nontransparent packages).

7. Students are responsible for any activity, including, but not limited to, underage possession and/or use of alcohol and possession and/or use of drugs and drug paraphernalia, that occurs in their University residence whether or not they are present at the time of the subject activity.

### C. Parties in Living Areas

1. Social gatherings/parties with more than eight people (including residents) in residence halls or more than 16 people (including residents) in apartments/houses are prohibited.

2. In accordance with California law requiring Students to be 21 years of age to possess or consume alcohol, parties with alcohol will not be permitted if they involve anyone under the legal drinking age of 21.

3. The following regulations are applicable in party situations:

- a. Parties are prohibited on days preceding class days.
- b. Parties must end, with no Guests remaining, by 12:30 a.m.
- c. If alcohol is served or consumed, all Guests and

containers must remain inside the room/apartment with the door closed.

d. If alcohol is served or consumed, non-alcoholic beverages and substantial food must be provided.

e. A plan for monitoring and preventing over-consumption of alcohol must be presented.

f. Any party that is unauthorized or in violation of University policies will be shut down by a member of the Student Housing Staff and Public Safety. The hosts and Guests will also be subject to disciplinary action.

g. Parties will not be permitted in off-campus housing facilities.

h. Alcohol is not permitted in rooms and apartments where no residents are 21 years of age.

i. Underage Guests are not permitted at parties where alcohol is served.

j. Students under the legal age are not permitted in the presence of alcohol.

### D. Regulations Regarding Athletic Events

1. Alcoholic beverages may not be sold during intercollegiate athletics, intramural sports or club sport events sponsored on campus. Violators may lose the privilege of participating in or attending athletics events and will also be subject to disciplinary action.

2. The Senior Vice President for Student Affairs may approve pre-game events to be held in a designated area immediately preceding any home NCAA game. Students, faculty, staff and Guests who are age 21 and older may responsibly consume alcoholic beverages in the designated area only during the hours set for the event. This policy does not supersede federal, state and city laws and regulations governing sale, consumption and dispensing of alcoholic beverages or any NCAA regulations.

a. Once approved certain event guidelines from Section II (A) of this policy may apply.

3. Student athletes traveling for the purpose of competition are expected to abide by all University policies including, without limitation, Athletics Department policies, federal, state and local regulations.

### E. Policy Regarding Alcohol Shipped to the University

1. Students, including those of legal drinking age, are not permitted to receive alcohol at the University through the mail or parcel delivery service (e.g. UPS, FedEx).

2. The LMU Distribution Center will return any packages that indicate contents that include alcohol or various other alcohol-related products.

### III. Illicit Drugs

A. Individuals involved in the sale, distribution or transfer of illegal drugs, are subject to suspension or dismissal from the University per the Student Conduct Code.

B. In cases involving use, possession, actions under the influence or in the presence of illicit drugs and/or drug related materials or misuse of prescription drugs, sanctions may include disciplinary and/or housing probation, drug testing, monetary fines, parental notification, educational programs, removal from University housing and/or suspension from the University. Subsequent violations may result in dismissal from the University.

C. The University reserves the right to remove a Student from University housing if that Student is involved in the use or possession of a controlled substance or paraphernalia at anytime during the academic year.

D. In accordance with federal law and University regulations, possession and/or use of medical marijuana is prohibited.

E. The distribution and/or trafficking of prescription drugs is prohibited. Both the distributor(s) and the distributee(s) will be subject to disciplinary action.

F. All administrative or judicial action is subject to appeal in accordance with the procedures outlined in the Student Conduct Code (Section VIII).

G. The University's disposition of individual cases does not preclude criminal prosecution in accordance with federal and/or state law. The University reserves the right to refer cases to federal, state and/or local authorities.

### IV. Federal Laws

#### A. Possession of Illicit Drugs

1. Federal laws prohibit illegal possession of controlled substances (U.S. Department of Justice and Drug Enforcement Administration)
  - a. First offense: prison sentences up to one year and a minimum fine of \$1,000.
  - b. Second offense: prison sentences up to two years and fined a minimum of \$2,500.
  - c. Third offense: prison sentences up to three years and fined a minimum of \$5,000.
  - d. Special sentencing provisions apply for possession of flunitrazepam, including imprisonment of three years as well as the fine schedule referenced above.

#### B. Trafficking of Illicit Drugs

1. Under federal law, the manufacture, distribution, dispensation or possession with intent to manufacture, distribute or dispense of all Schedule I and II illicit drugs (e.g., cocaine, ecgonine, methamphetamines, heroin, PCP, LSD and all mixtures containing such substances) is a felony.
  - a. First offense: (dependent upon the amount and type of substance) prison sentences of ten years to life (20 years to life if death or serious bodily injury is involved) and fines of up to \$10,000,000 for offenses by individuals (\$50,000,000 for other than individuals).
2. Federal law also prohibits trafficking in marijuana, hashish, hashish oil and mixtures containing such substances.
  - a. First offense: prison sentence up to five years and fines of up to \$250,000 for offenses by individuals (\$1,000,000 for other than individuals). Penalties vary depending upon the quantity of drugs involved.
  - b. Second offense: prison sentence up to ten years and fines of up to \$500,000 for offenses by individuals (\$2,000,000 for other than individuals).
3. The trafficking of medically useful drugs (e.g., prescription and over-the counter drugs) is illegal. Outcomes for trafficking of such drugs is dependent upon which Schedule the substance falls under according to the Controlled Substances Act (CSA).

### V. State of California Law

#### A. Alcohol

1. It is a crime to sell, furnish or give alcoholic beverages to a person under age 21 or to any obviously intoxicated person (California Business & Professions Code 25658 & 25602).
2. It is a crime for a person under the age of 21 to purchase or possess alcoholic beverages (California Business & Professions Code 25658 & 25662).
3. It is a crime to sell alcohol without a valid liquor license or permit (California Business & Professions Code 23301).
4. It is a crime for any person to drink while driving, to have an open container of alcohol in a motor vehicle or to drive under the influence of alcohol (California Vehicle Code 23220, 23222 & 23152).
5. It is a crime to be intoxicated in a public place (California Penal Code 647(f)).
6. Intoxication is presumed at blood levels of .08% or higher (California Vehicle Code 23152).

## B. Penalties for Drunk Driving Offenses

1. First offense: fines up to \$1,000, imprisonment up to six months, driver's license suspension up to ten months and interlock ignition device required in some counties.
2. Second offense: fines up to \$1,800, imprisonment up to one year, driver's license suspension up to two years and interlock ignition device required.
3. Third offense: fines up to \$1,800, imprisonment up to one year driver's license suspension up to three years and interlock ignition device required.
4. Refusal to submit to a blood alcohol content test: driving privileges are suspended for one year, for two years if there is a prior offense within 10 years and for three years with three or more offenses within 10 years.
5. Drivers under the age of 21 found with any measurable amount of blood alcohol (.01% or more) will have their driver's license suspended for one year and will be required to attend DUI school. If the driver does not have a license, there will be a one-year delay in obtaining one.

## C. Illicit Drugs

1. Under California law, first offenses involving the sale or possession for sale of amphetamines, codeine, cocaine, heroin, LSD, mescaline, methadone, methamphetamine, morphine, PCP, peyote, psilocybin and marijuana (among others) are felonies carrying prison terms of up to four years (California Health & Safety Code 11054, 11055 & 11351).
2. If the offense involved heroin, cocaine, cocaine base, or any analog of these substances and occurred upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, a child day care facility, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for one year (California Health & Safety Code 11353.1).
3. It is unlawful to possess any device, contrivance, instrument or paraphernalia used for unlawfully injecting or smoking a controlled substance from Section 11054 (California Health & Safety Code 11364).
4. Personal property may be subject to forfeiture if it contains drugs or was used in a drug manufacture, sale, possession for sale, offer for sale, offer to manufacture or conspiracy to commit one of these offenses or acquired in violation of this division (California Health & Safety Code 11470).

5. The illegal possession of most of the above-mentioned drugs may be felonies or misdemeanors depending upon amounts involved.

6. The California Legislature declares that the dispensing and furnishing of prescription drugs, controlled substances and dangerous drugs or dangerous devices without a license poses a significant threat to the health, safety and welfare of all persons residing in the state and shall be guilty of a crime (California Health & Safety Code 11352.1).

## VI. Disciplinary Action For Alcohol

Violation of the Alcohol Policy will result in the initiation of disciplinary action for such violation(s) under the Student Conduct Code. Charges for violating the Alcohol Policy will be initiated against Students who violate other University rules and regulations while under the influence of alcohol, along with all other applicable charges. The outcome of the disciplinary action will result in appropriate sanctions. Sanctions will vary depending on the nature of the offense.

**A.** The following examples of possible sanctions are not exclusive and may also include, but are not limited to: attending and/or sponsoring alcohol education programs, writing research papers, restitution, community service, fines, removal from University housing, limiting access to living areas, suspension or dismissal from the University. When warranted, Students will be referred for more intensive alcohol and/or substance abuse education.

**B.** The University's disposition of individual cases does not preclude criminal prosecution in accordance with federal and/or state law.

**C.** All administrative or judicial action is subject to appeal in accordance with the procedures outlined in the Student Conduct Code (Section VIII).

The following are possible sanctions which may result from a failure to follow the Alcohol Policy.

1. Underage Students in the presence of alcohol.
  - a. First offense: disciplinary warning, parental notification, alcohol education program.
  - b. Second offense: parental notification, alcohol education program, monetary fine.
2. Underage possession and/or consumption of alcohol or open container of alcohol in public area or unconcealed transportation of alcohol.
  - a. First offense: disposal of alcohol, disciplinary warning, parental notification, alcohol education program, monetary fine.

- b. Second offense: disposal of alcohol, parental notification, alcohol education program, monetary fine, probation.
- 3. Furnishing and transporting alcohol for a minor.
  - a. First offense: disposal of alcohol, disciplinary warning, alcohol education program, monetary fine.
  - b. Second offense: disposal of alcohol, monetary fine, probation, removal from University housing.
- 4. Possession of a common source of alcohol (including, but not limited to, keg, party ball, etc.).
  - a. First offense: confiscation of alcohol, parental notification, monetary fine per person involved, probation, removal from University housing.
  - b. Second offense: disposal of alcohol, parental notification, monetary fine per person involved, removal from University housing, suspension from the University.

## VII. Disciplinary Action for Illicit Drugs

Violation of the Drug Policy will result in the initiation of disciplinary action for the subject violation in accordance with the Student Conduct Code. Charges of violating the Drug Policy will be initiated against Students who violate other University rules and regulations while under the influence of drugs, along with other charges. The outcome of the disciplinary action will result in appropriate sanctions. Sanctions will vary depending on the nature of the offense.

**A.** The following examples of possible sanctions are not inclusive and may also include, but are not limited to: attending and/or sponsoring drug education programs, writing research papers, restitution, community work projects, fines, removal from University housing, limiting access to living areas, suspension or dismissal from the University. When warranted, Students will be referred for more intensive drug usage related treatment.

**B.** The University's disposition of individual cases does not preclude criminal prosecution in accordance with federal and/or state law.

**C.** All administrative or judicial action is subject to appeal in accordance with the procedures outlined in the Student Conduct Code.

The following are possible sanctions which may result from a failure to follow the Drug Policy.

- 1. In the presence of illegal drugs.
  - a. First offense: disciplinary warning, parental notification, drug education program, probation,

suspension from the University.

- b. Second offense: parental notification, drug education program, monetary fine, probation, suspension or dismissal from the University.
- 2. Possession and/or consumption of marijuana.
  - a. First offense: disposal of marijuana, parental notification, drug education program, monetary fine, probation.
  - b. Second offense: disposal of marijuana, parental notification, drug education program, monetary fine, probation, drug testing, removal from University housing, suspension from the University.
- 3. Possession and/or consumption of illegal drugs.
  - a. First offense: disposal of illegal drugs, parental notification, drug education program, monetary fine, probation, drug testing, removal from University housing, suspension from the University.
  - b. Second offense: suspension or dismissal from the University.
- 4. Misuse of prescription drugs.
  - a. First offense: confiscation of prescription drugs, parental notification, drug education program, monetary fine, probation, removal from University housing, suspension from the University.
  - b. Second offense: parental notification, drug education program, monetary fine, probation, removal from University housing, suspension or dismissal from the University.
- 5. Trafficking marijuana and/or illegal or prescription drugs.
  - a. First offense: dismissal from the University.

## VIII. Health Effects

**A.** Drug Type—Acute Effects/Health Risks (as found on the National Institute on Drug Abuse website: <http://www.drugabuse.gov>)

- 1. **Alcohol**—affects every organ in the drinker's body, impairs brain function and motor skills and may cause fetal damage (in pregnant women), heavy use can damage the heart, liver and pancreas, increase risk of certain cancers, stroke and liver disease and weaken the immune system.
- 2. **Amphetamines/Methamphetamines**—increased heart rate, blood pressure, body temperature and breathing, reduced appetite, irregular heartbeat, anxiety, confusion, mood problems, paranoia, violent behavior, hallucinations, weight loss, insomnia, severe dental

problems, intense itching leading to skin sores from scratching, risk of HIV, hepatitis and other infectious diseases from shared needles, addiction.

3. **Cocaine**—increased heart rate, blood pressure, body temperature, reduced appetite, headache, abdominal pain and nausea, restlessness, anxiety, panic attacks, paranoia, violent behavior, psychosis, nasal damage, weight loss, insomnia, heart rhythm problems, infection and death of bowel tissue, heart attack, stroke, seizures, coma, addiction.

4. **Dissociative Drugs (Ketamine, PCP, Salvia divinorum, DXM)**—impaired motor function, anxiety, paranoia, numbness, memory loss, nausea, vomiting, depression, violence, slurred speech, hallucinations, dizziness, distorted visual perceptions, suicidal thoughts, seizures, coma, death.

5. **GHB**—drowsiness, nausea, vomiting, confusion, hallucinations, aggressive behavior, memory loss, unconsciousness, seizures, slowed heart rate and breathing, lower body temperature, coma, death.

6. **Hallucinogens (LSD, mescaline, psilocybin)**—hallucinations, increased body temperature, heart rate and blood pressure, loss of appetite, sweating, sleeplessness, numbness, dizziness, weakness, tremors, ongoing visual disturbances, disorganized thinking, rapid shifts in emotion, flashbacks, hallucinogen Persisting Perception Disorder, paranoia.

7. **Heroin/Opium**—itching, dry mouth, clouded thinking, nausea, vomiting, feelings of heaviness in the body, slowed heart rate and breathing, collapsed veins, abscesses, infection of the lining and valves of the heart, constipation and stomach cramps, liver or kidney disease, pneumonia, fatal overdose.

8. **Inhalants**—confusion, loss of inhibition, headache, nausea, slurred speech, loss of motor coordination, dizziness, drowsiness, lightheadedness, hallucinations/delusions, liver and kidney damage, bone marrow damage, brain damage, convulsions, seizures, coma, sudden death from heart failure or asphyxiation.

9. **Marijuana/Hashish**—slowed reaction time, impaired balance and coordination, increased heart rate and appetite, impaired learning and memory, hallucinations, anxiety, panic attacks, psychosis, cough, frequent respiratory infections, possible mental health decline, addiction.

10. **MDMA**—lowered inhibition, confusion, anxiety, chills, sweating, increased heart rate and blood pressure, teeth clenching, muscle tension, sleep disturbances,

depression, nausea, blurred vision, faintness, impaired memory, liver, kidney or heart failure, addiction, death.

11. **Nicotine**—increased blood pressure, breathing and heart rate, increased risk of cancer (both lung and oral), chronic bronchitis, emphysema, heart disease, leukemia, cataracts, pneumonia, adverse pregnancy outcomes, addiction.

## IX. Referral Information

Student Psychological Services will assist Students with issues regarding alcohol and other drugs. Therapists are able to refer students to community treatment centers and support groups.

**A.** The following resources are provided by the University and available on campus to all Students.

1. Alcoholics Anonymous—During the academic year, a member of the recovery community in Los Angeles hosts a meeting open to all members of the LMU community. At times, Students have also conducted a weekly Alcoholics Anonymous meeting with the sponsorship of the Department of Judicial Affairs.

2. Al-Anon—During the academic year, the Student Health Services and the Department of Judicial Affairs jointly sponsor a weekly meeting open to all LMU community members and focuses on the fellowship of relatives and friends of alcoholics.

3. Choice Theory—A three-session, weekly meeting in which a CAADAC-(California Association of Alcoholism & Drug Abuse Counselors) certified instructor discusses Reality Therapy, Choice Theory and the impact that choices/decisions can have on a Student's University experience.

4. LMU Recovery Specialist—A full-time professional staff member who supports Students and their families in the recovery process. For more information call (310) 338-4481.

5. Lions for Recovery—A community of Students whose purpose is to be of service to one another and the community at large while changing the stigma of addiction. For more information please visit:

[facebook.com/lionsdorecover/](https://www.facebook.com/lionsdorecover/).

## X. Redefinition

The University has the right to waive and/or redefine any of the above stipulations as they relate to a specific individual, group or organization.

# Anti-Hazing Policy

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## I. Introduction

The University's Anti-Hazing Policy adheres to California state law (California Penal Code), sections of which are excerpted below, and is subject to change in order to maintain consistency with state law:

1. 245.6 (b) "Hazing" means any method of initiation or preinitiation into a Student Organization or Student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current or prospective Student of any school, community college, college, university or other educational institution in this state. The term "hazing" does not include customary athletic events or school-sanctioned events.
2. 245.6 (c) A violation of this section that does not result in serious bodily injury is a misdemeanor, punishable by a fine of not less than \$100, nor more than \$5,000, or imprisonment in the county jail for not more than one year, or both.
3. 245.6 (d) Any person who personally engages in hazing that results in death or serious bodily injury as defined in paragraph (4) of subdivision (f) of Section 243 of the Penal Code, is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.
4. 245.6 (e) The person against whom the hazing is directed may commence a civil action for injury or damages. The action may be brought against any participants in the hazing, or any organization to which the Student is seeking membership whose agents, directors, trustees, managers or officers authorized, requested, commanded, participated in or ratified the hazing.

## II. Policy

All acts of hazing by a Student, Group or organization and/or any of its members, alumni or other associated

individuals are prohibited. It is a violation of California law and LMU policy for Students to engage in any activity that falls within the legal or this policy definition of hazing. As referenced above, hazing is a broad term encompassing actions or activities often associated with initiations or Group associations which do not contribute to the positive development of a person; or which inflict or intend to cause mental, physical or emotional harm or anxieties; or which demean, degrade or disgrace any person regardless of location, intent or consent of participants.

In addition, hazing is often generally defined as any action or situation which endangers the mental, physical or emotional health of a Student for the purpose of initiation or full admission or affiliation with any organization operating under the sanction of LMU. The University believes that any activity which promotes a class or caste system within organizations is inappropriate. Subservience in any form is unacceptable.

Subsequently, activities which facilitate inappropriate levels of authority over other Students may be deemed as hazing and will not be allowed.

## III. Enforcement

It is the responsibility of all Students to be knowledgeable of this policy. It is also the responsibility of all Groups and Organization officers and advisors to inform members, associates and alumni of this Anti-Hazing Policy and to ensure that all Groups and Organizations adhere to this policy. Further, any Student found to be involved in any hazing activity will face disciplinary action and is subjected to a maximum sanction of dismissal from the University. In addition, any Organization found to be involved in any hazing activity, will face disciplinary action and the University may withdraw its official registration. Students and their Groups and Organizations are also subject to criminal and civil action as it relates to California law.

# Community Relations Policy

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## I. Introduction

Loyola Marymount University expects its Students to conduct themselves as mature, responsible and law-abiding members of their local and University communities. As such, LMU Students shall abide by and uphold all federal, state and city laws and ordinances including, without limitation, all laws and ordinances relating to noise, traffic, parking and consumption of alcohol. As responsible members of the University community, LMU Students are expected, by their conduct and actions, to foster an atmosphere which nurtures positive community relations between LMU, their local municipality and the community surrounding LMU.

