

Student Title IX Sexual Harassment Policy

I. Introduction

Loyola Marymount University (“LMU”) recognizes the significant, unacceptable and nationwide existence of Sexual Harassment 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 instances of Sexual Harassment so that the University can take appropriate responsive action.

Title IX of the Education Amendments of 1972, and the regulations regarding Title IX released by the Department of Education in May of 2020 (“Title IX 2020 Regulations” or “Title IX”), is a federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities. Conduct that falls under Title IX must be either Sexual Assault, Dating Violence, Domestic Violence, Stalking or be conduct that is so severe, pervasive and objectively offensive that it effectively denies a person equal access to LMU’s education programs or activities. Conduct that falls under Title IX must also occur in the United States, on campus or a campus controlled premises or on campus sponsored event.

The Student Title IX Policy prohibits and addresses misconduct that meets the definition of Sexual Harassment under the Title IX 2020 Regulations. This policy applies to reports of Title IX Sexual Harassment in which the Respondent is a Student. Title IX Sexual Harassment involving a student and a faculty or staff member is handled under the [Faculty and Staff Title IX policy](#). Non-Title IX sexual or interpersonal misconduct involving a Student and any non-student Respondent in the University Community is handled under the [Sexual and Interpersonal Misconduct Process policy](#).

The Division of Student Affairs has established this Title IX Policy pursuant to the Title IX 2020 Regulations to assist and respond to complaints of student Sexual Harassment under Title IX in a manner consistent with the mission of the Office of Student Conduct & Community Responsibility (OSCCR), which seeks to maintain the University’s academic and social environment by upholding community standards and educating students about them.

A. LMU strongly encourages all Students to report Title IX Sexual Harassment and/or sexual or interpersonal misconduct regardless of the amount of time that has passed

since the alleged misconduct occurred.

Once a report is received, the Title IX Coordinator, or designee, will discuss with the Complainant the availability of Supportive Measures (regardless of whether the Complainant signs a Formal Complaint, agrees to be interviewed by the Department of Public Safety (DPS) or participates in the conduct process).

If you believe you have experienced Title IX Sexual Harassment and/or sexual or interpersonal misconduct, you are encouraged to file a report with DPS either in person (Foley Annex), by phone (310.338.2893 or through their [E-Report Form](#), or by contacting LMU’s Title IX Coordinator, Sara Trivedi:

1. By phone: 310.568.6105;
2. By e-mail: Sara.Trivedi@lmu.edu;
3. By mail: One LMU Drive, Suite 1900, Los Angeles, CA, 90045; or
4. In person: University Hall 1900.

Reports may be made at any time to DPS, or to the Title IX Coordinator, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address above.

Students who are unsure whether what they experienced, witnessed or what has been reported to them constitutes sexual or interpersonal misconduct, should contact DPS and report the incident. DPS will take appropriate responsive action based on the information provided.

If a Report is received by DPS, they will promptly notify the Title IX Coordinator, or designee. Once the Title IX Coordinator, or designee, either receives the report or is notified by DPS, the Title IX Coordinator, or designee, will contact the Complainant to explain the process for filing a Formal Complaint, as well as discuss the availability of Supportive Measures. A complaint becomes a Formal Complaint once the Complainant or, in some instances, the Title IX Coordinator signs the complaint.

If a Complainant elects not to file a Formal Complaint once the Title IX Sexual Harassment is reported, the Complainant will be contacted by the Title IX Coordinator, or designee, to

discuss the availability of Supportive Measures, and will retain the right to revisit filing a Formal Complaint at a later date.

In line with the Good Samaritan Policy found in the Community Standards Booklet, violations of the Student Conduct Code regarding underage or excessive consumption of alcohol and/or marijuana, 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 Title IX Sexual Harassment. The University reserves 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.

B. 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 Title IX Sexual Harassment, even if those complaints do not result in a finding of misconduct or sanction under University policies.

C. Allegations of sexual or interpersonal misconduct against a Student that are not covered under the Student Title IX Policy will be initiated and adjudicated under the relevant provisions of the Student Sexual and Interpersonal Misconduct Policy. If the allegation is against a faculty or staff member, the matter will be adjudicated under the Faculty and Staff Title IX Policy.

