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

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).

A 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 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 at lmu.edu/lmucares, or call (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 the Office of Student Conduct & Community Responsibility (OSCCR) 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 conduct process. Outcomes related to sexual and interpersonal misconduct cases run the full spectrum as outlined in Section IV 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, however failure or refusal to sign an NCO by either party does not impact the enforcement of the NCO. 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 Conduct Officers. These Conduct 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 Conduct Officers receive training regarding the adjudication of sexual and interpersonal misconduct. For information regarding what training is conducted please contact OSCCR at (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 that
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. For purposes of this policy and 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 conduct 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 by an individual or a third party 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, lewd or lascivious acts upon a child, oral copulation, sexual penetration, 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 or former spouse, cohabitant, former cohabitant or 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 spouses,
5. The continuity of the relationship, and
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;
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.

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. 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, Senior HR Specialist—Investigations: Janet.Lindsay@lmu.edu
2. Francesca Piumetti, Associate Dean of Students: Francesca.Piumetti@lmu.edu
3. Maria Behm, Senior Associate Athletics Director/Business Affairs: 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 conduct 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; 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: 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 a 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.

2. Student Health Services 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, 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 an 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 a 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 conduct 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 the Office of Student Conduct & Community Responsibility;

**B.** Explain all stages of the LMU Student Conduct Code 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 conduct 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 and Interpersonal Misconduct Resource Contact List

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
lmu.edu/lmucares/

**Student Affairs Resource Administrators**
(310) 338-2856

**Community Resource Advisors**
studentaffairs.lmu.edu/CRA

**Department of Public Safety**
Foley Annex
(310) 338-2894
222 On-Campus Emergency Line

**Student Psychological Services**
Burns Recreation Center, North Side, Second Floor
(310) 338-2888
Psychological support, information and resource referral

**Student Health Services**
Burns Recreation Center, North Side, First Floor
(310) 338-2881
Medical and information resource

**Campus Ministry**
Malone Student Center 210
(310) 338-2860
Pastoral counseling

**Office of Student Conduct & Community Responsibility**
Malone Student Center 355
(310) 338-1821
Information about LMU’s conduct process

**Office for International Students & Scholars**
Malone Student Center 201
(310) 338-2937
Information about immigration and government documentation

**LGBT Student Services**
Malone 201
(310) 258-5482

**Financial Aid**
Von der Ahe 270
(310) 338-2753

**Disability Support Services**
Daum Hall, second floor
(310) 338-4216

**Title IX Coordinator**
Sara Trivedi
University Hall 1900
(310) 568-8105

**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
marinahospital.com

**Los Angeles Police Department**
Pacific Community Police Station
12312 Culver Blvd.
Los Angeles, CA 90066
(310) 626-6334 (station phone)
9-1-1 (life threatening emergencies);
(626) 793-3385 (LAPD Rape Hotline)

**Legal Aid Foundation of Los Angeles**
1640 5th St., Suite 124
Santa Monica, CA 90401
(310) 899-6200

**Superior Court of Los Angeles**
Temporary Restraining Order:
lacourt.org/selfhelp/abuseandharassment/SH_AH001.aspx

**ACE Travel Assistance Program (Study Abroad)**
Domestic: (855) 327-1414
International: (830) 694-9764

**Peace Over Violence**
1015 Wilshire Blvd., Suite 200
Los Angeles, CA 90017
(310) 392-8381 (24 hour hotline)

**Office of Civil Rights**
U.S. Department of Education Office of Civil Rights
Lyndon Baines Johnson Dept of Education Building
400 Maryland Ave., S.W.
Washington, D.C. 20220-1100
(800) 421-3481
OCR@ed.gov
What Should You Do If You Experience Sexual Assault, Sexual Violence, Domestic Violence, Dating Violence or Stalking?

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 through the LiveSafe Safety App. Visit lmue.edu/getlivesafe to download the app. 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. For office hours or to schedule an appointment, visit [lmu.edu/counseling](http://lmu.edu/counseling). After hours, please call (310) 338-2868 and follow the prompt to access a therapist.