## II. Policy

Loyola Marymount University may hold Students accountable for Student Conduct Code violations committed off campus which adversely affects LMU, its community standing and/or the pursuit of the mission, goals and objectives of the University.

Loyola Marymount University may also hold Student Organizations (including, but not limited to, Service Organizations, fraternities, sororities and sport club teams) as well as student athletic teams and affiliated groups accountable for Student Conduct Code violations committed off campus which adversely reflect upon or affect LMU, its community standing and/or the pursuit of the mission, goals and objectives of the University.

## III. Student Conduct Code & Policies Applicable to Off-Campus Activities

### Student Conduct Code, Section II. B.— Jurisdiction of the University

Jurisdiction extends to conduct which occurs on University premises, in Study Abroad programs or at University events, programs or activities, on and off campus, as well as to other off-campus misconduct that adversely affects the University, Students, the University's reputation or good will and/or the pursuit of the University's mission, goals and objectives.

### Student Conduct Code, Section II. C.— Inherent Authority

The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the University and University community. The University

also reserves the right to take necessary and appropriate action as a result of Student incidents off campus that may adversely affect the well-being, reputation or good will of the University, University Community, University Community members and/or the pursuit of the University's mission, goals or objectives.

### Student Conduct Code, Section II. G.— Violation of Law and this Community Relations Policy

Students may be subject to criminal, civil and University proceedings for acts that constitute violations of federal, state or local law and of this Student Conduct Code. Because of the need to efficiently, effectively and promptly protect the academic environment, University life and operations, Student Conduct Code proceedings will normally proceed without regard to or for the pendency of criminal or civil proceedings. Student Conduct Code proceedings are independent and will normally proceed without regard to the pendency or potential pendency of criminal or civil proceedings.

Students subject to actual or potential criminal charges relating to conduct alleged in pending Student Conduct Code proceedings may assert their Fifth Amendment privilege against self-incrimination during Student Conduct Code proceedings. While no inference of responsibility for Student Conduct Code violations will be drawn because of the assertion of the Fifth Amendment privilege, the Judicial Officer(s) will nonetheless evaluate all the other evidence in making their determination.

**Guest Policy**—Students are responsible for the conduct of their Guests (including, without limitation, in their residence) and may be held accountable under applicable policies and the Student Conduct Code for the conduct of their Guests whether or not the Student is present when the actionable conduct occurs. The University reserves the right to summarily exclude and deny campus access and presence to any non-LMU student from or attendance at any University event or sponsored activity.

## IV. Community Relations Responsibilities

Loyola Marymount University is located within an urban environment. The campus is surrounded by and adjacent to several municipalities and various residential neighborhoods. Responsibilities for off-campus conduct have been established in order to uphold standards



of behavior that should be demonstrated by Loyola Marymount University Students when off campus.

The following responsibilities are consistent with the educational role of the University, the rights and needs of all residents, city ordinances, standards of common courtesy and are directed toward encouraging and maintaining positive neighbor relationships.

The Community Relations Responsibilities include the following areas:

#### **A. Dual Membership:**

Students, Registered Student Organizations and affiliated groups are members of both the University and local communities. Accordingly, Students are responsible to all the communities of which they are a part. Students should uphold their joint responsibilities in a mature, lawful and appropriate manner. All off-campus Students are responsible for verifying their off-campus address with the University (Off-Campus Living Orientation and Address Policy).

#### **B. Upkeep and Beautification:**

Students, Registered Student Organizations and affiliated groups are expected to maintain a safe and clean environment for the health and well-being of themselves, their members, Guests and neighbors. Specifically, Students should:

1. Maintain their residences and property in accordance with all fire, health, zoning, building and safety codes;
2. Maintain lawn and landscaping on a regular basis in accordance with lease or occupancy agreement;
3. Dispose of litter, trash and garbage on a regular basis and in an appropriate manner.

#### **C. Traffic Safety:**

Students, Registered Student Organizations and affiliated groups should:

1. Comply with the laws and regulations of their municipality and the State of California and require their invited Guests and all who are consensually present at their residence or on their property to the same standards of conduct;
2. Advise household members, Guests and visitors to arrive and depart quietly, avoid disrupting neighbors and encourage safe driving;
3. Obey traffic signs as well as practice safe responsible driving.

#### **D. Relevant Municipal Codes:**

At a minimum, Students, Registered Student

Organizations and affiliated groups should be aware of the Los Angeles Municipal Codes which govern individual, group and residential property within the City of Los Angeles. In this policy we have highlighted a few of the most frequently referenced and relevant codes.

Students living outside the City of Los Angeles are responsible for familiarizing themselves with the local laws and ordinances governing their place of residence.

#### **E. Parking:**

Please visit [ladot.lacity.org/What-We-Do/Parking/Can-I-Park-There](http://ladot.lacity.org/What-We-Do/Parking/Can-I-Park-There) for a full list of traffic and parking violations.

The primary purpose for parking regulations is to proactively manage the City's scarce supply of on-street parking, promote the economic vitality of the city, to ease traffic congestion and to enhance the quality of life of City Residents.

1. No vehicle may be parked continuously at one location on any public roadway for more than 72 hours.
2. Parking is prohibited in alleys, except for the purpose of actively unloading goods or passengers.
3. Parking is prohibited in an intersection or a crosswalk, within 15 feet of a fire station driveway or fire hydrant, in front of a public or private driveway, on a sidewalk or parkway, on the roadway side of a parked vehicle (double parking), in a bus stop, in a tunnel, upon a bridge (unless otherwise posted) or in such a manner that obstructs the free use of the street.
4. Parking is prohibited in a center median strip, unless signs are posted permitting parking on the median.
5. Parking is prohibited in front of a public or private driveway (even your own driveway).
6. Be aware of signage when parking. Read all signs. They may include time frame restrictions and other parking guidelines.
7. Street sweeping signs are posted in areas of the City where there is a routine street sweeping schedule. Parking is prohibited on the designated days for the entire time posted on the sign.
8. Proactively educate all household members, Guests and visitors about neighborhood parking restrictions.

#### **F. Noise:**

Please visit [lacity.org/city-government/city-charter-rules-and-codes](http://lacity.org/city-government/city-charter-rules-and-codes) for a full list of noise ordinances and violations.

The Los Angeles Police Department is responsible for the enforcement of noise ordinance violations involving people-generated or controlled noises—which are considered disturbances of the peace. The following is a list of Los Angeles Municipal Code (LAMC) sections of the Noise Ordinance and a summary of the elements that constitute a violation:

SEC. 41.57. LOUD AND RAUCOUS NOISE PROHIBITED.  
(Added by Ord. No. 140,731, Eff. 8/24/70.)

(a) It is unlawful for any person to cause, allow or permit the emission or transmission of any loud or raucous noise from any sound making or sound amplifying device in his possession or under his control.

- (1) Upon any private property, or
- (2) Upon any public street alley, sidewalk or thoroughfare, or
- (3) In or upon any public park or other public place or property.

(b) The words “loud and raucous noise” as used herein shall mean any sound or any recording thereof when amplified or increased by any electrical, mechanical or other device to such volume, intensity or carrying power as to unreasonably interfere with the peace and quiet of other persons within or upon any one or more of such places or areas, or as to unreasonably annoy, disturb, impair or endanger the comfort, repose, health or safety of other persons within or upon any one or more of such places or areas.

The word “unreasonably” as used herein shall include but not be limited to, consideration of the hour, place, nature and circumstances of the emission or transmission of any such loud and raucous noise.

SEC. 112.01. RADIOS, TELEVISION SETS AND SIMILAR DEVICES. (Amended by Ord. No. 156,363, Eff. 3/29/82.)

(a) It shall be unlawful for any person within any zone of the City to use or operate any radio, musical instrument, phonograph, television receiver or other machine or device for the producing, reproducing or amplification of the human voice, music or any other sound, in such a manner, as to disturb the peace, quiet and comfort of neighbor occupants or any reasonable person residing or working in the area.

(b) Any noise level caused by such use or operation which is audible to the human ear at a distance in excess of 150 feet from the property line of the noise source, within any residential zone of the City or within 500 feet thereof, shall be a violation of the provisions of this section.

(c) Any noise level caused by such use or operation which exceeds the ambient noise level on the premises of any other occupied property, or if a condominium, apartment house, duplex or attached business, within any adjoining unit, by more than five (5) decibels shall be a violation of the provisions of this section.

116.1. LOUD, UNNECESSARY AND UNUSUAL NOISE.

Notwithstanding any other provisions of this chapter and in addition thereto, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

- (a) The level of noise;
- (b) Whether the nature of the noise is usual or unusual;
- (c) Whether the origin of the noise is natural or unnatural;
- (d) The level and intensity of the background noise, if any;
- (e) The proximity of the noise to residential sleeping facilities;
- (f) The nature and zoning of the area within which the noise emanates;
- (g) The density of the inhabitation of the area within which the noise emanates;
- (h) The time of the day and night the noise occurs;
- (i) The duration of the noise;
- (j) Whether the noise is recurrent, intermittent or constant; and
- (k) Whether the noise is produced by a commercial or noncommercial activity.

**G. Neighborhood Relations:**

Students, Registered Student Organizations and affiliated groups are required to follow good neighbor policies and relations, including, but not limited to,

1. Fostering and maintaining good community relations and cooperation with neighbors and authorities. Students are encouraged to introduce themselves to their neighbors;

2. Being responsible for their conduct and that of their attendees by actively encouraging attendees to adhere to the same standard (reference: Guest Policy);
3. Being respectful of and to local community members. Prohibited behavior includes, but is not limited to, littering, loitering, public urination, public nudity, using rude or abusive language, causing excessive noise and illegal parking;
4. Respecting the rights of others and following all existing laws and ordinances. All Registered Student Organization members are to be knowledgeable about the Los Angeles Noise Ordinance;
5. Taking active steps to prevent damage to others' property;
6. Being responsible for damage to others' properties;
7. Being responsible for making reasonable efforts to resolve neighborhood problems;
8. Using amplified sound in accordance with the law including, without limitation, the Los Angeles Noise Ordinance;
9. If Students witness or learn of dangerous or unlawful activities around their homes, they should promptly report it to the authorities. Dial 911 for an Emergency. The Los Angeles Police Department non-emergency dispatch can be reached at (877) 275- 5273. LAPD has enforcement authority to issue tickets and citations if municipal ordinances are being violated;

10. Knowing students' rights and responsibilities under California's Landlord Tenant Laws. This and other information for Students living off campus is available through the California Department of Consumer Affairs (800) 952-5210 or <http://www.dca.ca.gov>).

#### **H. Good Samaritan & Self-Reporting Policy:**

Students living off campus should make themselves familiar with the Good Samaritan & Self-Reporting Policy.

### **V. Disciplinary Action For Off-Campus Misconduct**

Violation of the Community Relations Policy will result in the initiation of disciplinary action for such violation(s) under the Student Conduct Code. The outcome of the disciplinary action will result in appropriate sanctions. Sanctions will vary depending on the nature of the offense.

**A.** The following examples of possible sanctions are not exclusive and may also include, but are not limited to: attending educational programs, restitution, community service, fines, suspension or dismissal from the University.

**B.** The University's disposition of individual cases does not preclude criminal prosecution in accordance with federal and/or state law.

**C.** All administrative or judicial action is subject to appeal in accordance with the procedures outlined in the Student Conduct Code.

# Confidentiality of Education Records Policy

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The Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, is a Federal law which governs Student privacy and confidentiality of student education records. Loyola Marymount University recognizes, abides by and enforces the confidentiality of Student records under FERPA.

Please see the University Bulletin for the full policy online at [bulletin.lmu.edu](http://bulletin.lmu.edu).

# Faculty/Staff-Student Dating Policy

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## Statement of Policy

As a University dedicated to fostering the dignity of each person, Loyola Marymount University strives to encourage learning and promote justice. The University seeks to create an environment that is free of exploitation and unlawful harassment or discrimination that undermines the integrity of the institution. The Faculty/Staff-Student Dating Policy does not alter, but is in addition to all federal and state laws regulating interpersonal conduct.

## Definitions

**Consensual Relationship**—A dating and/or sexual relationship willingly undertaken by the parties.

**Direct/Power Relationship**—Faculty or Staff-Student relationships in which the faculty or staff member is in a position of actual or apparent authority in activities including without limitation, teaching, advising, mentoring, supervising, directing, evaluating and/or conducting research with the Student.

**Faculty**—An employee of the University that has instructional, advisory, evaluative, supervisory and/or other professional responsibilities. The category of Faculty includes: Full-Time, Instructor, Assistant Professor, Associate Professor, Professor, Emeritus Faculty, Visiting Professor, Part-Time, Lecturer, Adjunct Professor, Clinical Professor, Clinical Supervisor, Teaching Assistant or Administrative Faculty.

**Staff**—An employee of the University other than faculty.

**Student**—An individual enrolled, or eligible to continue, in any full-time or part-time undergraduate or graduate program of Loyola Marymount University.

## Policy/Procedures

Loyola Marymount University prohibits consensual relationships of a dating, intimate and/or sexual nature between Faculty or Staff and any Student with whom the Faculty or Staff member is in a direct/power relationship. Furthermore, the University strongly discourages these consensual relationships even when no power relationship exists.

This policy is rooted in the recognition that Faculty-or Staff-Student relationships may be inherently unequal and contain an element of superiority or power. Consensual relationships between Faculty or Staff and Students may give rise to the perception by others that there is favoritism or bias in educational decisions affecting Students. These perceptions undermine the spirit of trust and mutual respect that is important to the University environment. This policy further strives to provide an environment that is free from Sexual Harassment.

The Faculty/Staff-Student Dating Policy does not alter, but is in addition to, all federal and state laws regulating interpersonal conduct.

# Freedom of Expression Policy

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As a private, Catholic university based in the Ignatian tradition, free inquiry and free expression are core principles to the attainment of the mission and goals of Loyola Marymount University: the encouragement of learning, the education of the whole person, the service of faith and the promotion of justice. We are a community committed to the proposition that a Loyola Marymount University educated Student be equipped to develop and articulate a point of view and sustain it in the face of contrary opinions. Therefore, Students are encouraged to develop the capacity for critical thought and to engage in on-going civil discourse.

As members of the Loyola Marymount University community, Students will be exposed to varying points of view and it is inevitable that Students will encounter others who think differently or those whose views they believe wrong or offensive. The university setting is one that welcomes and promotes intellectual inquiry, vigorous and respectful civil discourse and the freedom of expression of diverse ideas and points of view. Students are expected to respect the expressions of others, even when it makes them feel challenged or uncomfortable. It is within a civil and respectful community, like this University, that freedom of expression, debate and the exploration of competing views can best thrive.

The University seeks to ensure a fair and reasonable balance and coordination between two sets of important, and sometimes competing, rights. The first is the right of the members of the University community to pursue their academic and co-curricular objectives without unreasonable obstruction or hindrance. The second is the right of the members of the University community to express and communicate alternative, contrary or unpopular positions and beliefs as part of intellectual exploration, debate and the pursuit of truth and justice. The University affirms both sets of rights and believes that each can be fully exercised without compromising the other.

The expression of viewpoints, including those that are strongly held, often invites or elicit responses from others, including those with opposing positions and

viewpoints that are also strongly held. Organizers of any activity, demonstration or protest should be aware that others with opposing views may choose to share them and that their right to personal expression must also be permitted as defined in this policy. The safe, civil and educational expression of opposing views, particularly deeply emotional views, is especially important and is the responsibility of everyone involved.

Individuals, Registered Student Organizations or groups who organize any activity, demonstration or protest are responsible for conveying to all participants the consequences for failing to comply with the University's expectations. All Students and their Guests are expected to comply with the Student Conduct Code and abide by all safety regulations and University policies. As such, individuals, organizations or groups who organize activities, demonstrations or protests are accountable for their conduct as well as the conduct of their Guests and may be subject to disciplinary action as the responsible party for violations of University policy caused by their Guests.

Freedom of expression includes all forms of speech including, but not limited to, debates, speeches, symposia, posting of signs, posting on social media, petitioning, information dissemination, the formation of groups, participation in activities and the invitation of guest speakers to address the University community. It should also be understood and expressed that the positions or views espoused are those of the students or speakers and do not necessarily reflect the views or positions of the University.

While individuals, Registered Student Organizations and groups at Loyola Marymount University have the freedom to examine and discuss issues of interest to them and to express their opinions publicly and privately in the proper time, place and manner, the University has an obligation to, and will, maintain an environment where all are free to learn while protecting University and private property and processes from individual or collective actions that are, destructive, disruptive or interfere with activities of members of the community and its Guests.

# Gambling Policy

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Loyola Marymount University expects Students to abide by federal and state laws prohibiting illegal gambling. Such prohibited activity includes, but is not limited to:

- A.** Betting on, wagering on or selling pools on any athletic event;
- B.** Possessing on one's person or premises (e.g. room, residence, car) any card, book or other device for registering bets;
- C.** Knowingly permitting use of one's premises, one's telephone or other electronic communications devices for illegal gambling;

- D.** Knowingly receiving or delivering a letter, package or parcel related to illegal gambling;
- E.** Offering or accepting a bribe to influence the outcome of an athletic event;
- F.** Involvement in bookmaking or wagering pools with respect to sporting events. Students involved in illegal gambling, particularly bookmaking, risk suspension or dismissal from the University.

## Good Samaritan and Self-Reporting Policy

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The welfare of Students is of the highest importance to Loyola Marymount University. Students who are intoxicated or under the influence of a controlled substance at a level requiring medical attention, or the friends of such Students, should always seek appropriate assistance from Public Safety, Residential Life Staff, EMTs, Student Health Services or other local emergency services.

The purpose of this policy is to promote safety and to encourage Students and third parties to promptly notify the appropriate staff or local emergency services in the event of such need. By this policy, LMU seeks to encourage and minimize any hesitation a Student may have to obtain help for themselves, a fellow Student, friend or any individual in need.

In situations where a Student self-reports a high level of intoxication or being under the influence and requests medical assistance, Loyola Marymount University will support this self-reporting behavior by mitigating the resulting disciplinary actions. The Student will be referred to an educational program in an effort to learn and grow from the situation and the University may elect not to levy for certain Student Conduct Code violations.

Assisting Students who report sexual or interpersonal misconduct is of paramount importance to the University. In order to facilitate reporting, the University may choose not to charge Students who report sexual or interpersonal misconduct or any material witnesses thereto with Student Conduct Code violations for certain behavior that otherwise would be considered violations (e.g. underage consumption of alcohol and/or use of marijuana or other illegal drugs).

While the University reserves the right to refuse a grant of amnesty to reporters under certain extenuating circumstances, Student(s) requesting assistance on behalf of an intoxicated Student or assisting a Student(s) in reporting sexual or interpersonal misconduct will generally be granted amnesty for being a Good Samaritan. This policy only applies to alcohol and other drug violations and does not excuse behaviors which go beyond alcohol and other drug intoxication (these may include, but are not limited to, disorderly conduct, failure to cooperate, physical assault, Sexual Assault, sexual violence, vandalism, property damage, etc.). Criminal investigations and other police action may still occur at the discretion of the law enforcement agency responding to the incident.



## Guest Policy

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Under this policy, the term “Guest” has the meaning ascribed to it under the Student Conduct Code: person(s) to whom a Student is extending or has extended hospitality, an invitation or permission to be present or remain in, on or at the campus, University facilities or to attend University events on or off campus. Students are responsible for the conduct of their Guests (including, without limitation, in their residence) and may be held accountable under applicable policies and the Student Conduct Code for the conduct of their Guests whether or not the Student is present when the actionable conduct occurs. The University reserves the right to summarily exclude and deny campus access and presence to any non-LMU student from or attendance at any University event or sponsored activity.