D. Some instances of alleged Title IX Sexual Harassment may be eligible to be addressed by an informal resolution process (Section XII) if both parties provide written authorization of their willingness to participate in such a process. Eligibility of an allegation to be addressed through an informal resolution process will be determined by the Title IX Coordinator, or designee.

II. General Guidelines

A. Definitions

As used in the Title IX Policy, the following terms shall have the following meanings (all terms defined below shall be capitalized throughout the Title IX Policy).

1. **“Advisor”** means anyone selected by a Student to appear with the Student at scheduled conduct proceedings, regardless of affiliation with LMU. Advisors in the Title IX conduct process are required for hearings

under this process as the Advisor performs cross examination for both Complainants and Respondents.

2. **“Complainant”** means the individual(s) who is alleged to be the victim of conduct that may constitute Title IX Sexual Harassment.

3. **“Consent”** means 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 they have 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 continuing Consent nor Consent to new or additional sexual activity, nor does consenting to sexual activity with one person imply Consent to sexual activity with another person.

a. Consent is not freely given if:

i. 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

ii. 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); or

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

(c). The individual is under the age of 18 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.

iii. The individual has acted or spoken in a manner that expresses a lack of Consent or a refusal to Consent.

b. The following are invalid excuses for failing to obtain affirmative Consent from the Complainant:

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

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

4. **"Dating Violence"** means violence committed by a person:

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

b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:

i. The length of the relationship;

ii. The type of relationship;

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

5. **"Day"** means a University business Day. It shall not include Saturdays, Sundays or administrative holidays.

6. **"Domestic Violence"** means violence committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of California and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic or technological abuse that may or may not constitute criminal behavior, by a person who is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim; is cohabitating or has

cohabitated with the victim as a spouse or intimate partner, shares a child in common with the victim; or commits acts against an adult or youth victim who is protected from those acts under California law.

7. **"Education Program or Activity"** means locations, events or circumstances over which LMU has substantial control over both the Respondent and the context in which the Title IX Sexual Harassment occurs.

8. **"Formal Complaint"** means a document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that LMU investigate the allegation of Title IX Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in an Education Program or a University-approved Activity, with which the Formal Complaint is filed. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail or by electronic mail, as well as through DPS's online Reporting form.

For the purposes of this definition, the term "document filed by a Complainant" is defined as a document or electronic submission that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party to the case.

9. **"Institution"** and **"University"** mean Loyola Marymount University but not including Loyola Law School.

10. **"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.

11. **"Respondent"** means an individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Harassment.

12. **"Reasonably Prompt Time Frame"** means the amount of time necessary for the Complainant or Title IX Coordinator to file the Formal Complaint; Investigator(s) to schedule and conduct the relevant and necessary interviews, so as to put together a comprehensive investigative Report that includes inculpatory and exculpatory evidence; 10 Days for both the Complainant and the Respondent to review electronically the comprehensive Report generated by the DPS investigation and provide a written response; the time necessary to schedule and meet with the Complainant and separately

the Respondent, with Advisors present if desired, to review the procedures of the Title IX hearing process; to give the Complainant, Respondent and Advisors 10 Days to review the final DPS investigation Report; to schedule and conduct the Title IX hearing; to write the final decision letters; and to resolve an appeal if one is filed. The same time frame applies to the informal resolution process. In normal circumstances, assuming timely cooperation from the parties and Witnesses, staff will use their best efforts to complete this process within 120 Days.

While LMU strives to make decisions as quickly as possible, given the sensitivity of the allegations at hand, LMU recognizes that good cause delays may occur. Good cause delays include, but are not limited to, the following: absence of a party, a party's Advisor or a Witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. LMU will communicate in writing to the Complainant, Respondent and relevant participants, if a good cause delay occurs.

13. **"Retaliation"** means 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 may, among other non-permitted conduct or behaviors, include threats, intimidation, coercion, harassment, spreading defamatory information about an individual, exclusions from academic and non-academic programs and/or adverse actions related to employment or academics.

14. **"Report"** means an allegation of Title IX Sexual Harassment that is brought to the attention of the Title IX Coordinator by either the individual who experienced the Title IX Sexual Harassment or someone other than the person who experienced the Sexual Harassment. A Report becomes a Formal Complaint when it is signed by either the Complainant or the Title IX Coordinator.

15. **"Sexual Assault"** means 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, vaginal/anal intercourse, sexual battery (including, but not limited to, masturbation), 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.

16. **"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.

17. **"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. Student includes one who has been enrolled at the University for the immediately preceding fall, spring or summer term and/or is eligible for continuing enrollment or graduation. The term "Student" does not include Law School Students.

18. **"Supportive Measure"** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available and without fee or charge to the Complainant or Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to LMU's Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties, LMU's educational environment and/or deter Title IX Sexual Harassment.

19. **"Title IX Coordinator"** means LMU's authorized employee who coordinates the University's efforts to comply with its responsibilities under Title IX, including, but not limited to, receiving Reports of Title IX Sexual Harassment. To file a Report, or to ask any questions about Title IX, please contact LMU's Title IX Coordinator, Sara Trivedi, in Human Resources, who can be reached at 310.568.6105 or Sara.Trivedi@lmu.edu.

Deputy Title IX Coordinators include:

- a. Francesca Piemetti, Associate Dean of Students:

Francesca.Piumetti@lmu.edu

b. Ashley Armstrong, Deputy Athletic Director:

Ashley.Armstrong@lmu.edu

c. Janet Lindsay, EEO Officer; Janet.Lindsay@lmu.edu

20. **“Title IX Sexual Harassment”** means unwelcome conduct by an employee conditioning the provision of an LMU educational aid, benefit or service on an individual’s participation in unwelcome sexual conduct; or unwelcome conduct on the basis of sex determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to an LMU education program or activity, or “Sexual Assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “Dating Violence” as defined in 34 U.S.C. 12291(a)(10), “Domestic Violence” as defined in 34 U.S.C. 12291(a)(8), or “Stalking” as defined in 34 U.S.C. 12291(a)(30). Title IX Sexual Harassment must occur in an LMU Education Program or Activity against a person in the United States.

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

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

23. **“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.

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

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

B. Jurisdiction of the University

Jurisdiction extends to conduct that occurs on University Premises and/or at on and off campus University events, programs or activities.

C. Inherent Authority

The University reserves the right to take necessary and appropriate action to protect the health, safety and well-being of the University, including its reputation and good will, and the University Community.

D. Focus of the Proceedings

The primary focus of the inquiry in all Student Title IX Sexual Harassment proceedings shall be to determine if the subject Student is responsible for the alleged violation of the Student Title IX Policy and, if the Student is found to be responsible for a violation, to provide the appropriate remedy. The University shall make every effort to investigate and adjudicate these matters in a Reasonably Prompt Time Frame, usually within 120 Days, assuming timely cooperation of all parties.

In keeping with the mission of OSCCR and the purpose of the Policy, Student Title IX Policy proceedings are not intended to materially emulate judicial processes or proceedings in the criminal justice system. This is because Student Title IX Policy proceedings are intended to be educational, less formal, less adversarial and less complex than criminal justice processes and procedures, while still seeking the truth in a fundamentally fair manner. Formal rules of evidence shall not be applicable nor shall deviations from prescribed procedures necessarily invalidate a Student Title IX Policy decision or proceeding. Student Title IX Policy proceedings shall be prompt, fair and impartial and adjudicated by Conduct Administrators that have received regular training regarding incidents of this nature.

E. Violations of Law and the Student Title IX Policy

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

Students subject to potential or actual criminal charges relating to conduct alleged in pending Student Title IX Policy proceedings may assert their Fifth Amendment privilege against self-incrimination during Student Title IX Policy proceedings. No inference of responsibility for Student Title IX Policy violation will be drawn because of an assertion of the Fifth Amendment privilege. The Conduct Administrator(s) will otherwise evaluate all available information, testimony and evidence in making their

determination.

F. Burden of Proof

In cases alleging Title IX Sexual Harassment, the burden of proof is on the University. Determinations under this policy will be made utilizing the Preponderance of Evidence standard. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation(s) of misconduct.

G. Limitations Period

Reports under this policy must be brought in the period of time during which the putative Respondent is a Student and subject to the Student Title IX Policy. 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.

H. Time Frame for Student Title IX Policy Investigation and Conduct Process

Alleged incidents of Title IX Sexual Harassment will be investigated and adjudicated in a Reasonably Prompt Time Frame as defined in Section II(A) of this policy. In normal circumstances, assuming timely cooperation from the parties and witnesses, staff will use their best efforts to complete the process within 120 Days.