# Involuntary Medical Leave of Absence Policy

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## Policy Statement

Loyola Marymount University strives to ensure that all Students can fully participate as members of the University community. When a student's behavior associated with a medical condition interferes with University operations, the University may require that the Student take a leave of absence to ensure the health and safety of the Student or others or to ensure the proper operation of the University. This policy sets forth the circumstances under which the University will require a medical leave of absence when all other processes to individually mitigate the situation have been exhausted. The policy creates two types of leave: Involuntary Medical Leave and Interim Emergency Leave. Interim Emergency Leave is temporary, but may be extended into Involuntary Medical Leave. This policy is independent and separate from the Student Conduct Code, and nothing in this policy precludes the University from taking appropriate disciplinary action under the Code for violations of University expectations.

## Protocol

### Involuntary Medical Leave

#### 1. Consideration for Involuntary Medical Leave

The University may start the process for possible Involuntary Medical Leave if the Dean of Students or designee determines that a student's behavior:

- a. Suggests that the Student might create a risk to the safety of the Student or others; or
- b. Suggests a risk that the educational and other activities of the University may be substantially disrupted.

#### 2. Process to Determine Whether Involuntary Medical Leave is required

- a. If a University faculty or staff member believes that a Student's behavior might create a risk to the health and safety of the Student or others, or the behavior substantially disrupts the educational and other activities of the University, the faculty or staff member must, through their regular supervisory channels or directly, report the behavior to the Dean of Students or designee.
- b. When an involuntary leave is under consideration,

the Dean of Students or designee will confer as feasible and when appropriate with any of the following individuals or their designees regarding the need for a leave of absence: the appropriate University Health Administrator, the Chief of the Department of Public Safety, the Senior Vice President for Student Affairs, the Dean of the student's college or school or such other individuals as may be appropriate in a particular matter. The Dean of Students may require a mental or physical assessment from an appropriately trained health professional if the dean believes it will facilitate a more informed decision. The University will consider the Student's choice of an appropriately trained health professional but retains the right to require an independent assessment.

As soon as practicable and so long as the University does not believe doing so will increase any health or safety risk to the Student or others, the University will notify the Student that the University is considering requiring an assessment from an appropriately trained health professional. If the Student is required to undergo an assessment, the Dean of Students or designee will notify the Student that they must undergo an assessment and might be placed on Involuntary Medical Leave.

The Student may provide the Dean of Students or designee with any information that the Student believes is relevant to the possibility of required Involuntary Medical Leave. The Student must agree to authorize the health professional performing the assessment to release the assessment to the Dean of Students or designee. The University will comply with laws and University policies concerning the confidentiality of this health information.

c. The health professional performing the individualized assessment of the Student must evaluate the following factors using reasonable, professional judgment based on the most current knowledge and the best available objective evidence:

- (1) The nature, duration and severity of any risk posed by the Student to the health and safety of the Student or others;
- (2) The probability that potential injury will actually occur;

(3) The nature, duration and severity of potentially reoccurring behaviors that substantially disrupt the educational and other activities of the University;

(4) The probability that substantially disruptive behaviors will occur; and

(5) Whether any reasonable modifications of policies, practices or procedures or other reasonable accommodation, such as required counseling or other treatment, will sufficiently mitigate any risk or disruptive behavior.

The health professional performing the assessment, the Dean of Students or designee and the University Health Administrator may consult with one another concerning potential reasonable modifications or accommodations.

d. The health professional performing the individualized assessment will provide a written report to the Dean of Students or designee addressing the factors in Section 2(c), and addressing any other information that the health professional believes is relevant to whether the Student creates a risk to the health and safety of the Student or others, or a risk of substantially disruptive behavior.

e. Within seven calendar days after receipt of the written report if an assessment is required, or notice to the Student of the possibility of involuntary leave if no assessment is required, the Dean of Students or designee will make a decision concerning whether the Student must take an Involuntary Medical Leave or if other mitigations of risk are required. The Dean of Students or designee may consult with the appropriate University Health Administrator, the Chief of the Department of Public Safety, the Senior Vice President for Student Affairs, the Dean of the Student's college or school or such other individuals as may be appropriate in a particular matter before making the decision. The Dean of Students or designee must consider the assessment report, if one was required, and any relevant information provided by the Student, and must evaluate the factors outlined in Section 2(c) in making the decision.

f. The Dean of Students or designee will notify the Student in writing of the decision and, if an Involuntary Medical Leave is required, any conditions for return from leave. Conditions will be reasonable and based on an individualized assessment of the actual risk posed by the Student. The University may also require other neutral, nondiscriminatory return from leave requirements that are the same as they would be for any other Student on a leave of absence. If the

University requires Involuntary Medical Leave, the Dean of Students or designee will notify the Registrar, the Dean or designee in the Student's school or college, the Student Housing Office (if resident) and Financial Aid Office.

### 3. Effects of Involuntary Medical Leave and Conditions of Return from Leave

To return from leave, the Student must apply in writing to the Dean of Students no later than four weeks in advance of the semester in which the Student wishes to return. The Student must demonstrate compliance with any conditions for return from leave that were specified in the Student's letter under section 2(f) or otherwise required of nondisabled Students, and provide the Dean of Students with evidence that the Student has met the outlined conditions.

In addition, the return from leave request must include (a) a personal statement from the Student describing the Student's attempts to resolve the issues that led to the Involuntary Medical Leave; (b) evidence of the Student's readiness to return as documented by letters from individuals from whom the Student received care or from employers; and (c) permission for Student Psychological Services (SPS) or Student Health Services (SHS) to consult with health care providers from whom the Student received treatment, and the providers' contact information.

If the Student has been placed on Involuntary Medical Leave more than once, the request for return from leave and supporting information should also specifically address the Student's past history, including any evidence that the Student has taken steps to reduce the risk of reoccurrence of the behavior that led to the leave of absence and evidence, including medical evidence, that the Student is presently able to meet the University's requirements.

After the return from leave request has been provided to the University, the Student must meet with the Dean of Students before return from leave so the Dean of Students may assess the Student's compliance with any return from leave conditions and evaluate any issues arising out of the Student's submission.

The Dean of Students will assess a Student's request for return from leave in consultation with a University Health Administrator. The Dean of Students or designee will notify the Student in writing of the decision regarding return from leave. If return from leave is permitted, the Dean of Students will advise the Registrar, the Student's academic Dean or designee and the Financial Aid Office.

#### 4. Appeal from a Decision to Require Involuntary Medical Leave

A Student may appeal the University's decision to require Involuntary Medical Leave or to deny a return from leave if the Student believes the factual information on which the University relied was not accurate or does not support the decision. An appeal must be in writing, addressed to the Senior Vice President for Student Affairs, and be submitted within ten calendar days of the decision. The Senior Vice President for Student Affairs may take any steps deemed appropriate to decide the appeal and will issue a decision to the Student in writing within ten calendar days of receiving the appeal. The University may implement or enforce its decision even where an appeal is pending.

#### **Interim Emergency Leave**

##### 1. Consideration for Interim Emergency Leave

If a University faculty or staff member reports a Student's behavior to the Dean of Students or designee, and the Dean of Students or designee determines that the Student's behavior poses an immediate risk of substantial disruption to the educational and other activities of the University or an immediate risk to the health and safety of others or to the Student, the Dean of Students or designee may require an immediate Interim Emergency Leave pending completion of the Involuntary Medical Leave process.

The Dean of Students or designee will make an effort to meet with the Student before requiring Interim

Emergency Leave pending evaluation for Involuntary Medical Leave. The Dean of Students or designee will provide the Student written notice of Interim Emergency Leave, although such notice may, when necessary, be provided after verbal notice of required Interim Emergency Leave.

The Dean of Students or designee may restrict the Student's access to any or all of the University's programs, services and facilities, pending a final decision concerning Involuntary Medical Leave, including academic programs, Student Housing and other nonacademic activities. Any such restrictions will be in the written notice.

##### 2. Appeal of Interim Emergency Leave

If the process to determine whether to require Involuntary Medical Leave is not completed within three business days following imposition of Interim Emergency Leave, a Student may appeal the University's decision to require Interim Emergency Leave by writing to the Senior Vice President for Student Affairs. The Senior Vice President of Student Affairs may take any steps deemed appropriate to decide the appeal and will issue a decision to the Student in writing within three business days following the Senior Vice President's receipt of the appeal.

#### **Confidentiality**

The University will comply with laws and University policies concerning the confidentiality of information related to this policy.

# Missing Resident Student Procedures

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While many missing resident Student reports at universities are the result of a Student changing their normal routine and neglecting to inform roommates, friends and/ or family of their whereabouts, Loyola Marymount University takes reports of missing resident Students seriously. The University handles missing resident Student reports pursuant to the following procedures.

The University defines a missing resident Student as any currently enrolled resident Student who has not been in contact with roommates, friends, family, faculty or staff for a reasonable period of time (usually a period of 24-hours) and whose whereabouts have been questioned and brought to the attention of a University official.

Any member of the University community who has reason to believe a Student residing in on-campus housing has been missing for 24-hours should immediately contact the Department of Public Safety at (310) 338-2893.

In addition to registering a general emergency contact, Students residing in on-campus housing have the option to confidentially identify one or more individuals to be contacted by the University in the event the Student has been determined to be missing for 24-hours or is otherwise determined to be missing (“Confidential Contact”). A Student who wishes to designate a Confidential Contact may do so at the same time they provide general emergency contact information or by

contacting Student Housing. The Confidential Contact will remain until revoked or changed by the Student. The Confidential Contact information will be kept confidential and will be accessible only to authorized University officials and law enforcement in furtherance of a missing person investigation.

When the Department of Public Safety receives a missing resident Student report, it will promptly initiate an investigation and notify the Student Affairs Dean’s Office of the investigation. If a Student has designated a Confidential Contact(s), the Student Affairs Dean’s Office will notify the Confidential Contact(s) within 24-hours of the determination that the Student is missing. In the event that the missing resident Student is a minor (under the age of 18 years) and is not emancipated, the parent or legal guardian, if different than the designated Confidential Contact, will also be notified within 24-hours of the determination that the Student is missing. The Department of Public Safety will notify the appropriate law enforcement agencies within 24-hours of the determination that the Student is missing.

In the event that the University is notified of a missing Student who resides off campus, the Department of Public Safety will refer the reporting party to the appropriate local law enforcement agency, or if necessary, refer the case directly to the appropriate local law enforcement agency.

# Off-Campus Events with Provided Transportation Policy

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## I. Introduction

This policy applies to all off-campus events, as defined herein, where the sponsoring organization provides transportation (including, but not limited to, buses and limousines) and alcohol may or may not be sold, provided or consumed by guests prior to and/or at the event. This policy applies regardless of where the transportation originates. Moderators/advisors are not required to attend these events.

Organizations may not contract with third-party event promoters. Individuals are expressly prohibited from sponsoring such events.

In all cases involving Student misconduct on or off campus, Loyola Marymount University reserves the right to exercise judicial action. Sponsoring organizations, members, Guests or LMU community members found responsible for violating the Student Conduct Code will be subject to the same sanctions imposed for on-campus violations.

## II. Policy

Loyola Marymount University may hold Registered Student Organizations and/or individual Students accountable for violations of registration and/or processes and protocols for any off-campus events with alcohol and/or provided transportation.

## III. Off-Campus Events with Provided Transportation and Alcohol

A. The following types of events are covered under this policy:

1. Closed Events are off-campus events open to a single sponsoring organization's members and no more than one invited guests per member. Examples of such events are formals, pledge-active parties, date nights or crush parties. Closed Events may only occur on Friday or Saturday.
2. Ticketed Events are off-campus events open to all LMU Students and do not qualify as "Closed Events" and are sponsored by a single organization. The venue must be reserved exclusively for this event. All LMU Ticketed Events may only occur on Friday or Saturday.
3. All other off-campus events where transportation is provided and alcohol is sold, provided or consumed by

guests prior, to and/or at the event are prohibited.

Sponsoring prohibited off-campus events shall result in referral to the Department of Judicial Affairs.

B. The following responsibilities apply to all off-campus events where alcohol is sold, provided or consumed by guests prior to and/or at the event:

1. Sponsoring organizations must submit a completed Off-Campus Event Form to Student Leadership & Development at least 15 business days before the requested event;
2. Alcohol and other drugs are not permitted during loading, unloading or transit;
3. Overnight off-campus events with alcohol are not permitted. Examples of such events are formals, camping trips, organization sponsored senior trips or member only events with Guests;
4. The sponsoring organization must follow the transportation loading protocol;
5. Transportation must be provided in the form of buses and/or limousines that are selected from the current University approved list (accessible by request from Student Leadership & Development);
6. Buses and limousines must leave campus no later than 9:00 p.m. and return to campus no later than 1:00 a.m.;
7. A 10:1 ratio of Event Monitors is required. Training is required for all individuals serving as event monitors prior to the event.

## IV. Off-Campus Events with Provided Transportation and no Alcohol

A. Off-campus events with provided transportation and no alcohol may include, but are not limited to, retreats, exchanges, sporting events, excursions in Los Angeles and service projects.

B. The following responsibilities apply to all off-campus events where transportation is provided by bus or limousine and alcohol is not sold, provided or consumed by guests prior to and/or at the event:

1. Sponsoring organizations must submit a completed Off-Campus Event Form to Student Leadership & Development at least 10 business days before the requested event;

2. Sponsoring organizations must follow the transportation loading protocol;
3. Buses or limousines used must be selected from the current University approved list (accessible by request from Student Leadership & Development);
4. A 30:1 ratio of Event Monitors is required. Training is required for all individuals serving as event monitors prior to the event.

# Off-Campus Living Orientation and Address Policy

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## I. Introduction

In an effort to provide greater support and guidance, Off-Campus Student Life offers online orientation to off-campus living. The online orientation highlights Student rights and responsibilities and reiterates some of the University's expectations of Students living off campus.

Since many LMU Students live off campus in the neighborhoods surrounding or near the campus, the University is interested in and has a need for collecting accurate current local address information for these Students. This information will, among other things, help with University planning, maintaining campus and University community safety and security, emergency communication and aid the University in effectively communicating with Students.

## II. Definitions

For purposes of this policy, “**address**” is defined as the address at which the Student resides during the week while attending classes at the University. A post office box cannot be used for a local address.

## III. Policy

The University requires all Students living off campus to participate in an online orientation and to report, and update as necessary, current residence address information.

Failure to report, and update as necessary, accurate address information will constitute a violation of this policy and may result in a registration hold and/or disciplinary action.

## IV. Implementation

### A. Off-Campus Living Orientation and Address Verification

Once each academic year, all Students living off campus

will be prompted to complete the online Off-Campus Living Orientation and Address Verification process.

### B. Verifying Accuracy of Address Information

In order to complete the online orientation, the Student must provide the University with documentation that verifies their current address. This documentation must have the Student's name and address on it. These documents can include but are not limited to:

- Utility bills
- Leases
- Magazine subscriptions

Note: Off-Campus Student Life does not recognize driver's licenses as official documentation.

Off-Campus Student Life will routinely audit the accuracy of the local addresses for all Students living off campus.

More details about the Off-Campus Living Orientation and Address Verification process can be found on the Off-Campus Student Life webpage at [lmu.edu/ocsl](http://lmu.edu/ocsl).

## V. Disciplinary Action for Failing to Register Address

Violation of the Off-Campus Living Orientation and Address Policy will result in the initiation of disciplinary action for such violation(s) under the Student Conduct Code. The outcome of the disciplinary action will result in appropriate sanctions. Sanctions will vary depending on the nature of the offense.



# Personal Transportation Policy

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## I. Introduction

Subject to this policy and while exercising common sense and prudent judgment, Students, faculty, staff and visitors may use personal transportation, such as skateboards, bicycles, self-propelled scooters and in-line skates on campus. Campus community members, visitors and personal transportation users (“riders”) must recognize and understand that the LMU campus is in an urban setting and those who choose to ride personal transportation always do so at their own risk. Riders are expected and required to adhere to the following policy and to exercise due care and caution at all times for their safety and the safety of others.

## II. Policy

### General Use

- A. Riding personal transportation is prohibited inside all campus buildings and in designated dismount zones.
- B. The use of personal transportation for tricks, jumps, rail slides, grinds, etc., is prohibited.
- C. Riders must always give pedestrians the right of way.
- D. Riders are expected to obey all campus traffic signs, including stop signs.
- E. Riders are to remain in designated bike lanes whenever possible and refrain from riding in or traversing traffic lanes. Care must be taken at all intersections.
- F. Hitching onto another moving vehicle is strictly prohibited.
- G. Riders may not impede or interfere with pedestrian traffic or the flow of motorized vehicles throughout campus.
- H. Riders are expected to exercise care and courtesy at all times.
- I. Motorized scooters, skateboards or similar motorized modes of transportation are not permitted on sidewalks,

stairs, pool areas, athletic fields, amphitheater seating and in designated dismount zones.

J. Modes of personal transportation designed specifically for persons with disabilities (e.g. motorized wheelchairs) are permitted in the dismount zones.

K. Use of hoverboards (self-balancing scooterboards) is not permitted on campus.

### Dismount Zones

In order to minimize risks to the safety of all community members, riders must dismount all forms of personal transportation in designated zones from 8:30 a.m. until 4:00 p.m., Monday through Friday. Please see a campus map for more details. There are three designated dismount zones:

Palm Walk—Ignatian Circle at Malone/Foley Annex to the William H. Hannon Library.

Leavey Campus Promenade—William H. Hannon Library to the fourth-floor entrance to University Hall.

LMU Drive Hill—(Bikes excepted) LMU Drive and sidewalk from the stop sign at the Southwest end of Rains Hall to the East end of University Hall.

## III. Enforcement

Violators of this policy may be subject to the following sanctions:

### A. First Violation:

1. Citation and \$50 fine.
2. The mode of transportation may be confiscated.

### B. Second and subsequent violations:

1. Citation and \$50 fine.
2. The mode of transportation may be confiscated.
3. Rider may be referred to Judicial Affairs for Student Conduct Code proceedings.

# Sorority and Fraternity Policy

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## I. Introduction

**A.** Loyola Marymount University has developed criteria for the recognition of Greek-lettered organizations. The relationship between these recognized organizations and the University is based on trust, collaboration, cooperation and the resulting mutual benefits to the University and the Sorority and Fraternity community.

**B.** Greek-lettered organizations enhance participation in the cultural, academic, social, service, philanthropic and spiritual life of LMU. The individual and group performance of members of Greek-lettered organizations should always uphold those values stated in the chapters' constitutions and/or by-laws. By virtue of the University's recognition of each organization's stated principles and ideals, the University expects that the goals of Greek-lettered organizations will be implemented in a manner that is compatible with the goals and mission of the LMU community. Therefore, the University will hold each organization to the standards and policies set forth by their national organizations in areas including, but not limited to, academics, programming, risk management, new member and member education, service and values congruence.

**C.** It is the practice of LMU to recognize only fraternity and sorority chapters that are chartered solely at the University. Accordingly, the University generally will not recognize or sanction events and activities/circumstances where students are involved via affiliation with other fraternal organizations not recognized at LMU.

**D.** As stated in LMU's goals, the ultimate objective of the LMU experience, both in and outside of the classroom, is to educate and develop mature, responsible members of the community. Accordingly, it is important that each recognized chapter's values and founding principles be congruent with these goals. Recognized Greek-lettered organizations are permitted certain privileges and, correspondingly, must undertake certain responsibilities within this community.

**E.** When LMU or/and LMU Students are involved, the LMU Student Conduct Code and all other LMU policies supersede and preempt any and all inconsistent or contrary regulations, policies and/or decisions made by registered Greek-lettered organizations and/or their inter/national organizations and their affiliates.

## II. Policy

Loyola Marymount University may hold Greek-lettered organizations accountable for violations of organization responsibilities and university policies.

## III. Privileges

**Recognized Greek-lettered organizations may:**

**A.** In accordance with their national organization and LMU's policies, recruit on campus and execute membership selection.