While the University strives to complete the investigation, adjudication and appeals process within 120 Days, there may be instances beyond the control of the University where a good cause delay extends the University's timeline. Good cause delays include, but are not limited to, absence of a party, a party's Advisor or a Witness, concurrent law enforcement activity, the need for language assistance or accommodation of disabilities, examinations or school closures. The University will communicate in writing to the Complainant, Respondent and relevant participants if a good cause delay occurs.

I. Communication

OSCCR's primary method of communication will be through the Student's official University e-mail account. OSCCR may also, at its discretion, communicate to Students via any one or more of the following methods: electronic communication, U.S. Mail or parcel delivery (e.g. FedEx) to the Student's permanent address on file, and/or personal hand delivery. 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 avoiding or delaying the Student Title IX Policy process.

J. Scheduling Student Hearings

In scheduling hearings, hearing preparation meetings and other proceedings, OSCCR will reasonably attempt to avoid conflicts with class and academic schedules for those involved but may not be able to do so. Individuals involved in the Student Title IX Policy processes are required to attend scheduled hearings notwithstanding class or academic conflicts. Failure to attend a hearing preparation meeting will not prevent the scheduling of a hearing.

K. Non-student Incidents

This policy applies to reports of Title IX Sexual Harassment in which the Respondent is a Student. Title IX Sexual Harassment involving a student and a faculty or staff member is handled under the Faculty and Staff Title IX policy. Non-Title IX sexual or interpersonal misconduct involving a Student and any non-student Respondent in the University Community is handled under the Sexual and Interpersonal Misconduct Process policy.

L. University as Complainant

If a Complainant chooses not to sign a Formal Complaint, the Title IX Coordinator may sign the Formal Complaint on behalf of the University if the Title IX Coordinator believes sufficient evidence exists without the participation of the Complainant to investigate the matter more thoroughly.

M. Prior Sexual History

Prior sexual history of Complainant or Respondent with people outside of each other will generally not be utilized as evidence in these disciplinary proceedings, unless provided for by law, including as set forth in the 2020 Title IX Regulation: 34 CFR 106.45(b)(6).

N. No Contact Orders

No Contact Orders (NCO) may be utilized by DPS both during the investigation and through the completion of the hearing process. An NCO may be extended beyond the completion of the hearing process. Failure or refusal to sign an NCO by either party does not impact the enforcement of the NCO.

O. Supportive Measures

In cases alleging Title IX Sexual Harassment the Dean of Students, or designee, may institute Supportive Measures at the request of the Complainant and/or Respondent or as deemed appropriate by the University to protect the investigatory process and/or the University community while the complaint is being investigated and prior to the

determination on the charge(s). Supportive Measures include, but are not limited to, academic, residential, transportation and/or employment accommodations, intended to protect [or preserve] the Complainant's and/or the Respondent's access to LMU's education program or activity. Supportive Measures may be extended through the pendency of conduct proceedings and potentially beyond as necessary.

A Complainant does not need to agree to be interviewed by DPS or sign a Formal Complaint in order to receive Supportive Measures.

Any such Supportive Measure 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. Supportive Measures provided to either the Complainant or Respondent are kept private, to the extent that maintaining privacy does not impair LMU's ability to provide Supportive Measures. The Complainant (and the Respondent if identified and made aware of the allegation) will receive written notification of their access to Supportive Measures. Any such Supportive Measure shall not be referred to or offered as evidence at the hearing on the underlying charge(s).

P. Education

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](#) or call 310.258.4381.

III. Responsible Employees and Requests for Privacy

A. Responsible employees are obligated to report all details of an incident of Title IX Sexual Harassment, including the identities of those involved, to DPS whenever that information is brought forward to the responsible employee. The Complainant will have the opportunity to sign a Formal Complaint to initiate an investigation, however Students should be aware that if they sign a Formal Complaint their identity will need to be shared with the Respondent in order for the investigation to move forward.

The Title IX Coordinator, may elect to sign a Formal Complaint on behalf of the University, despite a Complainant's decision not to sign a Formal Complaint, if sufficient evidence exists. If the decision is made that the University will proceed without the Complainant signing the Formal Complaint, then the University will only inform the

necessary individuals and entities on campus required to perform a thorough investigation and adjudication of the complaint. In the event the Complainant requests that the University inform the Respondent that the Complainant asked the University not to investigate or pursue the conduct process, the University will honor this request.

Should a Student report sexual or interpersonal misconduct that occurred when the Student was a child under the age of 18, LMU is required to contact local law enforcement to report the conduct.

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 (SPS), 310.338.2868.
2. Pastoral counselors, such as rabbis, Catholic priests and women religious, are not required to report any information regarding alleged sexual or interpersonal misconduct to DPS, 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.
3. Student Health Services (SHS) Staff, 310.338.2881 or LMUhealth@lmu.edu, are not required to report any information regarding alleged sexual or interpersonal misconduct, to DPS, the Title IX Coordinator or any other reporting body on campus, without Consent from the Student. The SHS Staff will be required to report signs of physical or sexual abuse to law enforcement.
4. LMU Community Resource Advisors (LMU CRAs), whose identities and contact information 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 an LMU CRA will not trigger a University investigation unless the Title IX Coordinator, in consultation with the Dean of Students, or designee, determines that an investigation is necessary.

IV. Complainant and Respondent Rights

A. LMU's conduct process is intended to be fair and equitable to both the Complainant and Respondent. In observance of that goal of equity, and in accordance with the 2020 Title IX Regulations, both Complainants and Respondents in Title IX Sexual Harassment cases have the right to:

1. An Advisor of their choice (see Section VI for more details) to assist with the conduct process (including performing cross-examination during a conduct hearing). If a Student does not have an Advisor, LMU will assign an Advisor to conduct cross-examination during the hearing;
2. 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 available;
3. Receive written notification of the procedures for institutional disciplinary action and their rights and options as defined in Title IX Sexual Harassment cases;
4. Request Supportive Measures as approved by the Dean of Students in collaboration with the Title IX Coordinator;
5. File a report with DPS or the Title IX Coordinator;
6. File a police report and take legal action separate from and/or in addition to filing a complaint under this policy seeking disciplinary action;
7. Notice, in writing, that a Formal Complaint has been filed;
8. Identify material or expert Witnesses to the alleged incident;
9. Receive written notification of the alleged charges based on the information available to the University;
10. Review submitted evidence that will be utilized by the Conduct Administrators in consideration of whether a violation of the Student Title IX Policy occurred, and provide a written response to DPS;
11. Have their Advisor cross-examine the opposing party and any Witnesses during the hearing to determine credibility of information;
12. If, in the course of the investigation, LMU decides to investigate allegations about the Complainant or Respondent that are not included in the initial notice of allegations, LMU will provide notice of the additional allegations in writing to all parties whose identities are known at the time.

13. Be informed of the disciplinary finding (responsible or not responsible), the reasoning behind the decision as well as any sanctions, as applicable, in writing;

14. Appeal rights as outlined in Section XIII of this Policy;

15. Refuse any/all of the above.

V. Student Affairs Resource Administrators (SARA)

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 separate SARA to both the Complainant and Respondent (if a Respondent has been identified and been made aware of the allegation). 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 what Supportive Measures may be available to the Complainant and/or Respondent (as outlined in Section II(O) of this policy).

Complainants will be assigned a SARA regardless of whether they provide LMU with the name of the Respondent or sign a Formal Complaint.

It is encouraged, but not required, that Complainants and Respondents meet with their assigned SARA. The role of the SARA is to:

A. Provide information, in writing, regarding resources on and off campus such as SPS, SHS, Student Housing, LMU Recovery, LMU CARES, DPS, law enforcement authorities, Rape Treatment Center at Santa Monica-UCLA Medical Center, Campus Ministry and OSCCR;

B. Provide information regarding the LMU Student Title IX Policy process and/or informal resolution process;

C. Provide assistance in requesting Supportive Measures;

D. Remain available to the Complainant/Respondent throughout the conduct process and/or informal resolution process and continue to provide the Student access to the resources that the Student requires.

VI. Advisor

Complainants and Respondents may choose an Advisor of their choice. The Advisor may be anyone, regardless of familial relationship or lack of affiliation with the University; however, the Advisor must not serve in any other capacity in the conduct process (i.e., Witness or Conduct Officer) but may be the Complainant's or Respondent's SARA.

Complainants or Respondents are required to have an Advisor for the hearing to perform cross-examination. If a Complainant or Respondent does not have an Advisor, they will be provided one by the University.