**B.** Receive all benefits afforded to Registered Student Organizations.

**C.** Participate as a unit in campus activities.

**D.** Request student activity fee funding through ASLMU and grants through the LMU Greek Life Fund.

**E.** Receive assistance from a University advisor who will assist them with chapter development and serve as a liaison among constituencies.

**F.** Participate in self-governing activities through the respective governing council.

**G.** Provide the opportunity for participation in educational experiences.

## IV. Responsibilities

**Greek-lettered organizations must:**

**A.** Instill the values of their organizations and the institution through integration of their values, missions and standards into the organization, membership and programming of the chapter.

**B.** Be knowledgeable of and adhere to local, state and federal laws, all University codes, policies and regulations, including, but not limited to, the Anti-Hazing Policy, Alcohol and Drug Policy, Community Relations Policy, Technology & Social Media Policy, Off-Campus Events with Alcohol and/or Provided Transportation Policy, Student-on-Student Sexual and Interpersonal Misconduct Policy and Protocol and Good Samaritan and Self-Reporting Policy.

**C.** Be knowledgeable of and adhere to their sponsoring inter/national organization policies, including, but not

limited to, risk management and anti-hazing and remain in good standing with their sponsoring inter/national organization and the University.

**D.** Obtain and maintain a proper tax-identification number under the Internal Revenue Code as a not-for-profit, social fraternity or sorority. Organizations that have this IRS designation are legally entitled to single sex membership based on Section 86.14 of the regulations announced under Title IX of the U.S. Education Act Amendments of 1972.

**E.** Submit a certificate of insurance each year upon policy renewal documenting comprehensive insurance coverage, naming LMU as additional insured with limits approved by the University and including host liquor liability.

**F.** Register or renew at the beginning of each semester with Student Leadership & Development in order to maintain their fraternal recognition status with the University.

**G.** Submit appropriate semester reporting forms, including, but not limited to, membership rosters, officer contact information, schedule of events, new member activities and philanthropic social and service events, philanthropic dollars and service hours.

**H.** Maintain minimum active membership of five matriculated students.

**I.** Require that all new members be matriculated Students have completed 12 graded academic units and earned a minimum 2.50 cumulative GPA in order to join the organization. Spring first-time, first-year Students and transfer Students are eligible to participate in spring recruitment. Fall first-time transfer Students are eligible to participate in fall recruitment with prior completion of 12 graded academic units.

**J.** Update membership rosters each academic term with all new and active members, as instructed by Student Leadership & Development.

**K.** Actively participate in the respective governing organization at LMU and Gavel Club.

**L.** Actively participate in required programs sponsored by the Greek governing organization and Student Leadership & Development.

**M.** Foster an atmosphere within the chapter that is supportive of high academic standards and maintain a chapter GPA equal to or above the respective All Men's or All Women's GPA each term.

**N.** Require that all members of the organization are matriculated Students of the University and remain in good standing with the University. For undergraduate Students this is a minimum cumulative and term GPA of 2.00. Undergraduate Students must maintain a minimum cumulative and term GPA of 2.50 or higher and deemed by the Department of Judicial Affairs to be in good behavioral standing in order to be eligible to serve in a leadership position in a Greek-lettered organization. Individual sorority & fraternity chapters may impose a higher standard.

**O.** Contribute positively to the LMU Sorority & Fraternity Life community. See the LMU EXP for Sorority & Fraternity Life Member Experience requirements.

**P.** Have an LMU staff member appointed as an on-campus staff advisor.

**Q.** Have an LMU faculty member serve as an on-campus faculty advisor.

**R.** Have an off-campus advisor appointed by the inter/national or regional organization.

**S.** Maintain, encourage and foster positive community relations. Members living in the community represent their organization and repeated or material complaints which adversely reflect upon or affect LMU, its community standing and/or the pursuit of the mission, goals and objectives of the University may be treated as both individual and organizational code and policy violations and sanctioned accordingly.

**T.** Implement an internal judicial system within the chapter, providing monthly reports to the Sorority & Fraternity Life office.

**U.** Prohibit opposite sex big brother/little sister, big sister/little brother or similar programs.

**V.** Complete any new member/intake education and initiation processes at least 10 days before the first day of finals each semester and must be no longer than eight weeks. A full schedule and activities for any new member/intake education and initiation processes must be submitted for approval to the University 10 days prior to the start of recruitment.

## **V. Governance Structure**

The respective council(s) shall officially represent and govern all registered fraternities and sororities. The council(s) shall be composed of one voting representative from each registered fraternity and sorority, as well as the executive officers.

## VI. Expansion Philosophy

A. As a private institution, LMU chooses to intentionally and carefully manage the growth and expansion of Greek-lettered organizations. LMU seeks organizations that promote ideals consistent with those of the University to educate and develop mature and responsible community members and that are willing to commit the financial and human resources necessary to assure achievement of those ideals. The University's overall objective is to select organizations that will positively contribute to the overall undergraduate experience and enhance the campus community.

B. The process to recognize additional fraternities and sororities at LMU will always be initiated and conducted by Student Leadership & Development. Student Leadership & Development's determination of readiness for expansion will be based on size and viability of the current Greek community, the availability of campus resources and personnel to support additional chapters, and the interest of unaffiliated students at LMU, in addition to interest from any national organizations.

## VII. Expansion Process

In accordance with the Expansion Philosophy, when Student Leadership & Development determines that the campus can effectively support Greek organization expansion, the process outlined below will be followed:

A. Appropriate organizations with official letters of interest on file with Student Leadership & Development will be notified that LMU is open for expansion. Additional organizations will be informed as needed.

B. Interested organizations will be invited to submit proposals.

C. All organizations submitting proposals that meet the criteria for recognition will be reviewed by an expansion committee established by Student Leadership & Development.

D. One or more prospective organizations may be selected to participate in a presentation process on campus.

E. Following the presentation process, the respective council, the expansion committee and the NPC, NIC, NPHC, NALFO, NAPA or Multicultural chapters when appropriate, may submit their recommendations and/or endorsements to the Senior Vice President for Student Affairs.

F. An invitation for recognition may be granted at the discretion of the Senior Vice President for Student Affairs.

G. Unrecognized Greek-lettered organizations are prohibited from operating at LMU without having successfully completed the University expansion process resulting in an invitation to be recognized at LMU.

H. A chapter will be designated as provisional when their membership total falls below five members who attend the University. There is a four-semester grace period during which the chapter may be on a provisional status. After the fourth semester, the organization may petition for an additional semester to increase membership to the minimum. Once the provisional status period has elapsed, if the chapter has not met the minimum membership size, the chapter will be considered dormant.

## VIII. Recognition Criteria

In addition to the potential organization's willingness to adhere to the expectations listed in the Responsibility section, prior to beginning the presentation and approval process, each Greek organization must provide evidence of the following:

A. A proper tax-identification number under the Internal Revenue Code as a not-for-profit, social fraternity or sorority. Organizations that have this IRS designation are legally entitled to single-sex membership based on Section 86.14 of the regulations announced under Title IX of the U.S. Education Act Amendments of 1972.

B. Ability to carry a current comprehensive insurance policy naming LMU as additional insured with limits approved by the University and host liquor liability.

## IX. Policy Violations and Changes in University Recognition Status

A. Alleged violations of the Council(s) Constitution, By-Laws or Standing Rules shall be addressed by the processes outlined in those governing documents.

B. Violations of University policies referred to the Department of Judicial Affairs will be adjudicated by a judicial officer(s) or the Greek Hearing Board using the process outlined in the Student Conduct Code. Sanctions for organizational misconduct found through the judicial process may include revocation or denial of registration, as well as other appropriate sanctions, pursuant to Section V of the Student Conduct Code.

C. Violations of the Sorority and Fraternity Policy not referred to the Department of Judicial Affairs may be addressed by Student Leadership & Development. Interim responsive measures may be imposed including, but not limited to, suspension of activities, meetings and programs

until compliance with applicable provisions is achieved and resulting effects are appropriately mitigated.

**D.** National organizations and chapter advisors may be notified of any alleged violations or findings of responsibility of the Council(s), University and Sorority and Fraternity policies, as well as any new or on-going Department of Public Safety investigations.

# Student Activity Approval Policy

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## Introduction

As a private Catholic university, based in the Ignatian tradition, all Student events and activities should align with the mission and goals of Loyola Marymount University: the encouragement of learning, the education of the whole person, the service of faith and the promotion of justice. Understanding the University, its mission and how to best align with them is a core requirement for planning activities, selecting films, inviting campus speakers and performers or planning campus entertainment events. Students are encouraged to plan a variety of events and activities that enliven the campus, promote student learning, encourage critical thinking and engage the University community with our mission and identity in mind.

## Policy

Registered Student Organizations must seek approval for all events, activities and speakers through the Activity Planner and Event Proposal Process coordinated through Student Leadership & Development. Departmental Student Programs must work with their departmental staff to seek approval for all events, activities and speakers. The review of each event will include, but is not limited to, the content of the program, impact on human and/or financial resources, ability to maintain

orderly operation of the campus and the health and safety of the community.

The Guiding Principles for Student Programming will be used by the staff in Student Leadership & Development or the departmental staff to determine the congruence of each event with the University's mission. In some cases the event may not be approved or the format of the event may need to be modified before final approval is given. In some situations, final authorization for an event, activity or speaker may be sought by Student Leadership & Development or the departmental staff from the Senior Vice President for Student Affairs.

All applicable University policies, including those governing student events, safety, ticket sales, amplification catering, etc., must be observed while planning and implementing the event. Student organizers are expected to familiarize themselves with the Student Conduct Code, as well as the event planning guidelines published by Student Leadership & Development, prior to submitting event requests.

Registered Student Organization and Departmental Student Programs sponsorship of an event, activity or speaker does not imply University approval or endorsement of the views presented.

# Student Identification Policy

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Students are required to carry a government-issued identification card and their LMU OneCard with them at all times. Their government-issued identification card and LMU OneCard shall be presented to LMU Department of Public Safety officers and University officials upon request.

# Student Involvement Policy

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## I. Introduction

As a student-centered, Catholic university rooted in the Jesuit and Marymount traditions, Loyola Marymount University values the creation of a campus community in which all members are appreciated, respected and free to develop their personal gifts.

The University recognizes the importance of undergraduate and graduate Registered Student Organizations and Departmental Student Programs in fostering the educational mission of the University and provides support through the department of Student Leadership & Development and the Division of Student Affairs. Student involvement outside of the classroom provides significant personal and professional development opportunities for the Students involved, however, it should not be at the expense of academic success. As such, the following academic and discipline standards have been set forth in this policy to assist with Students' academic success.

## II. Definitions

### Registered Student Organizations

Registered Student Organizations contribute to the University's mission and culture by regularly hosting events for their members, their guests and the University community. The complexity or scope of their events is generally moderate in nature. The activities, direction, leadership and decisions of Registered Student Organizations rest mostly in the hands of the student leaders and members of the organization. Registered Student Organizations must apply annually to receive formal registration from the University. Oversight of Registered Student Organizations comes from Student Leadership & Development.

### Departmental Student Programs

Departmental Student Programs operate under the direct guidance and supervision of a University department and are considered to have the closest relationship with the University. Their purpose, activities and functions are seen as key elements in carrying out the University's mission. They provide a service to the University and are integral to the function of the department and/or University. Student leaders of Departmental Student Programs are typically chosen or selected by the department, must adhere to the leadership position eligibility in this policy and in

some cases may even be compensated. Departmental Student Programs receive their recognition and approval from the Senior Vice President for Student Affairs and oversight of the Departmental Student Program and their events and services comes from the department that oversees them. Intercollegiate Athletics Department Teams are not considered Departmental Student Programs or subject to this policy.

## III. Policy

### A. Membership Eligibility

1. Academic Standing: Students must typically be full-time undergraduate Students or matriculated graduate Students at Loyola Marymount University. Students must be in good academic standing and may not be on academic probation or subject to disqualification per the University Bulletin in order to be eligible to participate as a member of a Registered Student Organization or Departmental Student Program. Undergraduate students must maintain a C average (2.0) term and cumulative GPA. Graduate students must maintain a B average (3.0) term and cumulative GPA. Registered Student Organizations and Departmental Student Programs may impose a higher standard. Members may be removed from the organization if they do not meet the eligibility requirements.
2. Registered Student Organizations and Departmental Student Programs that have and follow an established member academic improvement program approved by Student Leadership & Development or their respective departments may be given deference to handle membership GPA eligibility issues within their organization or program.

### B. Leadership Position Eligibility

1. Academic Standing: Students must be in good academic standing and may not be on academic probation or subject to disqualification per the University Bulletin in order to be eligible to participate as a leader of a Departmental Student Program. Undergraduate students must maintain a minimum 2.5 term and cumulative GPA. Graduate students must maintain a minimum 3.0 term and cumulative GPA.
  - a. A higher academic standard may be imposed by Departmental Student Programs for their respective programs.



b. Departmental Student Programs that have and follow an established Student leader academic improvement program approved by their respective department may be given deference to handle leadership GPA eligibility issues within their program.

2. Discipline Status: All student must also be deemed by Judicial Affairs to be in good disciplinary standing in order to be eligible to serve in a leadership position for a Departmental Student Program.

# Tailgate Policy

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The Senior Vice President for Student Affairs may approve tailgate events to be held in a designated area immediately preceding any home NCAA game. Students, faculty, staff and Guests who are age 21 and older may responsibly consume alcoholic beverages in the designated area only during the hours set for the event. This policy does not supersede federal, state and city laws and regulations governing sale, consumption and dispensing of alcoholic beverages or any NCAA regulations. Exceptions to this policy must be approved by the Senior Vice President for Student Affairs.

# Technology & Social Media Policy

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## I. Introduction

In an environment where new and existing information technologies and related platforms, mediums, systems, devices and uses are continually being developed and evolving, Loyola Marymount University acknowledges the prevalence of technology, including specifically social media, as an exponentially growing and prominent form of commerce and social interaction. As responsible members of the LMU Community, Students are expected to use all forms of technology and social media lawfully and to interact respectfully with others through technology and social media. In other words, LMU will apply the same laws, codes and regulations irrespective of the communication platform (e.g. face-to-face, via phone, email or social media).

## II. Policy

LMU students are personally responsible for any content they post on social media, the Internet or through any technological device. Generally speaking, with respect to technology and social media, LMU will not regularly monitor the language and/or actions on such devices or media. The University will defer to the user policies of the individual social medium. However, LMU will hold Students accountable for Student Conduct Code violations reported or learned from Student uses of technology and social media.

## III. Policies Applicable to Technology and Social Networking Use

**A. ITS Acceptable Use Policy:** Students are required to follow the Individual Responsibilities that are listed in the Acceptable Use of Information Technology Resources guidelines (which can be found at [its.lmu.edu/media/its/LMU\\_AUP\\_2017.pdf](https://its.lmu.edu/media/its/LMU_AUP_2017.pdf)).

**B. Federal, State and Local Laws:** Students are required to adhere to all federal, state and local laws and codes.

**C. Student Conduct Code:** Section III of the Student Conduct Code outlines prohibited conduct. Such prohibited conduct includes behavior that occurs via technology or within the framework of social media. This includes:

1. Unauthorized use of any University mark, logo or intellectual property, which includes usages for social

media content.

2. Bullying, or as defined in Section II of the Student Conduct Code, an intentional course of conduct, individual act or series of acts that is intended to inappropriately impose one's will or desire and causes harm to others, and may include verbal or non-verbal threats, Assault, Stalking and/or other methods of attempted coercion such as manipulation, blackmail or extortion.

## IV. Guidelines

The following guidelines are consistent with the educational role of the University. Potential misuses of technology and social media include, but are not limited to:

### A. Medium: E-mail Potential Misuses:

1. Sending messages with harassing, threatening or inappropriate comments, images or videos;
2. Disseminating confidential e-mails without consent;
3. Sending unwanted messages repeatedly;
4. Hacking into another person's account.

### B. Medium: Mobile Devices Potential Misuses:

1. Making harassing, threatening or inappropriate calls;
2. Sending harassing, threatening or inappropriate text messages;
3. Taking or sending inappropriate and/or unsolicited photos or videos;
4. Using another person's device without their permission.

### C. Medium: Instant Messaging Potential Misuses:

1. Sending inappropriate and/or unsolicited photos or videos;
2. Sending harassing, threatening or inappropriate messages;
3. Hacking into another person's account or using their screen name to harass others.

### D. Medium: Chat Rooms and Message Boards Potential Misuses:

1. Sending harassing, threatening or inappropriate messages, photos or videos;
2. Misleading people into sharing private information that leads to exploitation.

**E. Medium: Video-Hosting Sites Potential Misuses**

1. Posting inappropriate or humiliating videos of self or others;
2. Posting unwanted or unsolicited videos of others.

**F. Medium: Webcam Potential Misuses:**

1. Producing and/or sharing inappropriate or humiliating material;
2. Behaving inappropriately on a webcam;
3. Using a webcam to take photos or videos of someone without their consent.

**G. Medium: Social Networking Sites Potential Misuses:**

1. Posting harassing, threatening, humiliating or inappropriate material;
2. Hacking into another person's account and altering the content in an effort to negatively impact the person;

3. Hacking into another person's account to send inappropriate content to others;
4. Creating a fake profile using another person's name (or reasonably inferred likeness) in an effort to humiliate, threaten or harass.

**H. Medium: Virtual Learning Environments Potential Misuses:**

1. Posting harassing, threatening or inappropriate messages, images or video;
2. Copying or plagiarizing another person's work;
3. Hacking into another person's account and posting inappropriate material, deleting their work or copying or plagiarizing their work;
4. Hacking into another person's account and altering in any way their status as a student, in student housing or in a specific class.

# Unmanned Aircraft Vehicles: Flying of Drones

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## I. Policy

Loyola Marymount University (“LMU” or University), and/or anyone operating on or from its campus, or on its behalf, any UAV (e.g. drone) will do so in the furtherance of its educational, research and service missions, as well as in compliance with applicable federal, state and local laws and regulations. This policy shall be effective immediately.

## II. Purpose

To define the requirements for the use of UAVs, commonly called “drones”, on, over or from University owned or controlled property, or elsewhere, for academic, research or business purposes.

## III. Definitions

### Aircraft

Any contrivance invented, used, intended to be used or designed to navigate, or fly, in the air.

### Unmanned Aerial Vehicle (UAV); Unmanned Aircraft System (UAS); Remotely Piloted Aircraft (RPA); Hobby Craft Airplanes; Copters; Collectively “Drones”

An aircraft that is operated without the possibility of direct human intervention from within or on the aircraft, but instead is operated by communication links and other components that allow the aircraft to be operated unmanned and from the ground or other fixed location.

### The Federal Aviation Administration (FAA)

The Federal regulatory agency that has oversight and jurisdiction for the national navigable airspace and has promulgated drone regulations.

### Title 14 of the Code of Federal Regulations (14 CFR) Part 107

The section in the Federal Aviation Administration regulations relating to the operation of UAVs.

### Navigable Airspace

The airspace of the United States above the minimum altitudes of flight prescribed by the regulations of the FAA (currently 400 feet), including airspace needed to ensure safety in the takeoff and landing of aircraft.

### Certification of Waiver (CoW)

A waiver granted by the FAA of certain portions of its regulations listed in Part 107. A UAV operator must apply for the CoW for each flight that requires a waiver.

### Section 336 of the FAA Modernization and Reform Act (Public Law 112-95)

The section of the FAA regulations that pertains to students building or using drones as part of research or course work.

### Los Angeles Municipal Code 183912, Section 56.31, Clause 6.b.1.

The section of the city code that specifies that drone operators must notify the LAX flight tower before every flight.

### Remote Pilot in Command (PIC) certification

The certification that every PIC of a drone must receive from the FAA prior to operating a drone.