Advisors will assist Students during the conduct process, but will not serve as representation for Students in SIM Policy proceedings. Advisors may not address the Hearing Panel members during conduct proceedings. All communication involving Advisors, with the exception of performing cross-examination must be between the Advisor and Student. An Advisor may not appear in lieu of a Student.

VII. Roles and Responsibilities

A. The Roles and Responsibilities of the Conduct Administrators.

1. Hearings or other proceedings as provided in this Policy may be held before Conduct Administrators, and will utilize videoconferencing.
2. The Senior Vice President for Student Affairs, or designee, shall appoint Conduct Administrators.
3. The Conduct Administrators adhere to procedures consistent with provisions in this Policy. All procedures are approved by the Senior Vice President for Student Affairs, or designee.
4. In the event of a vacancy or disqualification of a Conduct Administrator, the conduct matter shall be assigned to another Conduct Administrator by the Senior Vice President for Student Affairs, or designee.
5. Conduct Administrators shall complete annual training provided by OSCCR.
6. Conduct Administrators may be called upon to participate in the annual review of the Student Title IX Policy.

B. The Roles and Responsibilities of the Student Conduct Appeal Committee.

1. Appeals, as provided in this Policy, are held before the Student Conduct Appeal Committee.
2. The Student Conduct Appeal Committee shall adhere to procedures consistent with provisions in this Policy. Procedures are approved by the Senior Vice President for Student Affairs, or designee.
3. The Student Conduct Appeal 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 RHA President shall recommend members from RHA;
- d. The Student Housing Office shall recommend Resident Ministers as members;
- e. The Senior Vice President for Student Affairs, or designee, shall appoint a minimum of two faculty/staff members;
- f. Each meeting, the Senior Vice President for Student Affairs, or designee, shall designate a Presiding Chair over the appellate process from the members of the Student Conduct Appeal Committee;
- g. The Senior Vice President for Student Affairs, or designee, shall serve as an ex officio member.

4. The Senior Vice President for Student Affairs, or designee, shall appoint all members of the Student Conduct Appeal Committee.
5. The term for the Student or faculty/staff committee members shall be one year. Members may be re-appointed for additional terms.
6. Prior to participating in Student Conduct Appeal Committee deliberations, new members of the Student Conduct Appeal Committee will participate in an 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 Appeal Committee who are charged with any violation of the Student Conduct Code, Student Sexual and Interpersonal Misconduct Policy, Student Title IX Policy or with a criminal offense may be suspended from their committee positions by the Senior Vice President for Student Affairs, or designee, 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 conduct system by the Senior Vice President for Student Affairs, or designee.
8. In the event of a vacancy, suspension or disqualification of a Student Conduct Appeal Committee member, the Senior Vice President for Student Affairs shall fill the

vacancy.

9. Student members of the Student Conduct Appeal Committee may be called upon to participate in the annual review of the Student Title IX Policy.

VIII. Prohibited Conduct

The following is a non-exhaustive list of conduct that is considered to be in violation of the Student Title IX Policy. Participation in any of the below mentioned conduct may result in the initiation of Student Title IX Policy proceedings. Informal resolution may also be initiated in lieu of the conduct process if both the Complainant and Respondent provide written Consent of its usage.

A. Participating in Title IX Sexual Harassment, which may include Sexual Assault, Dating Violence, Domestic Violence or Stalking on LMU's campus or at a University-approved Activity.

IX. Title IX Law

Title IX is a federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities.

LMU does not discriminate on the basis of sex. LMU encourages prompt Reporting of Title IX Sexual Harassment. Under Title IX, LMU has a responsibility to respond promptly and equitably to address Title IX Sexual Harassment. Once LMU has received a Report of Title IX Sexual Harassment, LMU will offer Supportive Measures to the Complainant and, in the instance of a Formal Complaint being filed, to the Respondent, as well as conduct an equitable investigation and conduct process intended to restore equal access to education for all involved participants.

If you believe that LMU does not respond appropriately to your allegations of Title IX Sexual Harassment as defined by Title IX after you have filed a Report with either DPS or the Title IX Coordinator or designee or gone through the conduct process or informal resolution process, you have the option to file a complaint with the Office for Civil Rights.

A. You may file a complaint:

1. In person: via telephone 800.421.3481; or
2. Online: via e-mail: OCR@ed.gov; or
3. 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

B. For more information about filing a complaint please visit: www2.ed.gov/about/offices/list/ocr/docs/howto.html.

X. Title IX Conduct Process

Once a Formal Complaint is received, LMU will address allegations of Title IX Sexual Harassment through the conduct process outlined below. LMU's Title IX conduct process strives to treat Complainants and Respondents equitably by adhering to the conduct process outlined in the 2020 Title IX Regulations.

A. Formal Complaint Process and Investigations

1. Notice of Allegations

Upon receipt of a Formal Complaint, LMU will provide written notice to both the Complainant and Respondent of the following:

- a. Notice of LMU's conduct process;
- b. Notice of the allegations of Title IX Sexual Harassment and sufficient details known at the time;
- c. Notice that the Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility can be made at the conclusion of the conduct process;
- d. Notice that the Complainant is presumed to be acting in good faith in making their Formal Complaint of Title IX Sexual Harassment;
- e. Notice that the Complainant and Respondent may have an Advisor of their choice;
- f. Notice that the Complainant and Respondent may inspect, review and respond to evidence gathered during the investigation of the alleged behavior, as well as access to the final investigation report; and
- g. Notice of LMU's prohibition on knowingly making or submitting false statements during the conduct process.

2. Dismissal of Formal Complaint

LMU will investigate all allegations that are included in a Formal Complaint. However, if the conduct alleged in the Formal Complaint does not constitute Title IX Sexual Harassment as defined in the 2020 Title IX Regulations, did not occur in an LMU educational program or activity or did not occur in the United States,

then LMU is required under the 2020 Title IX Regulations to dismiss the Formal Complaint. Such a dismissal does not preclude pursuit of the allegations under LMU's Student Sexual and Interpersonal Misconduct Policy or LMU's Student Conduct Code where the complaint is made by a Student against a Student, nor does it preclude pursuit of the allegations under the University's Sexual and Interpersonal Misconduct Process policy or Discriminatory Harassment and Complaint Process policy in non student-on-Student reports.

Additionally, LMU may dismiss the Formal Complaint, or any allegations therein, if at any time during the investigation or hearing:

- a. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- b. The Respondent is no longer enrolled by LMU; or
- c. LMU is prevented from gathering sufficient evidence to reach a determination as to the Formal Complaint, including, but not limited to, a Complainant ceasing to participate in the conduct process.

Upon dismissal of a Formal Complaint, LMU will send written notice of the dismissal and reason(s) as to why the dismissal occurred, simultaneously to both Complainant and Respondent.

Complainants and/or Respondents are able to appeal the dismissal of a Formal Complaint by submitting their appeal in writing to the Title IX Coordinator or designee within five Days of receiving a decision regarding the dismissal. Upon receipt of the appeal, the Title IX Coordinator or designee will review all applicable information reasonably in their possession and will submit a written determination to the Complainant and Respondent.

3. Title IX Investigation of a Formal Complaint

Once a Formal Complaint is filed, LMU will conduct an investigation of the allegations.

During the investigation, DPS will schedule and conduct interviews with the Complainant, Respondent and any fact or expert Witnesses. In order to ensure the Title IX conduct process is conducted in a reasonably prompt time frame (120 days), it is essential that all participants respond to interview request(s). While the University will make every effort to conclude the Title IX conduct process within a reasonably prompt time frame, there may be instances

beyond the control of the University that may cause temporary delays or limited extensions of time frames, including but not limited to, the absence of a Complainant, Respondent, an Advisor or a Witness, concurrent law enforcement activity, the need for language assistance or accommodation of a disability. Should such a delay arise, the Complainant and Respondent will receive written notice regarding the delay or extension and the reasons for the action.

Interview requests will be submitted in writing to the Complainant and Respondent and will give sufficient time for the Complainant and Respondent to prepare to participate. The Complainant and Respondent are able to be accompanied to any related meeting or proceeding by their Advisor. During the investigation, the Complainant and Respondent are encouraged to gather and present relevant evidence.

Prior to the completion of the investigation, both the Complainant and Respondent and their Advisors will be provided an opportunity to inspect and review any evidence obtained as part of the investigation.

The Complainant and Respondent will have 10 Days to submit a written response to the evidence, which the Investigator will consider prior to completion of an investigation Report.