## IV. Policy Details

There are public safety concerns and privacy issues surrounding the use and operation of drones. Also, the Federal Aviation Administration has issued regulations for the use and operation of drones (CFR 14 Part 107). The regulations prohibit the operation of drones within five miles of a commercial airport without permission from the airport control tower. The City of Los Angeles has also issued regulations regarding the flying of drones (Article 6.b.1 Chapter 5, Section 56.31 of the Los Angeles Municipal Code). Any person or persons who wish to operate or fly a drone or drones for commercial purposes, must first register the drone with the FAA, as per FAA regulations. They must also receive permission to fly from the LAX flight control tower for each and every flight on, over, or from the LMU Westchester campus.

There are separate FAA regulations regarding students building or flying drones. Under Section 336 of the FAA regulations, student use of drones for educational purposes is considered recreational or hobbyist use. These drones do not have to be registered with the FAA, nor does the student need to obtain a pilot’s certification. However, when flying within five statute miles of an airport, the operator of the aircraft must provide the airport air traffic control tower (when an air traffic facility is located at the airport) with prior notice of the operation. If possible, model aircraft operators flying from a permanent location within five statute miles of an airport should establish a mutually agreed upon operating procedure with the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport).

Operators flying drones for academic or research purposes on, over or from LMU property must first consult with the University Risk Manager to ensure that the drone activities are properly insured and pose no unreasonable risk to the safety of the university community or the privacy of its community members.

**A.** Non course-related, non-research or non-business use (i.e. recreational use) of drones on or over LMU property is expressly prohibited.

**B.** When drones are being flown for academic or research purposes on campus, or while being used for university business, in locations other than over or on university property, the following restrictions apply:

1. Drones cannot be flown over populated areas where injury, property damage or privacy issues can be affected.
2. Drones may not be operated above public open-air events, inside public venues or above thoroughfares.
3. Drones must be under the direct visual control of the operator at all times.
4. A person operating a drone must either hold a remote Pilot in Command (PIC) certificate or be under the supervision of someone with a remote PIC certificate. (Student use of drones as course work, as mentioned above, falls under the “hobbyist” category and does not require a PIC).
5. Drones cannot weigh more than 55 lbs., including fuel.
6. Drones cannot fly higher than 400 feet above ground level.
7. Drones cannot exceed speeds greater than 100 MPH (87kts.).
8. Drones cannot be flown at night.
9. Drones cannot carry pyrotechnic devices that explode or burn, or any device with a projectile or an object that can be dropped or fired or that could create a hazard to persons or property.
10. Drones cannot be flown over areas or sites where emergency personnel, such as fire fighters, police or DPS personnel, are actively engaged.
11. Drones cannot be used to photograph private property without the property owner’s express written consent.
12. Drones must be operated in accordance with all required and appropriate safety precautions.
13. The drone use must be properly insured and the

interests or risks to the University must be insured as well.

**C.** Drones cannot be flown near or above LMU Residence Halls.

**D.** If a university unit arranges for a contractor or a third party to use a drone for business purposes, such as filming the campus, or any university facility or event, the unit shall contact the Risk Management Office to ensure that the contracted drone owner and operator has met FAA and university requirements, has adequate aircraft liability insurance with limits of at least \$1MM, and takes the proper risk mitigation measures.

**E.** Any drone operator that wants an exemption from any portion of the FAA regulations, such as a Section 333 exemption, must first obtain a Certificate of Waiver from the FAA and show proof that the exemption has been granted.

## **V. Procedures**

**A.** All use and operation of drones undertaken by University faculty, staff and students, or by third parties (including, but not limited to, consultants or contractors) acting on behalf of the University, must adhere to FAA and City of Los Angeles regulations.

**B.** Permission to use or operate a drone for academic, research or business purposes must be obtained from the Risk Management Office. The University Risk Manager, in consultation with University Counsel, shall review any proposed use of drones by University faculty, staff, students or third parties acting on behalf of the University on, from or above campus, or any other location.

**C.** Appeals of the decision by the University Risk Manager and the General Counsel may be made, in writing, to the Chief Administrative Officer and the Provost. Only decisions regarding drones to be used for academic, research or business purposes can be appealed. Decisions regarding recreational drone use cannot be appealed. The CAO and the Provost’s decision is final. The CAO and the Provost may, at his or her sole discretion, suspend or terminate any previous approval for the use or operation of any drone or drones under this policy.

## **VI. Responsibilities**

### **A. University Risk Manager**

1. Will review proposals to operate drones on, over or from university property;
2. Will verify FAA regulations have been met;
3. Will verify insurance provisions are met;

4. Will consult with General Counsel;
5. Will forward appeals to the CAO and Provost.

#### **B. University CAO and Provost**

1. Will review appeals forwarded from the University Risk Manager;
2. Will have final approval or disapproval of any drone flight appeals.

### **VII. Resources**

A. [faa.gov/uas](http://faa.gov/uas)

B. [clkrep.lacity.org/onlinedocs/2015/15-0927\\_misc\\_09-17-2015.pdf](http://clkrep.lacity.org/onlinedocs/2015/15-0927_misc_09-17-2015.pdf)

C. [faa.gov/uas/request\\_waiver](http://faa.gov/uas/request_waiver) (for airspace permission)

D. (310) 342-4098: LAX flight tower for approval

### **VIII. Contacts**

A. Doug Moore, University Risk Manager, telephone number (310) 338-3071; [dmoore25@lmu.edu](mailto:dmoore25@lmu.edu)

# Violence-Free Campus Policy

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## Introduction

Loyola Marymount University is committed to maintaining a safe and secure campus environment so that Students, faculty, staff and visitors are able to pursue their education, work and other activities in a safe, non-threatening environment.

## Policy Statement

Violence, threats or implied threats of violence and intimidation (including verbal, written, electronic or physical acts intended to frighten or coerce) impede the goal of providing a safe environment. All Students, faculty, staff and visitors are covered by this policy as well as any other policies contained in the LMU Community Standards booklet. This policy applies to conduct on campus but includes off-campus conduct which adversely affects the University.

The University has adopted procedures for responding to and addressing conduct that violates this policy and urges LMU community members to be alert to the possibility of violence on campus. As responsible members of the University community, Students, faculty, staff and visitors are encouraged to report violence, threats of violence or intimidation that they experience or witness on campus.

## Reporting

LMU community members should report campus emergencies and issues of concern to the Department of Public Safety (DPS) at (310) 338-2893 or x222 (for internal University phones). In addition, the Department of Public Safety maintains an anonymous website for reporting suspicious incidents at <http://publicsafety.lmu.edu/> incident reporting and e-mail address: [public.safety@lmu.edu](mailto:public.safety@lmu.edu).

## Threat Assessment

Once information is received by the University concerning violence, threats of violence or intimidation to any

member of the campus community, the University will conduct a threat assessment to determine if an immediate or imminent threat to the campus or any member of the campus community exists. All threat assessments are conducted by the Department of Public Safety pursuant to its threat assessment protocols. DPS may collaborate with other University entities to help determine the credibility and extent of the threat and whether any further notifications or referrals should be made. When appropriate, DPS may collaborate with local law enforcement entities upon the finding of possible criminal violations. DPS may also determine that no immediate threat exists and may refer student incidents to the Department of Judicial Affairs.

## Non-Retaliation and False Claims

The University prohibits retaliation against any person who in good faith reports violations of this policy or cooperates in an investigation. The University also prohibits the filing of knowingly false or misleading reports and providing knowingly false or misleading information in an investigation. Disciplinary or other action may result from either of these acts in violation of this policy.

## Enforcement

The University may pursue disciplinary, civil or criminal action as appropriate against any person who violates this policy by engaging in such violence, threats of violence or intimidation.

## Confidentiality

Confidentiality of complaints and parties will be preserved to the greatest extent possible, understanding that the University may have an obligation to take some action even if the Complainant is reluctant to proceed.



# Student-on-Student Sexual & Interpersonal Misconduct Policy and Protocol

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## I. Introduction

Loyola Marymount University recognizes the significant, unacceptable and nationwide existence of sexual and interpersonal misconduct on college campuses. LMU is dedicated to the prevention of such misconduct and to providing a caring, supportive and effective response when such misconduct occurs. Accordingly, LMU encourages Students and University community members to report such misconduct so that the University can take appropriate responsive action.

Title IX of the Education Amendments of 1972 (“Title IX”) is a federal civil rights law that prohibits discrimination on the basis of sex in education, programs and activities. Under Title IX, discrimination on the basis of sex can include student-on-student Sexual Harassment or Sexual Assault including sexual violence, rape, sexual battery, sexual coercion, Sexual Exploitation and unwelcome intrusion into another’s sexual seclusion or privacy, as well as interpersonal misconduct including Dating Violence, Domestic Violence and Stalking. The Division of Student Affairs has established this Student-on- Student Sexual & Interpersonal Misconduct Policy & Protocol to assist and respond to complaints of student-on-student sexual and interpersonal misconduct.

Students should report all forms of sexual misconduct (student-on-student; student and non-student; faculty/staff-on-student) and interpersonal misconduct to a Student Affairs professional staff member, the Senior Vice President for Student Affairs, the Title IX Coordinator/EEO Specialist or by filing a report with the LMU Department of Public Safety, (310) 338-2893/222 emergency line on campus).

In addition, a Judicial Affairs/Student Conduct Code case for alleged student-on-student sexual or interpersonal misconduct will be initiated and adjudicated.

Sexual or interpersonal misconduct involving a Student and any non-student in the University community is handled under the LMU Discriminatory Harassment and Complaint Process.

All persons, including University faculty and staff, are prohibited from taking any retaliatory action against any other member of the University community including, but

not limited to, the Complainant, Respondent or witnesses to an alleged incident of sexual misconduct or interpersonal misconduct. Any Student engaging in any retaliatory action(s) will be subject to discipline under the Student Conduct Code and appropriate sanctions for determined violations may include dismissal from the University.

Retaliation by non-students will be adjudicated and determined in accordance with the LMU Discriminatory Harassment and Complaint Process. Any Student who believes that they have been retaliated against for having filed, or being named in, a complaint for sexual or interpersonal misconduct or having participated in the investigation of such a complaint, should promptly notify the Department of Public Safety at (310) 338- 2893. Any person who believes that they have been retaliated against by a staff member should notify Human Resources at (310) 338-5118. Any person who believes that they have been retaliated against for the above mentioned reasons by a faculty member on behalf of the University should notify Academic Affairs at (310) 338-2733.

For additional information on sexual and interpersonal misconduct awareness, prevention and training, including bystander intervention, programming and events on campus intended to bring awareness to these issues and opportunities for you to get involved, please visit LMU CARES online: [lmu.edu/lmucares](http://lmu.edu/lmucares), or contact Briana Maturi, Special Assistant to the Senior Vice President for Student Affairs, (310) 258-4381.

## II. Policy

**A.** Under Title IX, Sexual Harassment is broadly defined as unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature including sexual violence. This policy applies to all Students, regardless of sexual orientation or gender identity. Under this policy, sexual misconduct includes all forms of Sexual Harassment under Title IX including sexual violence, such as rape, Sexual Assault, sexual battery and sexual coercion. Interpersonal misconduct includes Dating Violence, Domestic Violence and Stalking. All forms of sexual and interpersonal misconduct are unacceptable and will not be tolerated, including acts that occur off campus.

Any Student alleged to have participated in sexual or interpersonal misconduct will be referred to Judicial Affairs and, if found responsible, will be subject to disciplinary action. Complainants of sexual and interpersonal misconduct are not required to be members of the LMU community; they may be third parties or others unaffiliated with the University. If a Complainant chooses not to participate in the University conduct process, the University reserves the right to initiate the judicial process. Outcomes related to sexual and interpersonal misconduct cases run the full spectrum as outlined in Section V of the Student Conduct Code, and include disciplinary warning through suspension or dismissal from the University.

**B.** All alleged incidents of student-on-student sexual and interpersonal misconduct will be adjudicated in accordance with the Student Conduct Code utilizing the Preponderance of the Evidence standard. Student Conduct Code proceedings shall be prompt, fair and impartial and adjudicated by officials that have received regular training regarding incidents of this nature.

**C.** In cases alleging sexual and interpersonal misconduct the Senior Vice President for Student Affairs or a designee may take interim measures, including, but not limited to, academic, residential, transportation and/or employment accommodations, intended to ensure the well-being of the Complainant, the Respondent, the investigatory process and/or the University community while the complaint is being investigated and prior to the determination on the charge. Any such interim measures shall not be referred to or offered as evidence at the hearing on the underlying charge. Any such interim measures shall be designed and implemented in a manner intended to achieve their purpose while at the same time limiting, to the extent practicable, any adverse effect to the Complainant's and/or Respondent's educational program. Any such interim measures shall remain confidential, to the extent practicable to achieve the measure. Both Complainant and Respondent will receive written notification of their access to interim measures.

**D.** Both Complainant and Respondent will receive written notification of their rights and options in regards to the Student Conduct process. Both Complainant and Respondent will also receive written notification of available on and off campus counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services offered by the University and other local organizations.

**E.** No Contact Orders (NCO) will also be utilized by the Department of Public Safety both during the investigation

and through the completion of the disciplinary process. Both parties will be expected to sign a document stating their awareness of the NCO and the stipulations of no contact. Public Safety will provide information about available community resources.

**F.** In line with the Good Samaritan Policy found in this Community Standards Booklet, violations of the Student Conduct Code regarding underage or excessive consumption of alcohol or use or possession of illegal substances will not be utilized to commence disciplinary proceedings against a Complainant if the information is divulged through the process of reporting sexual or interpersonal misconduct. The University does reserve the right to refuse to grant amnesty to reporters under certain extenuating circumstances. Criminal investigations and other police action may still occur at the discretion of the law enforcement agency responding to the incident.

**G.** Student Conduct Code proceedings respecting alleged incidents of sexual and interpersonal misconduct will in the first instance be adjudicated by a panel of not less than two staff Judicial Officers. These Judicial Officers will be regularly trained in the adjudication of these types of incidents and will schedule individual meetings with both parties and witnesses regarding the alleged violation(s). Students will not be permitted to cross-examine each other or witnesses through the Student Conduct Code process.

All Judicial Officers receive training regarding the adjudication of sexual and interpersonal misconduct. For information regarding what training is conducted please contact the Department of Judicial Affairs, (310) 338-1821.

**H.** Prior sexual history of Complainant or Respondent with people outside of each other will not be utilized as evidence in these disciplinary proceedings.

**I.** Once a Student Conduct Code determination of the charges has been made, a determination notification letter will be concurrently sent to Complainant and Respondent.

**J.** Complainants are encouraged to report all instances of sexual or interpersonal misconduct regardless of the amount of time that has passed since the alleged misconduct occurred. The University reserves the right to take disciplinary action regarding allegations involving current LMU Students irrespective of the length of time since the alleged misconduct occurred.

**K.** Student Conduct Code proceedings are independent from criminal or civil proceedings and will normally

proceed without regard to the pendency or potential pendency of criminal or civil proceedings.

### III. Definitions

**A.** For purposes of this policy, **Sexual Assault** is defined as engaging in sexual intercourse, or any of the sexual activities listed below, with another person without that person's consent. Sexual Assault includes, but is not limited to, rape, sexual battery, anal intercourse, oral copulation or penetration of a body cavity by a foreign object. Sexual intercourse includes the penetration, however slight, of the vagina or anus with any object or body part and of the mouth with a body part and/or object in a sexual manner.

**B.** For purposes of this policy, **Sexual Harassment** is defined as unwelcome conduct of a sexual nature including, without limitation, unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal, nonverbal, auditory, visual, recording, transmission or display of sexual matters or materials or physical conduct of a sexual nature. A sexually hostile environment exists when Sexual Harassment is so continuous and pervasive that it interferes with or limits a student's ability to participate in, or benefit from, the University's educational program.

Sexual Harassment also includes the act of making sexual contact with the intimate body part of another person without that person's consent, including as the result of sexual coercion. Intimate body parts include the mouth, the sex organs, the anus, the groin or buttocks of any person and/or the breasts.

For purposes of this policy, Sexual Harassment includes, but is not limited to, invasion of sexual privacy, audio or video recording or photographing of any type (webcam, camera, Internet exposure, etc.) without knowledge and consent of all persons, going beyond the boundaries of consent (such as letting another person hide and watch you have consensual sex without the knowledge of the other party), engaging in unconsented voyeurism, exposing one's genitals in non-consensual circumstances, coercing another against their will to expose their genitals or breasts and prostituting another person.

**C.** For purposes of this policy, **Sexual Exploitation** is defined as sexual misconduct that occurs when a person takes unjust or abusive sexual advantage of another for their benefit or for the benefit of anyone other than the exploited party; and that behavior does not otherwise constitute Sexual Assault. Examples of Sexual Exploitation include, but are not limited to, invasion of sexual privacy,

audio or video recording or photographing of any type (webcam, camera, Internet exposure, etc.) without knowledge and consent of all persons; going beyond the boundaries of consent (such as letting another person hide and watch you have consensual sex without the knowledge of the other party), engaging in unconsented voyeurism, exposing one's genitals in non-consensual circumstances; coercing another against their will to expose their genitals or breasts and prostituting another person.

**D. Consent** is defined as the unambiguous and willing participation or cooperation in act, behavior or attitude that is commonly understood to be consistent with the exercise of free will. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other(s) to engage in the sexual activity. Consent requires participants who are lawful adults, fully conscious, equally free and legally competent to act, have clearly communicated their willingness, cooperation or permission to participate in the specific sexual activity engaged in, are positive and clear about their desires and are able to cease ongoing consensual activity at any time. Refusal to consent does not have to be verbal; it can be expressed with clear gestures, body language or attitude. Lack of protest or resistance does not mean consent, nor does silence mean consent. Prior sexual history between the Complainant and Respondent, by itself, does not constitute Consent, nor does consenting to sexual activity with one person imply consent to sexual activity with another person.

1. Consent is not freely given if:

a. It is obtained through the use of force, through the fear of or the threat of force, through the abuse of a power position over another (such as employment status or position within an organization) or by kidnap; or

b. A reasonable person, in the position of the alleged perpetrator at the time the alleged conduct occurred, should have known that the other person was unable to give consent for any of the following reasons:

1. The individual is unable to make an informed decision as a result of the use of alcohol, drugs or other substances (including, but not limited to, predatory drugs or prescribed medications); or

2. The individual is unable to consciously respond for whatever reason including lack of consciousness, sleep, illness or shock; or

3. The individual is under the age of 18 and therefore legally incapable of giving consent; or

4. The individual is known by reason of impairment, mental condition or developmental or physical disability to be reasonably unable to consent.

c. The individual has acted or spoken in a manner which expresses a lack of consent or a refusal to consent.

2. The following are invalid excuses for failing to obtain affirmative consent from the Complainant:

a. The Respondent's belief in affirmative consent arose from the intoxication or recklessness of the Respondent; or

b. The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

**E.** In accordance with the reauthorization of the Violence Against Women Act, **Domestic Violence** is defined as a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under California law or by any other person against an adult or youth victim who is protected from that person's acts under California law.

**F.** For purposes of this policy and in accordance with the reauthorization of the Violence Against Women Act, **Dating Violence** is defined as violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

2. Where the existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the following factors:

a. The length of the relationship;

b. The type of the relationship;

c. The frequency of interaction between the persons involved in the relationship.

Dating Violence includes, but is not limited to, sexual or physical abuse or threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

**G.** For purposes of this policy and in accordance with the reauthorization of the Violence Against Women Act **Stalking** means engaging in a course of conduct directed

at a specific person(s) that would cause a reasonable person under similar circumstances and with similar identities to the Complainant to fear for their safety or the safety of others; or suffer substantial emotional distress.

For the purposes of this definition course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person or interferes with a person's property.

For the purposes of this definition substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**H. "Complainant"** means the individual(s) who file(s) a Student Conduct Code complaint with the University. In some instances the University may initiate judicial proceedings on behalf of a Complainant.

**I. "Hostile Environment"** is defined as any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive that it limits, interferes with or denies educational benefits or opportunities, from both a subjective (the Complainant's) and an objective (reasonable person's) viewpoint.

**J. "Respondent"** means the individual(s) against whom a Student Conduct Code complaint is made.

**K. "Retaliation"** means any adverse, non-permitted action taken against a person who reports a violation of this policy, assists someone with a report of a violation of this policy or participates in any manner in an investigation or resolution of a report of a violation of this policy. Retaliation can include, but is not limited to, threats, intimidation, coercion, harassment, reprisals, spreading negative information about an individual, exclusions from academic and non-academic programs and/or adverse actions related to employment.

#### **IV. California Law**

The following excerpts are only partially explanatory of certain California laws pertaining to sexual and interpersonal misconduct. These excerpts are not intended to be an exhaustive description or list of California laws pertaining to sexual misconduct, inappropriate or criminal sexual behavior or interpersonal misconduct.

**A.** Excerpts from Sections 11165.1 and 261 of the California Penal Code: Sexual Assault includes rape, statutory rape,

rape in concert, incest, sodomy, oral copulation, sexual penetration, lewd or lascivious acts upon a child, child molestation and the following:

1. Penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is emission of semen.
2. Sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.
3. Intrusion by one person into the genitals or anal opening of another person, including the use of an object for this purpose, except that, it does not include acts performed for a valid medical purpose.
4. The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs and buttocks or the clothing covering them, of a child, or of the perpetrator by a child, for purposes of sexual arousal or gratification, except that it does not include acts which may reasonably be construed to be normal caretaker responsibilities; interactions with, or demonstrations of affection for, the child; or acts performed for a valid medical purpose.
5. The intentional masturbation of the perpetrator's genitals in the presence of a child.

Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator under any of the following circumstances:

1. Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent and this is known or reasonably should be known to the person committing the act.
2. Where it is accomplished against a person's will by means of force, violence, duress, menace or fear of immediate and unlawful bodily injury on the person or another.
3. Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known, by the accused.
4. Where a person is at the time unconscious of the nature of the act, and this is known to the accused.

As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

- a. Was unconscious or asleep.

- b. Was not aware, knowing, perceiving or cognizant that the act occurred.

- c. Was not aware, knowing, perceiving or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

- d. Was not aware, knowing, perceiving or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

5. Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense or concealment practiced by the accused, with the intent to induce the belief.

6. Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury or death.

California law also states that "The essential guilt of rape consists in the outrage to the person and feelings of the victim of the rape. Any sexual penetration, however slight, is sufficient to complete the crime" (Penal Code section 263). California law further defines both marital rape (Penal Code section 262) and "statutory rape" (Penal Code section 261.5).

Though laws vary from state to state, intercourse in which Consent was not obtained or was obtained under coercive conditions will usually be considered rape.

**B.** Excerpt from Section 67386 of the California Education Code:

University policies concerning Sexual Assault, Domestic Violence, Dating Violence and Stalking shall include an affirmative Consent standard in the determination of whether Consent was given by both parties to sexual activity. "Affirmative Consent" means affirmative, conscious and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative Consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean Consent, nor does silence mean Consent. Affirmative Consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the

fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

**C.** Excerpts from Section 261.6 and 261.7 of the California Penal Code:

In prosecutions under Section 261, 262, 286, 288a or 289, in which Consent is at issue, "Consent" shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

A current or previous dating or marital relationship shall not be sufficient to constitute Consent where Consent is at issue in a prosecution under Section 261, 262, 286, 288a or 289. Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of Consent. In prosecutions under Section 261, 262, 286, 288a or 289, in which Consent is at issue, evidence that the victim suggested, requested or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of Consent, is not sufficient to constitute Consent.

**D.** Excerpts from Section 646.9 of the California Penal Code:

Any person who willfully, maliciously and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for their safety, or the safety of their immediate family is guilty of the crime of Stalking, punishable by:

1. Imprisonment in a county jail for not more than one year, or
2. By a fine of not more than \$1,000, or
3. By both that fine and imprisonment, or by imprisonment in the state prison.

For the purposes of this section, "harasses" means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments or terrorizes the person, and that serves no legitimate purpose.

**E.** Excerpts from Section 13700 of the California Penal Code and 6211 of the California Family Code:

"Domestic Violence" means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, person with whom the suspect has had a child or is having, has had a dating or

engagement relationship, a child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected or any other person related by consanguinity or affinity within the second degree.

For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to:

1. Sexual relations between the parties while sharing the same living quarters,
2. Sharing of income or expenses,
3. Joint use or ownership of property,
4. Whether the parties hold themselves out as husband and wife,
5. The continuity of the relationship,
6. The length of the relationship.

## **V. Complainant/Respondent Rights**

**A.** Complainants and Respondents in a sexual or interpersonal misconduct case have the right to:

1. Access to an Advisor, if they do not have one of their own choosing, to assist with the conduct process;
2. Receive a written notification of available on- and off-campus counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available as well as notification of the procedures for institutional disciplinary action and their rights and options as defined in sexual and interpersonal misconduct cases;
3. Make a complaint to the Department of Public Safety;
4. File a police report and take legal action separate from and/or in addition to filing a Student Conduct Code complaint seeking disciplinary action;
5. Be informed of the disciplinary finding (responsible or not responsible) in writing;
6. Present material witnesses to the alleged incident;
7. Appeal rights as outlined in the Student Conduct Code (Section X);
8. Refuse any/all of the above.

## VI. Title IX

**A.** Under Title IX, LMU has a responsibility to respond promptly and equitably to address Sexual Harassment, sexual violence and interpersonal misconduct. If LMU knows or reasonably should know about Sexual Harassment, sexual violence or interpersonal misconduct that creates a hostile environment, LMU must take action to eliminate the Sexual Harassment, sexual violence or relationship misconduct, prevent its recurrence and address its effects.

LMU encourages prompt reporting of crime to Public Safety and/or law enforcement. Even if a Student elects not to file a Student Conduct Code complaint, does not request that LMU take any action on the Student's behalf or is unable to make a report to LMU and/or law enforcement, if LMU knows or reasonably should know about possible Sexual Harassment, sexual violence or interpersonal misconduct, LMU must promptly investigate to determine what occurred and then take appropriate steps to resolve the situation. In appropriate circumstances, LMU may report crimes to law enforcement when a victim decides not to report or cannot report the crime.

A criminal investigation into allegations of Sexual Harassment or sexual violence does not relieve LMU of its duty under Title IX to resolve complaints promptly and equitably.

Questions about Title IX or this policy may be directed to the Title IX Coordinator, Sara Trivedi, EEO Specialist in the Human Resources Department, who can be reached at (310) 568-6105 or [strivedi@lmu.edu](mailto:strivedi@lmu.edu). The Title IX Coordinator is notified of reported incidents of sexual and interpersonal misconduct and monitors the University's response to such misconduct. Deputy Title IX Coordinators include:

1. Janet Lindsay, HR Specialist—Investigations ([Janet.Lindsay@lmu.edu](mailto:Janet.Lindsay@lmu.edu))
2. Francesca Piumetti, Associate Dean of Students ([Francesca.Piumetti@lmu.edu](mailto:Francesca.Piumetti@lmu.edu))
3. Maria Behm, Senior Associate Athletics Director/ Business Affairs ([Maria.Behm@lmu.edu](mailto:Maria.Behm@lmu.edu))

**B.** How do I file a complaint with the U.S. Department of Education, Office for Civil Rights?

If you believe that Loyola Marymount University does not respond appropriately to your allegations of Sexual Assault, harassment or misconduct after you have

filed a report with Public Safety, Residence Life or gone through the judicial process, you have the option to file a complaint with the Office of Civil Rights.

1. You may file a complaint:
  - a. In person: via telephone (800) 421-3481; or
  - b. Online: via e-mail: [OCR@ed.gov](mailto:OCR@ed.gov); or
  - c. By mail: write letter to:  
U.S. Department of Education Office for Civil Rights  
Lyndon Baines Johnson  
Department of Education Building  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-1100
2. For more information about filing a complaint please visit: <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

## VII. Confidentiality

**A.** Title IX requires all universities to identify “responsible employees” as those who are obligated to report all details of an incident, including the identities of those involved, to the Department of Public Safety whenever that information is brought forward to the employee. The Department of Public Safety will notify the Title IX Coordinator when a report has been filed.

Students reporting an incident of sexual or interpersonal misconduct to a responsible employee may request confidentiality. Students should be aware that if they request confidentiality, then the University's ability to effectively investigate and adjudicate the instance(s) of sexual or interpersonal misconduct may be impaired. The University cannot guarantee confidentiality in this instance, and the following factors will be considered by the Title IX Coordinator in consultation with the Senior Vice President for Student Affairs or designee in determining whether the confidentiality request can be honored or if an investigation is necessary:

1. The Respondent has known prior allegations of sexual or interpersonal misconduct and a potential for a campus safety risk exists; or
2. The location in which the alleged incident occurred is a location where previous complaints of sexual or interpersonal misconduct occurred creating the potential for an unsafe environment for the LMU community; or
3. A threat to the campus community at large has been identified; or

4. A frequency or pattern is detected that suggests an unsafe environment exists for the LMU community or an LMU community member; or
5. The sexual or interpersonal misconduct was perpetrated with a weapon; or
6. The victim is a minor; or
7. Some combination of the above factors exists.

If the decision is made that confidentiality cannot be honored, then the University will only inform the necessary individuals and entities on campus required to perform a thorough investigation and adjudication of the complaint.

**B.** Responsible employees include faculty, administrative staff and some student staff. Responsible employees do not include the following:

1. Professional, licensed counselors, such as the psychologists at Student Psychological Services, (310) 338-2868, are not required to report any information regarding an alleged sexual or interpersonal misconduct, to the Department of Public Safety, the Title IX Coordinator or any other reporting body, without consent from the Student.

Pastoral counselors, such as Catholic priests and women religious, are not required to report any information regarding an alleged sexual or interpersonal misconduct, to the Department of Public Safety, the Title IX Coordinator or any other reporting body, without consent from the student provided they receive the information in performance of their pastoral duties.

2. Student Health Center Staff, such as doctors and nurse practitioners at Student Health Services (310) 338-2881, are not required to report any information regarding an alleged sexual or interpersonal misconduct, to the Department of Public Safety, the Title IX Coordinator or any other reporting body on campus, without consent from the Student. The Health Services Staff will be required to report signs of physical or sexual abuse to law enforcement.

3. LMU Community Resource Advisors (LMU CRAs), whose names can be found on the LMU CARES website, may speak with students regarding incidents of sexual and interpersonal misconduct without automatically triggering a University investigation into the matter. These individuals do have time and place reporting responsibilities under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), but are not obligated to report identifying information of the Complainant. If the Respondent's

name is presented to a LMU CRA, they will be obligated to report that information to the Title IX Coordinator. Reports by the LMU CRA will not trigger a University investigation unless the Title IX Coordinator in consultation with the Senior Vice President for Student Affairs or designee determines that an investigation is necessary because of the existence of one or more of the factors described in Section VII (A).

**C.** The University will respond to any accusations of retaliation against the Complainant or witnesses brought upon by the investigation or adjudication of the misconduct.

## **VII. Student Affairs Resource Administrators**

When an allegation of sexual or interpersonal misconduct is brought to the attention of LMU, the Associate Dean of Students or designee will assign a Student Affairs Resource Administrator (SARA) to both the Complainant and Respondent (if a Respondent has been identified). The SARAs will make themselves available, separately, to assist both the Complainant and Respondent in identifying University and external resources that are available to them in the context of alleged sexual or interpersonal misconduct. SARAs will also review with Complainants what interim measures may be available to them (as outlined in Section II(C) of this policy). Complainants will be assigned a SARA regardless of whether they provide LMU with the name of the Respondent or willingly participate in the conduct process. The SARAs are members of the Division of Student Affairs who are trained to assist the parties in identifying University and external resources and explaining the University's judicial process in cases of alleged Student Conduct Code violations relating to sexual and interpersonal misconduct. The role of the SARA is to:

**A.** Provide information, in writing, regarding resources on and off campus such as Student Psychological Services (SPS), Student Health Services (SHS), Student Housing, Department of Public Safety (DPS), Los Angeles Police Department (LAPD)/proper law enforcement authorities, Rape Treatment Center at Santa Monica-UCLA Medical Center, Campus Ministry and Judicial Affairs.

**B.** Explain all stages of the LMU Student Conduct Code Judicial Affairs process, including potential outcomes for both Complainant and Respondent.

**C.** Provide information, explanation and review so that the parties can make an informed decision about the options available to them, including reporting to law enforcement,



filing and responding to Student Conduct Code complaints, documenting their decisions and requesting interim measures.

**D.** Follow up with the Student throughout the Student Conduct Code process and thereafter to ensure that no retaliation is taking place and to continue to provide the Student access to the resources that the Student requires.

### **VIII. Advisor**

In cases of sexual and/or interpersonal misconduct, Complainants and Respondents may choose an Advisor of their choice. If Complainants or Respondents want a trained Advisor from the University community, they may obtain a referral from their assigned SARA. Advisors will

assist Students in understanding the judicial process but will not serve as representation for Students in Student Conduct Code proceedings.

If the Student chooses an Advisor for incidents involving sexual and/or interpersonal misconduct, that Advisor is still subject to the requirements set forth in Section VI(C) (6) of the Student Conduct Code.

# LMU and Community Sexual & Interpersonal Misconduct Resource Contact List

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*The following resources are available to students and other members of the LMU community for information and support concerning sexual and interpersonal misconduct:*

## LMU Resources

### LMU CARES

Malone Student Center 403  
(310) 258-4381  
<http://lmu.edu/lmucares/>

### Student Affairs Resource Administrators

(310) 338-2856

### Community Resource Advisors

[studentaffairs.lmu.edu/CRA](http://studentaffairs.lmu.edu/CRA)

### Department of Public Safety

Foley Annex  
(310) 338-2894  
222 On-Campus Emergency Line

### Student Psychological Services

Burns Recreation Center  
(310) 338-2868  
Psychological support, information and resource referral

### Student Health Services

Burns Recreation Center  
(310) 338-2881  
Medical and information resource

### Campus Ministry

Malone Student Center 210  
(310) 338-2860  
Pastoral counseling

### Judicial Affairs

Malone Student Center 355  
(310) 338-1821  
Information about LMU's judicial process

### Title IX Coordinator

Sara Trivedi  
University Hall 1900  
(310) 568-6105

## Community Resources

### Rape Treatment Center at Santa Monica-UCLA Medical Center

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

### Marina Del Rey Hospital

4650 Lincoln Blvd.  
Marina del Rey, CA 90291  
(310) 823-8911

### Los Angeles Police Department

Pacific Community Police Station  
12312 Culver Blvd.  
Los Angeles, CA 90066  
(310) 482-6334 (station phone)  
9-1-1 (life threatening emergencies);  
(626) 793-3385 (LAPD Rape Hotline)

### Legal Aid Foundation

1640 5th St., Suite 124  
Santa Monica, CA 90401  
(310) 899-6200

### State Bar Of California

Lawyer Referral Services  
(866) 442-2529

# What Should You Do if You Experience Sexual Assault, Sexual Violence, Domestic Violence, Dating Violence or Stalking?

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*If you experience Sexual Assault, sexual violence, Domestic Violence, Dating Violence or Stalking, it is important to remember that it is not your fault! The most important thing you can do is to get the assistance that you need by taking the following steps:*

**A. Go to a safe place as soon as you can.**

**B. Preserve all physical evidence.**

Do not wash your face or hands, bathe, brush your teeth, drink or eat, douche or change clothes. If you do change your clothes, put all clothing you were wearing at the time of the assault in individual paper bags (not plastic). It is important to preserve as much evidence as possible for investigation and processing of criminal and/or disciplinary charges.

**C. Contact LMU Department of Public Safety— (310) 338-2894 or 222 (Emergency Line on campus).**

LMU Public Safety can also be reached by activating the blue light boxes located throughout campus. Public Safety can assist you in reporting a crime that occurred off campus to the appropriate authorities. You may decline to report your experience to such authorities.

**D. Seek immediate or prompt medical treatment (typically within 72 hours).**

It is important to seek immediate or prompt and necessary follow-up medical attention for several reasons:

1. To assess and treat any physical injuries you may have sustained.
2. To determine the risk of sexually transmitted diseases or pregnancy and take appropriate medical measures.
3. If you choose, you may have evidence collected and preserved to aid in the investigation and processing of criminal prosecution and/or disciplinary action.

It is best for any physical evidence to be collected within the first 24 hours following the incident (the quality and quantity of evidence collected later than this may be substantially diminished).

**E. Visit the Rape Treatment Center at Santa Monica-UCLA Medical Center— (310) 319-4000.**

The Rape Treatment Center can provide general medical

treatment and, if you choose, collection of evidence. A medical exam could include treatment of any physical problems; evaluation of risks; various lab tests for sexually transmitted diseases and pregnancy; appropriate treatment; identification and collection of physical evidence of any Sexual Assault. A specially trained nurse will perform the evidence collection exam.

A Sexual Assault advocate or a support person of your choice may be present throughout the procedure.

The Rape Treatment Center hospital emergency department follows national standards for victim care, Sexual Assault exams and evidence collection procedures. If the decision is made to conduct an evidence collection exam, the anonymous evidence may be held for six months or longer. This means you do not have to decide immediately whether or not you want to press charges.

The Rape Treatment Center also provides long term counseling support for victims of Sexual Assault and sexual violence, as well as advocacy and accompanying services.

**F. Meet with your assigned Student Affairs Resource Administrator (SARA).**

LMU will assign you a SARA following a report being submitted to Public Safety. Your SARA is a Student Affairs professional trained to provide you with information about resources available to you both on and off campus. The SARA can receive requests for interim measures and review your options with you. SARAs will also review with you the University's conduct process and LMU's policy against Retaliation.

**G. Schedule non-emergency medical treatment— (310) 338-2881.**

Even if you choose not to go to the hospital or to seek immediate medical attention, it is still important to get medical attention to treat any physical problems and to conduct various lab tests for sexually transmitted diseases and pregnancy. To arrange non-emergency treatment, contact Student Health Services via telephone or as a walk-in visit to their office in the Burns Recreation Center, between 8 a.m. to 5 p.m. If you say that you have been a victim of Sexual Assault, sexual violence, Domestic

Violence, Dating Violence or Stalking, you will be offered a general medical examination by a licensed health care provider. You will also be offered a referral to Student Psychological Services (SPS) for counseling and support.

**H. Utilize counseling services—(310) 338-2868.**

SPS has mental health professionals available for students in crisis. During regular office hours you can call SPS or come to the office located in the Burns Recreational Center. Office hours are Monday, Tuesday, Thursday and Friday 8:00 a.m. to 5:00 p.m. and on Wednesday from 8:00 a.m. to 7:00 p.m. A therapist will see you without an appointment if you have an emergency. After hours, please call (310) 338-2868 and follow the prompt to access a therapist.

# Statement of Non-Discrimination

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## 1. Statement of Policy

Loyola Marymount University is dedicated to fostering the education of the whole person and strives to provide an environment that encourages the search for truth and freedom of inquiry. The University recognizes the important contribution a diverse community of students, faculty, and staff makes towards the advancement of its goals and ideals. The University is committed to providing an environment that is free of discrimination and harassment as defined by federal, state, and local law, as well as under this policy. Any violations of this policy will be treated as serious misconduct and result in appropriate disciplinary action up to and including dismissal from the University.

This policy applies to all students, faculty, and staff, including but not limited to trainees, unpaid interns, volunteers, non-supervisory staff, supervisors, managers, directors, and leadership. It is also the policy of the University to protect its students, faculty and staff from unlawful harassment by vendors, guests, and other visitors to the University. It is the responsibility of every student, faculty, and staff member to follow this policy conscientiously.

### Equal Opportunity & Non-Discrimination

The University seeks to ensure a positive living, learning and working environment for all LMU community members. Specifically, this policy prohibits unwelcome, harassing conduct on the basis of race, religious creed (including religious dress and grooming practices), color, national origin (including language and language use restrictions), ancestry, disability (mental and physical) including HIV and AIDS, legally protected medical condition (cancer-related or genetic characteristics), denial of Family and Medical Care Leave, marital status, sex (including pregnancy, childbirth, breastfeeding or related medical condition), gender, gender identity, gender expression, age 40 or over, military or veteran status, sexual orientation, genetic information or any other bases protected by federal (including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990), state or local law. The University does not discriminate on these bases, or any other basis protected by law, in the administration

of any of its education or admissions policies, scholarship or loan programs, athletics, and other school-administered policies and programs, or in its employment policies and practices. All University policies, practices, and procedures are administered in a manner consistent with LMU's Jesuit identity and character.

### Non-Discrimination on the Basis of Disability

Section 504 of the Rehabilitation Act of 1973 of the U.S. Department of Health and Human Services regulations implementing the act states that, "no otherwise qualified disabled individual . . . shall, solely by reason of his [or her] disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance," such as Financial Aid. Section 504 administration and compliance are coordinated through Academic Affairs, Disability Support Services for students, and through Human Resources for faculty and staff.

The University provides reasonable accommodation of qualified individuals with mental and/or physical disabilities whose needs are made known. A student seeking an accommodation should contact his or her academic advisor or Disability Support Services. Faculty and staff seeking an accommodation should contact his or her supervisor or Human Resources.

### Hate Crimes and Bias-Motivated Incidents

The University will not tolerate hate crimes or bias-motivated incidents and will respond to them with appropriate sanctions which may include for students expulsion, suspension, or exclusion from the campus and for faculty and staff disciplinary action up to and including termination. Students, faculty, or staff who experience or witness any form of hate crime or bias-motivated incident should immediately report the incident to the Department of Public Safety.

## 2. Definitions

"Hate Crimes" are acts of physical force, threats, or intimidation that are willfully or knowingly committed because of the victim's actual or perceived disability, gender, nationality, race or ethnicity, religion or sexual orientation. Hate crimes are expressed in several ways, sometimes physical violence and sometimes violence against property. (California Penal Code, §§422.55 and 422.6).

“Bias-Motivated Incidents” are acts, including but not limited to disseminating racist flyers or defacing a student organization flyer, which do not violate the State Penal Code, but originate in bias against someone’s actual or perceived disability, gender, nationality, race or ethnicity, religion or sexual orientation.

These policy definitions are not intended to and do not limit the University’s ability to discipline or otherwise respond to conduct which does not necessarily violate the law, but which the University determines is a violation of this policy.

### **3. Policies/Procedures**

Students, faculty and staff who have questions regarding the University’s policy of equal opportunity and non-

discrimination should contact the University EEO Specialist, who is the designated Title IX Coordinator for the University, at Human Resources, 1 LMU Drive, Suite 1900, Los Angeles, CA 90045, phone: 310.568.6105. Students, faculty and staff who have questions regarding Section 504 administration and compliance should contact the Vice President of Human Resources, who is the University’s designated ADA Coordinator, at Human Resources, 1 LMU Drive, Suite 1900, Los Angeles, CA 90045, phone: 310.338.5118.

# Discriminatory Harassment and Complaint Process

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*Notice: This policy is currently under review and subject to change. The most current version of this policy can be viewed at <http://studentaffairs.lmu.edu/aboutstudentaffairs/judicialaffairs/> or by contacting the University's Title IX Coordinator/EEO Specialist at 310.568.6105.*

## 1. Statement of Policy

Loyola Marymount University is dedicated to fostering the education of the whole person and strives to provide an environment that encourages the search for truth and freedom of inquiry. The University recognizes the important contribution a diverse community of students, faculty and staff makes towards the advancement of its goals and ideals. The University is committed to providing an environment that is free of discrimination and harassment as defined by federal, state and local law, as well as under this policy. Any violations of this policy will be treated as serious misconduct and result in appropriate disciplinary action up to and including dismissal from the University.

This policy applies to all students, faculty, and staff including, but not limited to, trainees, unpaid interns, volunteers, non-supervisory staff, supervisors, managers, directors and leadership. It is also the policy of the University to protect its students, faculty and staff from unlawful harassment by vendors, guests and other visitors to the University. It is the responsibility of every student, faculty and staff member to follow this policy conscientiously.

Nothing in this policy should be construed to infringe on the academic freedom of members of the University community and their right to use the academic forum provided by the University either to discuss controversial subjects or to express ideas with which some or most members of the University community strongly disagree.

## 2. Definitions

**"Harassment"** is unwelcome verbal, non-verbal, physical or visual conduct based on any legally protected characteristic, outlined below in Section 3, that has the purpose or effect of unreasonably interfering with academic or work performance or creating an intimidating, hostile or offensive, living, academic or work environment.

**"Sexual Harassment"** is unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, physical or visual conduct by a person of either the same or opposite sex where:

1. submission to or rejection of the conduct is made either an explicit or implicit condition of academic achievement and/or employment;
2. submission to or rejection of the conduct is used as the basis for an academic and/or employment decision; or
3. the conduct has the purpose or effect of unreasonably interfering with academic, or work performance or creating an intimidating, hostile, or offensive, living, academic, or work environment.

**"Hostile Environment"** is defined as any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive that it limits, interferes with or denies educational or employment benefits or opportunities from both a subjective (the complainant) and objective (reasonable person's) viewpoint.

**"Consent"** is defined as the unambiguous and willing participation or cooperation in act, behavior or attitude that is commonly understood to be consistent with the exercise of free will. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other(s) to engage in the sexual activity. Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. Consent requires participants who are lawful adults, fully conscious, equally free and legally competent to act, have clearly communicated their willingness, cooperation, or permission to participate in the specific sexual activity engaged in, are positive and clear about their desires, and are able to cease ongoing consensual activity at any time. Refusal to consent does not have to be verbal; it can be expressed with clear gestures, body language or attitude. Lack of protest or resistance does not mean consent, nor does silence mean consent. Prior sexual history between the complainant and respondent, by itself, does not constitute consent.

Consent is not freely given if:

1. It is obtained through the use of force, through the fear of or the threat of force, through the abuse of a power positions over another (such as employment status or position within an organization) or by kidnap; or
2. A reasonable person in the position of the alleged perpetrator at the time the alleged conduct occurred should have known that the other person was unable to give consent for any of the following reasons:
  - a. The individual is unable to make an informed decision as a result of the use of alcohol, drugs or other substances (including but not limited to predatory drugs or prescribed medications);
  - b. The individual is unable to consciously respond for whatever reason including lack of consciousness, sleep, illness or shock;
  - c. The individual is under the age of eighteen and therefore legally incapable of giving consent; or
  - d. The individual is known by reason of impairment, mental condition or developmental or physical disability to be reasonably unable to consent.
3. The individual has acted or spoken in a manner which expresses a lack of consent or a refusal to consent.

The following are invalid excuses for failing to obtain affirmative consent from the Complainant:

1. The responding party's belief in affirmative consent arose from the intoxication or recklessness of the responding party; or
2. The responding party did not take reasonable steps, in the circumstances known to the responding party at the time, to ascertain whether the complaining party affirmatively consented.

**“Sexual Misconduct”** is defined as Sexual Assault, Sexual Exploitation, Interpersonal Misconduct, or the act of making sexual contact with the intimate body part of another person without that person's consent including as the result of sexual coercion. Intimate body parts include the sexual organs, the anus, the groin or buttocks of any person, and/or the breasts.

**“Sexual Assault”** is defined as engaging in sexual intercourse or any of the sexual activities listed below with another person without that person's consent. Sexual Assault includes, but is not limited to, rape, sexual battery, anal intercourse, oral copulation or penetration of a body cavity by a foreign object. Sexual intercourse includes the penetration, however slight, of the vagina or anus with any object or body part and of the mouth with a

body part or object in a sexual manner.

**“Sexual Exploitation”** is sexual misconduct that occurs when a person takes unjust or abusive sexual advantage of another for his or her benefit or for the benefit of anyone other than the exploited party; and that behavior does not otherwise constitute sexual assault. Examples of sexual exploitation include, but are not limited to, invasion of sexual privacy, audio or video recording or photographing of any type (webcam, camera, Internet exposure, etc.) without knowledge and consent of all persons; going beyond the boundaries of consent (such as letting another person hide and watch you have consensual sex without the knowledge of the other party), engaging in unconsented voyeurism, exposing one's genitals in non-consensual circumstances; coercing another against their will to expose their genitals or breasts, and prostituting another person.

**“Interpersonal Misconduct”** includes Dating Violence, Domestic Violence and Stalking, as defined below.

**“Dating Violence”** is defined in accordance with the reauthorization of the Violence Against Women Act, as violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship shall be determined based on the complaining party's statement with consideration of the following factors:
  - a. The length of the relationship
  - b. The type of the relationship
  - c. The frequency of interaction between the persons involved in the relationship.
3. Dating Violence includes, but is not limited to, sexual or physical abuse or threat of such abuse. Dating violence does not include acts covered by the definition of domestic violence.

**“Domestic Violence”** is defined in accordance with the reauthorization of the Violence Against Women Act as a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under California law, or by any other person against an adult or youth victim who is protected from that person's acts under California law.



“**Stalking**” is defined in accordance with the reauthorization of the Violence Against Women Act as engaging in a course of conduct directed at a specific person(s) that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

For the purposes of this definition “**course of conduct**” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person’s property.

For the purposes of this definition “**substantial emotional distress**” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

“**Retaliation**” means adverse, non-permitted action taken against a person who reports a violation of this policy, assists someone with a report of a violation of this policy, or participates in any manner in an investigation or resolution of a report of a violation of this policy. Retaliation can include but is not limited to: threats, intimidation, coercion, harassment, reprisals, spreading negative information about an individual, exclusions from academic and non-academic programs, and/or adverse actions related to employment.

“**Hate Crimes**” are acts of physical force, threats, or intimidation that are willfully or knowingly committed because of the victim’s actual or perceived disability, gender, nationality, race or ethnicity, religion or sexual orientation. Hate crimes are expressed in several ways, sometimes physical violence and sometimes violence against property. (California Penal Code, §§422.55 and 422.6).

“**Bias-Motivated Incidents**” are acts, including but not limited to disseminating racist flyers or defacing a student organization flyer, which do not violate the State Penal Code, but originate in bias against someone’s actual or perceived disability, gender, nationality, race or ethnicity, religion or sexual orientation.

These policy definitions are not intended to and do not limit the University’s ability to discipline or otherwise respond to conduct which does not necessarily violate the law, but which the University determines is a violation of this policy.

### 3. Policies/Procedures

The University seeks to ensure a positive living, learning and working environment for all LMU community members. Specifically, this policy prohibits unwelcome,

harassing conduct on the basis of race, religious creed (including religious dress and grooming practices), color, national origin (including language and language use restrictions), ancestry, disability (mental and physical) including HIV and AIDS, legally protected medical condition (cancer-related or genetic characteristic), denial of Family and Medical Care Leave, marital status, sex (including pregnancy, childbirth, breastfeeding, and related medical condition), gender, gender identity, gender expression, age 40 or over, military or veteran status, sexual orientation, genetic information or any other bases protected by federal (including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990), state or local law. Students, faculty and staff should be aware of and avoid actions that others may construe as unwelcome and/or harassing.

#### Processes for Enforcing this Policy

*Complaints of Student-on-Student Sexual Misconduct and/or Discriminatory Harassment*

##### Complaints of Sexual Misconduct

Complaints of student-on-student sexual misconduct, including student-on-student sexual harassment, are handled through the Student Conduct Code. A student found to have violated this policy will be subject to the sanctions set forth in the Student Conduct Code up to, and including, dismissal from the University. Violation of this policy may also be subject the offender to criminal prosecution or third party civil litigation.

##### Complaints of Discriminatory Harassment

Complaints of student-on-student discriminatory harassment are handled through the Student Conduct Code. A student found to have violated this policy will be subject to the sanctions set forth in the Student Conduct Code up to, and including, dismissal from the University.

*Other Complaints of Sexual Misconduct/and or Discriminatory Harassment*

##### Complaints of Sexual Misconduct

Complaints of sexual misconduct made by or against a student, faculty or staff member are subject to the processes described in “Step 1: Intake” and “Step 3: Formal Resolution” set forth in this policy, below. For complaints of sexual misconduct, DPS is charged with the “Intake” procedures set forth below.

A faculty or staff member found to have violated this policy will be subject to disciplinary action regarding allegations

involving current students, faculty or staff irrespective of the length of time since the alleged misconduct occurred. A student found to have violated this policy will be subject to the sanctions set forth in the Student Conduct Code. Violation of this policy by a student, faculty or staff member may also subject the offender to criminal prosecution or third party civil litigation.

Complaints of sexual misconduct made against an individual who is not a student, faculty or staff member are subject to this policy, but will not proceed through the Formal Resolution processes.

#### **Complaints of Discriminatory Harassment**

Complaints of discriminatory harassment made by or against a student, faculty or staff member are subject to the processes described in “Step 1: Intake,” “Step 2: Informal Process,” and “Step 3: Formal Resolution” set forth in this policy, below. A faculty or staff member found to have violated this policy will be subject to disciplinary action. A student found to have violated this policy will be subject to the sanctions set forth in the Student Conduct Code.

Complaints of discriminatory harassment made against an individual who is not a student, faculty or staff member are subject to this policy, but will not proceed through the Formal Resolution processes.

#### **Reporting Allegations of Discriminatory or Harassing Conduct**

The objective of this policy is to prevent an environment from developing which unreasonably interferes with a student’s academic endeavors and/or a faculty/ staff member’s work or has the effect of creating an intimidating, hostile or offensive environment because of such prohibited conduct. It is essential that students, faculty and staff immediately report conduct that is believed to be in violation of this policy. Prompt reporting is necessary in order that timely fact-finding can be conducted about complaints, a problem can be remedied before the situation escalates, and the potential for the spread of harmful rumors can be reduced. Unless the law requires a longer period of limitation, a complaint must be filed within one calendar year of the conduct alleged to be a violation. Prompt reporting will enable the University to investigate the facts, determine the issues and provide an appropriate remedy for any violation of University policies.

All supervisory faculty, administrators and staff are required to report inappropriate conduct against another faculty, administrator or staff member in violation of the University’s policies against

discrimination and harassment.

All members of the University community, including students, faculty and staff, are encouraged, when appropriate and desirable, to try to resolve issues relating to conduct they believe to be discriminatory or harassing by directly addressing any person(s) engaged(ing) in inappropriate or unwelcome behavior and requesting that the behavior stop or be modified in some mutually satisfactory way.

However, we recognize that not everyone will feel comfortable engaging in such direct conflict resolution and/or that a direct approach will not always result in an acceptable resolution to all persons involved. In those instances where direct resolution is either not desirable or inadequate to resolve the inappropriate or unwelcome discriminatory or harassing behavior, any member of the University community is strongly encouraged to file a complaint of discrimination or harassment with any of the persons or departments listed below.

#### *Reporting Complaints of Sexual Misconduct*

Pursuant to the University’s “Reporting Sexual Misconduct” policy, all reports of sexual misconduct, as defined above, should be made to the Department of Public Safety at 310.338.2893 [x82893 on campus.]

#### *Reporting Complaints of Discriminatory Harassment*

##### **Students**

Students may report discriminatory or harassing conduct, as defined in this policy, to any of the following:

- Student Affairs at 310.338.2885 [x82885 on campus];
- Associate Vice President Student Affairs at 310.338.7745 [x87745 on campus];
- University Title IX Coordinator/EEO Specialist at 310.568.6105 [x86105 on campus];
- Deputy Title IX Coordinator (Human Resources) at 310.338.5345 [x85345 on campus];
- Deputy Title IX Coordinator (Student Affairs) at 310.338.1821 [x81821 on campus]; or
- Deputy Title IX Coordinator (Athletics) at 310.338.7645 [x87645 on campus.]

Complaints of student-on-student discriminatory harassment are handled through the Student Conduct Code.

## Faculty

Faculty may report discriminatory or harassing conduct, as defined in this policy, to any of the following:

- Academic Affairs at 310.338.2733 [x82733on campus];
- Human Resources at 310.338.2723 [x82723on campus];
- Vice President for Intercultural Affairs at 310.338.7598 [x87598 on campus];
- University Title IX Coordinator/EEO Specialist at 310.568.6105 [x86105 on campus]; or
- Deputy Title IX Coordinator (Human Resources) at 310.338.5345 [x85345 on campus.]

## Staff

Staff may report discriminatory or harassing conduct, as defined in this policy, to any of the following:

- Appropriate University Senior Vice President
- Human Resources at 310.338.2723 [x82723on campus];
- University Title IX Coordinator/EEO Specialist 310.568.6105 [x86105 on campus] or
- Deputy Title IX Coordinator (Human Resources) 310.338.5345 [x85345 on campus.]

## External Reporting Options

In addition to internal reporting options, students, faculty and staff may file reports with external agencies.

Students may contact the U.S. Department of Education Office for Civil Rights to file a complaint of discrimination or harassment or sexual misconduct:

- In person: via telephone (800) 421-3481
- Online: via email at [OCR@ed.gov](mailto:OCR@ed.gov)
- By mail: write letter to  
U.S. Department of Education, Office for Civil Rights  
Lyndon Baines Johnson Department of  
Education Building  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-1100.

Faculty and staff may file a complaint of discrimination or harassment with the U.S. Equal Employment Opportunity Commission or the California Department of Fair Employment and Housing.

Faculty and staff may also file complaints related to Title VI of the Civil Rights Act of 1964 (race, color, and national origin), Title IX of the Education Amendments of 1972 (sex discrimination); Section 504 of the Rehabilitation Act of 1973 (discrimination on the basis of disability); the Age Discrimination Act of 1975 (age discrimination), and/or Title II of the Americans with Disabilities Act of 1990 (discrimination on the basis of disability) with the Office of Civil Rights, as described above.

A complaint filed with any outside government agency will not suspend the investigation or resolution of a complaint of discrimination or harassment filed pursuant to the University's internal Discrimination and Harassment Complaint Process.

## Confidentiality & Non-Retaliation

Confidentiality will be maintained to the greatest extent possible in view of the method of complaint resolution chosen.

All persons are prohibited from taking any retaliatory action against any other member of the University Community, including the complainant, respondent, or witnesses involved in the complaint. Retaliation may be subject to a separate complaint under this policy and/or appropriate disciplinary action up to and including dismissal from the University. Any person who believes that she/he has been retaliated against for having filed or participated in the investigation of a complaint of discrimination or harassment should immediately notify the EEO Specialist or designee of the retaliatory conduct.

## False or Harassing Complaints Prohibited

It is a violation of this policy to file a false complaint against anyone for the purpose of injuring the reputation of or harassing another. Any person found to have filed a false complaint against another in bad faith or for the purpose of injuring the reputation of or harassing another will be subject to appropriate discipline. This proscription is in no way intended to discourage the filing of good faith complaints of discrimination or harassment, even if those complaints do not result in a finding of misconduct or sanction under the University's policies.

## Interim/Remedial Measures

The University may take interim/remedial measures, including, but not limited to, no contact orders, or academic, residential, transportation and/or employment accommodations, intended to ensure the well-being of the complainant, the respondent, the investigatory process and/or the University community while the complaint is being investigated and prior to the determination on the complaint. Any such interim

measures shall not be referred to or offered as evidence at the hearing on the underlying charge. Any such interim measures shall be designed and implemented in a manner intended to achieve their purpose while at the same time limiting, to the extent practicable, any adverse effect to the complainant's and/or respondent's educational program or employment. Any such interim measures shall remain confidential, to the extent possible, to achieve the measure. Both the complainant and respondent will receive written notification of their access to interim measures.

The University reserves the right to deny access to campus to former students, alumni, and/or visitors alleged to have engaged in, or who have been found to have engaged in discriminatory harassment, regardless of their status at the time of the alleged misconduct. The University reserves the right to continue interim/remedial measures following determination on the complaint.

### **Advisors**

#### *Complaints of Sexual Misconduct*

All persons involved in a complaint of sexual misconduct may, at any time in the process, request the assistance of an advisor to be appointed by the University or select an advisor of their choice. The advisor may accompany the complainant and/or respondent during the complaint process. The advisor may assist in the presentation of the case to the EEO Hearing Panel (during any Formal Resolution.)

#### *Complaints of Discriminatory Harassment*

All persons involved in a complaint of discriminatory harassment may, at any time during the process, request the assistance of an advisor selected from the University community. An advisor is defined as any current student, faculty or staff or religious community member, but not the Law School students, faculty or staff. Off-campus individuals, parents, family members, attorneys, alumni/ae, and those persons who have no affiliation with the University are expressly excluded from the definition of "Advisor" and cannot serve as Advisors. Current faculty or staff cannot act as an Advisor to their own family members.

The advisor may accompany either the complainant and/or respondent during the complaint process. The use of an advisor is not intended as legal representation, and no attorney will be present during the grievance procedures, except as may be permitted pursuant to the Faculty Grievance Process on appeal. The advisor may assist in the presentation of the case to the EEO Specialist or designee (during any Informal Resolution) or to the EEO Hearing Panel (during any Formal Resolution).

### **Resources for Complainants and Respondents— Complaint of Sexual Misconduct**

When an allegation of sexual misconduct has been brought to the attention of the University, the University will provide resources to separately assist complainants and respondents in identifying University and external resources that are available to them in the context of alleged sexual misconduct. For student-on-student complaints, the parties are assigned Student Affairs Resource Administrator's (SARA) pursuant to the Student-on-Student Sexual & Interpersonal Misconduct Policy and Protocol.

For all other complaints of sexual misconduct, the EEO Specialist, or designee, assists the parties. The EEO Specialist or designee is trained to assist the parties in identifying University and external resources and explaining the University's investigation, complaint and appeal process; however, he or she is not an advocate. The EEO Specialist, or designee, will provide the parties written notification of their rights and options in regards to the formal resolution process set forth in the University's Discriminatory Harassment and Complaint Process policy. The EEO Specialist, or designee, will provide written notification of available on and off campus counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid (where applicable) and other services offered by the University and other local organizations.

The EEO Specialist or designee will:

- A.** Provide information, as applicable, regarding on and off campus resources, such as: Student Psychological Services (SPS), Student Health Services (SHS), Judicial Affairs, Employee Assistance Program, Human Resources, Department of Public Safety, Los Angeles Police Department, Rape Treatment Center at Santa Monica-UCLA Medical Center, and Campus Ministry.
- B.** Explain all stages of the applicable complaint process, including the right to present material witness(es) to the incident, potential outcomes for complainants and respondents, and the right to be informed in writing of the outcome of the complaint process.
- C.** Provide information, explanation and review so that the parties can make an informed decision about the options available to them, including reporting to law enforcement, filing a complaint with the Department of Public Safety, filing and responding to complaints of sexual misconduct, taking legal action separate and apart from and/or in addition to filing a complaint with the University of sexual misconduct seeking disciplinary action, and documenting their decisions.

D. Explain that the complaining/responding party can refuse any/all of the above.

E. Follow up with the complainant and respondent throughout the formal resolution process and thereafter to ensure that no retaliation is taking place and to continue to provide the complainant and respondent access to resources that he or she requires.

### **Complaining/Responding Party Rights— Complaint of Sexual Misconduct**

The complaining and responding parties involved in a complaint of sexual misconduct have the right to:

1. Receive a written notification of available on and off campus existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available as well as notification of the procedures for institutional disciplinary action and their rights and options as defined in sexual misconduct cases.
2. Make a complaint to the Department of Public Safety.
3. File a police report and take legal action separate from and/or in addition to filing a Student Conduct Code complaint seeking disciplinary action.
4. Be informed of the disciplinary finding (responsible or not responsible) in writing.
5. Present material witnesses to the alleged incident.
6. Refuse any/all of the above.

### **Discrimination and Harassment Complaint Process**

For those persons who believe they have been the victim of, or have witnessed, discrimination, harassment, or sexual misconduct by or against any member of the University community, including sexual harassment, this Complaint Process is the exclusive means by which complaints of discrimination and harassment may be investigated and resolved, unless the complaint involves student-on-student discrimination, harassment, or sexual misconduct conduct. This Complaint Process is not intended to, and does not, preclude any member of the University community from addressing and resolving issues of inappropriate or unwelcome conduct directly with any other member of the University community.

#### **Step 1: Intake**

All complaints of discrimination or harassment, regardless of how reported, if not resolved directly, will be referred by the person receiving the complaint to the EEO Specialist or designee for Intake and Resolution pursuant to this Complaint Process.

All complaints of sexual misconduct will be made or referred to the Department of Public Safety. In such cases, the Department of Public Safety will perform all “Intake” processes, as set forth below.

The EEO Specialist or designee/Department of Public Safety will first meet with the complainant (i.e. the person making the complaint) to either make a complaint, if not already made, or, if a written complaint has been made, to verify the accuracy of the allegations contained in the written complaint. The complaint will include, but not be limited to:

1. The name of the complainant;
2. the name(s) of the respondent(s) (i.e. the person(s) accused of violating the University’s policies against discrimination or harassment or sexual misconduct);
3. the date(s) and nature of all alleged discriminatory or harassing conduct or sexual misconduct;
4. the name(s) of any witness(es) to the alleged discriminatory or harassing conduct or sexual misconduct or person(s) that might otherwise have information relevant to the alleged discriminatory or harassing conduct or sexual misconduct by the respondent; and
5. if appropriate, whether the complainant is amenable to informal resolution of the complaint.

The EEO Specialist or designee/Department of Public Safety will then meet with the respondent to notify the respondent of the complaint and the allegations against her/him. During this meeting, the EEO Specialist or designee/Department of Public Safety will also document the response to the allegations of the complaint, including but not limited to,

1. the respondent’s version of each of the event(s) of alleged discriminatory or harassing conduct or sexual misconduct identified by the complainant;
2. the name(s) of any witness(es) to the alleged discriminatory or harassing conduct or sexual misconduct or person(s) that might otherwise have information relevant to the alleged discriminatory or harassing conduct or sexual misconduct by the respondent;
3. any additional information that the respondent believes is relevant to a determination of the complaint; and
4. if appropriate, whether the respondent is amenable to informal resolution of the complaint.

### *Complaints of Discrimination or Harassment*

The EEO Specialist or designee will evaluate the allegations of the complaint and the response to determine the following:

1. whether the allegations constitute a claim of discrimination or harassment subject to the University's Complaint Process;
2. whether the claim and the parties are amenable to informal resolution. [Note: Claims that may not be suitable for informal resolution include but are not limited to those that may involve the interests of persons other than the claimant, claims of physical assault or violence or claims that involve other potentially criminal conduct]; and
3. whether there are any immediate actions that should be taken to redress the alleged inappropriate conduct pending further resolution of the complaint.

If the EEO Specialist or designee determines that the complaint does not constitute a claim of discrimination or harassment subject to the Complaint Process, the matter will be referred to the appropriate University personnel or University department for resolution.

If the EEO Specialist or designee determines that the complaint does constitute a claim of discrimination or harassment subject to the Complaint Process, then:

1. If the claims and parties are amenable to informal resolution, the matter will proceed as set forth below in Step 2: Informal Resolution. [Note: Both parties must consent to informal resolution, otherwise the matter must proceed to Step 3: Formal Resolution.]
2. If the claims and/or parties are not amenable to informal resolution, the matter will proceed as set forth below in Step 3: Formal Resolution.

### *Complaints of Sexual Misconduct*

In complaints of sexual misconduct, the Department of Public Safety will evaluate the allegations of the complaint and the response to determine whether there are any immediate actions that should be taken to redress the alleged inappropriate conduct pending further resolution of the complaint.

The Department of Public Safety will provide its reports to Judicial Affairs, in cases involving complaints of student-on-student sexual misconduct, or will provide its report to the EEO Specialist or designee, for all other claims of sexual misconduct.

1. If the claims involve student-on-student sexual misconduct, the matter will proceed as set forth in the University's Student-on-Student Sexual Misconduct Policy and Protocol.

2. All other claims of sexual misconduct will proceed as set forth below in the "Step 3: Formal Resolution" process. A Formal Resolution process initiated in response to an allegation of sexual misconduct is independent from criminal or civil proceedings and will normally proceed without regard to the pendency or potential pendency of criminal or civil proceedings.

### **Step 2: Informal Resolution**

Informal Resolution is a process whereby the University attempts to resolve complaints quickly and effectively to the satisfaction of all parties without engaging in a formal fact-finding process or issuing any formal findings, while also providing the greatest protection of confidentiality possible to the parties. At any time during the informal resolution process, either party may elect to terminate the process and proceed with a formal resolution pursuant to Step 3 below.

Informal Resolution may take the form of an interactive resolution by the EEO Specialist or designee. The EEO Specialist or designee will meet with both the complainant and respondent, and any other persons or witnesses determined to be necessary to a full resolution of the complaint, to review the allegations and any response, and assist the parties in reaching a mutually satisfactory resolution.

If resolution is reached by these informal means, the resolution will be documented by the EEO Specialist or designee and the matter will be closed. If resolution is not reached by these informal means, and the EEO Specialist or designee determines that the complaint remains subject and amenable to resolution under the Complaint Process, the complaint will be referred to Step 3 below for Formal Resolution. The University reserves the right to terminate the informal resolution process and to deny formal processing of a complaint if at any time during the informal resolution it is determined that the allegations of the complaint are not subject or amenable to resolution under the Complaint Process.

### **Step 3: Formal Resolution**

If a complaint is not suitable for informal resolution (the complainant, respondent or both do not agree to resolution of the complaint by informal means, or if informal resolution is not successful in resolving the matter, or if the complaint involves allegations of sexual misconduct) an EEO Hearing Panel will be constituted to hear and resolve the complaint.

The University reserves the right to initiate an EEO Hearing if a complainant in a sexual misconduct matter chooses not to participate in the Formal Resolution process.

#### *Hearing Panel Composition*

Each EEO Hearing Panel will consist of 4 EEO Hearing Panel members and one EEO Hearing Panel Chair who will preside over the hearing and—on the Panel’s behalf—issue findings and a recommended remedy, if any, on each EEO complaint. The EEO Hearing Panel shall be constituted as follows:

The complaining party and responding party will each nominate four panelists from an approved list of trained EEO Hearing Panelists. EEO Hearing Panelists receive training regarding the adjudication of complaints made under this policy.

Each individual nominated by the complaining and responding parties must:

- Have satisfactorily completed University required training,
- Not be an attorney,
- Not have a personal interest in the EEO complaint or its resolution, and
- If a staff member, have completed his/her introductory period.

The Vice President of Human Resources will make the final selection of the panel members from the nominees by selecting two of the complaining party’s nominees and two of the responding party’s nominees.

The fifth panel member will be an HR Representative who will preside over the hearing as the EEO Hearing Panel Chair. The Vice President of Human Resources will designate the HR Representative who will act as the EEO Hearing Panel Chair. The HR Representative will only act as a voting panelist if there is a split decision between the EEO Hearing Panel members.

#### *Notice of Hearing*

Once selected, the EEO Hearing Panel Chair will provide at least ten (10) calendar days notice to the complaining and responding parties of the date of the hearing. All EEO Hearing Panel members will receive training on the University’s anti-discrimination/harassment and sexual misconduct policies and on the administration of this Complaint Process prior to the hearing.

#### *Formal EEO Hearing Process*

The function of the EEO Hearing Panel shall be to:

(1) determine whether any University policy against discrimination, harassment or sexual misconduct has been violated, including any lesser offense than that charged in the complaint; and (2) if so, recommend an appropriate remedy to redress the violation. At the EEO Hearing Panel proceedings, each party shall have the right to present testimony and evidence in support of his/her claims or defenses. The EEO Hearing Panel shall be empowered to hear and receive evidence and testimony relating to the complaint, including compelling either party to produce a witness or evidence deemed relevant to the determination of the complaint, and question any witnesses, including the complainant or respondent.

The EEO Hearing Panel Chair shall be responsible for presiding over the EEO Hearing Panel proceedings and ensuring the orderly presentation of the evidence and testimony, as well as ensuring that the parties are accorded a fair and full opportunity to present their claims and defenses. The EEO Hearing Panel proceedings will not be governed in accordance with any rules of evidence or procedure, but will be administered in the sole discretion of the EEO Hearing Panel, under the direction of the EEO Hearing Panel Chair. All EEO Hearing Panel proceedings will be closed to general members of the University community. Attendance at EEO Hearing Panel proceedings will be limited to the complainant, respondent, an advisor to either party, witnesses called to testify by either party, and the designated EEO Hearing Panel members.

After the presentation of all testimony and evidence by both parties, the EEO Hearing Panel will convene privately to deliberate on the facts and evidence. Within fifteen (15) calendar days from the adjournment of the hearing, the EEO Hearing Panel will issue a written decision reflecting the panel’s finding of whether any of the University’s policies against discrimination, harassment or sexual misconduct have been violated, the factual basis for such finding, and the recommended remedy for any violation. The written decision will be made using the preponderance of evidence standard. The findings and recommendation will be based solely on the presentation of evidence and testimony during the hearing and will include sufficient detail in support of the decision to allow adequate review on appeal.

If the decision contains a recommended remedy, the EEO Hearing Panel will forward its written decision to the EEO Specialist or designee and the appropriate University Senior Vice President responsible for enforcing any remedy for review and approval. If the recommended remedy is not approved, the written decision must be supplemented

to reflect the reasons for any modification. [Note: A recommended remedy may be modified, for example, on the basis of prior disciplinary action against the respondent to which the EEO Hearing Panel is not privy.] Within five (5) calendar days from the date of the written decision the EEO Specialist or designee will issue written notice to both the complainant and respondent of the findings of the EEO Hearing Panel, including the determination of whether any University policy against discrimination or harassment has been violated, the factual basis for the finding, and any remedy. In the case where the remedy involves discipline against the respondent, the complainant will be notified only that the respondent will be appropriately disciplined for the violation, but will not receive notice of the specific nature of any discipline, unless required by law. Notice to the respondent will include specific reference to the discipline to be enforced against her/him. The decision of the EEO Hearing Panel is final unless appealed, pursuant to Step 4 below, within ten (10) calendar days from the date of the written notice to the parties.

#### ***Step 4: Appeal***

Either party may appeal within ten (10) calendar days of the date of the written notice of the decision of the EEO Hearing Panel by providing written notice of appeal as follows:

##### *Appeal by Complainant*

The complainant may appeal the decision of the EEO Hearing Panel to the University Executive Vice President and Provost. A formal notice of appeal must be filed in writing with the Office of the University Executive Vice President and Provost. Upon receipt of the written notice of appeal, the Office of the University Executive Vice President and Provost will provide notice of the appeal in writing to the EEO Specialist, the appropriate University Senior Vice President, if any, and the respondent. The University Executive Vice President and Provost will review the record of the case, including but not limited to the written decision of the EEO Hearing Panel and any evidence or other documentation contained in the case file, to determine whether the decision, including the findings and recommended remedy, if any, of the EEO Hearing Panel should be affirmed, reversed, or modified. Within ten (10) calendar days from the date of the written notice of appeal, the University Executive Vice President and Provost will notify the parties in writing of the decision on appeal. In the event the decision of the EEO Hearing Panel is reversed or modified, the notice by the University Executive Vice President and Provost will include an explanation of the grounds on which the decision has been reversed or modified. The decision of the University Executive Vice President and Provost shall be final.

##### *Appeal by Respondent*

The respondent may appeal the decision of the EEO Hearing Panel as follows:

1. A student respondent may appeal the decision of the EEO Hearing Panel by sending written notice of appeal to Judicial Affairs within ten (10) calendar days from the date of the notice of the decision. The appeal of the decision of the EEO Hearing Panel will proceed in accordance with the procedures for appeal found in the Student Conduct Code.
2. A faculty respondent may appeal the decision of the EEO Hearing Panel by sending written notice of appeal to the Faculty Grievance Committee within ten (10) calendar days from the date of the notice of the decision. The appeal of the decision of the EEO Hearing Panel will proceed in accordance with the procedures for review of a faculty grievance of "dismissal or other severe sanction" found in the Faculty Handbook.
3. A staff member may appeal the decision of the EEO Hearing Panel by sending written notice of appeal to the University Executive Vice President and Provost within ten (10) calendar days from the date of the notice of the decision. The appeal of the decision of the EEO Hearing Panel will proceed in accordance with the procedure set forth above for appeals by complainants.

##### *Scope of Review on Appeal*

All appeals shall be based on a review of the record of the case, including but not limited to the written decision of the EEO Hearing Panel and any evidence or other documentation contained in the case file. The scope of review on appeal shall be solely to determine if the findings and recommended remedy, if any, are supported by a preponderance of the evidence in the record of the case. No appealing party shall be permitted to offer new evidence for consideration on appeal unless the party can demonstrate that the evidence did not exist or the party was reasonably unaware of the evidence at the time of the EEO Hearing. If new evidence is permitted for consideration on appeal, the reviewer will only be permitted to determine whether the additional evidence might reasonably have resulted in a different finding or remedy. If the reviewer determines that the additional evidence might reasonably have resulted in a different finding or remedy, the case shall be remanded to the EEO Hearing Panel for reconsideration of the case in light of the new evidence.

##### *Decision on Appeal*

Within ten (10) calendar days from the date of the written notice of appeal, the reviewer will issue a written decision on appeal to both the complainant and respondent, which shall state whether the decision of the EEO Hearing Panel,



including the findings and remedy, if any, are affirmed, reversed, modified, or in the case of new evidence remanded. In the event the decision or remedy of the EEO Hearing Panel is reversed or modified, the notice shall include an explanation of the grounds for reversal or modification. Notice to the complainant will not include reference to the specific nature of any discipline to be enforced against the respondent, unless required by law. Copy of the written notice will also be forwarded to the EEO Specialist and the appropriate University Senior Vice President, if any. All appeal decisions are final.

### **Record Keeping**

The University will maintain records of all complaints of discrimination, harassment and sexual misconduct filed pursuant to the Discrimination and Harassment Complaint Process for a period of not less than four (4) years. All records will be maintained by the EEO Specialist. Complaint records will not be maintained with the academic or employment records of any student, faculty, or staff, except that some notation of disciplinary action taken against any student, faculty, or staff pursuant to the Complaint Process may be made in the academic or employment record(s) of that individual if required as a condition of the discipline itself or pursuant to administrative record-keeping requirements.

Annually, the University will publish a record of the number of complaints filed pursuant to the Discrimination

and Harassment Complaint Process and the basis of each complaint. No information will be published about the identity of persons involved in or the specific nature of any discriminatory harassment complaint.

### **Training**

Pursuant to California law, all supervisory faculty and staff personnel shall receive two (2) hours of training on sexual harassment, including specifically the University's policy against discriminatory harassment, once every two years. This training will be coordinated and administered by the University Title IX Coordinator/EEO Specialist in conjunction with the Department of Human Resources. Any individual who has a question regarding this training should contact the Title IX Coordinator/EEO Specialist at the Human Resources Office, x86105.

### **Questions about this Policy**

Students, faculty and staff who have questions regarding the University's Discriminatory Harassment and Complaint Process policy or Title IX should contact the University EEO Specialist, who is the designated Title IX Coordinator for the University, at Human Resources, 1 LMU Drive, Suite 1900, Los Angeles, CA 90045, phone: 310.568.6105.

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