Upon expiration of the 10 Days, the investigator(s) will create an investigative Report summarizing all relevant evidence and, at least 10 Days prior to a hearing, make the investigation Report available to both the Complainant and Respondent and their Advisors, for their review and written response.

All evidence subject to inspection and review by the Complainant and Respondent will be made available during the Title IX hearing cross-examination so that both the Complainant and the Respondent have an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

B. Title IX Procedural Protections

Complainants and Respondents in a Student Title IX case are accorded the following procedural protections:

1. Complaints will be promptly investigated and adjudicated following the procedures herein outlined;
2. Written or electronic notice of alleged facts underlying the misconduct charge(s) and the location of the Student Title IX Policy;

3. The assistance of an Advisor during the hearing to perform cross-examination. Complainants and Respondents who have not previously identified their Advisor during the investigation process will be required to inform OSCCR the identity of their Advisor prior to scheduling the Title IX hearing. If a Complainant or Respondent does not have an Advisor, LMU will appoint an Advisor to serve with the Student and perform cross examination during the Title IX hearing on the Student's behalf. The Advisor's role is to support Students during the investigation and Title IX conduct process. Advisors may not represent the Student during any meeting or hearing during the investigation or Title IX conduct process, outside of the Advisor's role in cross-examination. An Advisor may not appear in lieu of the Student;

4. A scheduled hearing preparation meeting with an OSCCR administrator separately for both parties at which:

a. The Respondent and the Complainant may review all the information gathered by the University that makes up the basis of the charge(s);

b. The Respondent and the Complainant may ask the OSCCR administrator questions regarding the conduct process;

c. The OSCCR administrator shall explain the cross examination processes and procedures and Student rights and make available the Student Title IX Policy. The OSCCR administrator shall also explain the private nature of the conduct process (except for when required by law or where relevant to other Student conduct proceedings) and the fact that the hearing will become part of the file relating to the case;

d. The Complainant is informed that no conduct record will be generated in regard to the Complainant, however the Complainant may be permitted future access to the conduct case file.

5. The Respondent's Advisor, will be permitted the opportunity to ask questions of the Complainant and any Witnesses that appear either at the request of the Complainant, the Respondent or the University, in order to assess the credibility of the information offered. Conduct Officers on the Hearing Panel will review each question after it has been asked and may disallow a question asked by the Respondent's Advisor if the Respondent's Advisor is unable to provide sufficient rationale for the relevance of the question.

The Complainant's Advisor, will be permitted the opportunity to ask questions of the Respondent and

any Witnesses that appear either at the request of the Complainant, the Respondent or the University, in order to assess the credibility of the information offered. Conduct Officers on the Hearing Panel will review each question after it has been asked, and may disallow a question asked by the Complainant's Advisor if the Complainant's Advisor is unable to provide sufficient rationale for the relevance of the question;

6. Both the Respondent and the Complainant will be permitted the opportunity to make a closing statement at the conclusion of the evidentiary portion of the hearing;

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

8. When determining the outcome of a case, Conduct Administrators will not make credibility determinations solely based on a Student's status as a Complainant, Respondent or Witness.

9. A Student's conduct history will be considered when assigning sanctions for subsequent violations. Increased sanctions may therefore be assigned based on previous violations of all types, including violations of the Student Conduct Code and the Student Sexual and Interpersonal Misconduct Policy, not just those of a similar type;

10. Unless required by law, privacy laws prevent notification or disclosure to Student Complainants about the prior conduct history, if any, of the Respondent;

11. For compliance with Clery Act record retention requirements, all official conduct-related correspondence will be retained for a minimum of seven years.

C. Title IX Hearing Process

The following procedural guidelines shall be applicable in Title IX conduct proceedings:

1. The Conduct Administrators on the Hearing Panel may request DPS interview fact or expert Witnesses;

2. LMU reserves the right to copy the Respondent's and the Complainant's Advisors on communication regarding scheduling of hearing preparation meetings, review of reports and scheduling of the hearing;

3. A Title IX hearing with cross-examination (conducted via videoconferencing) during which the Hearing Panel shall specify the nature of the alleged misconduct and provide the Respondent and Complainant the opportunity to again review the information and evidence gathered

by the University that makes up the basis for the charge(s). Respondents and Complainants shall have the opportunity to present evidence relevant to the alleged misconduct and to respond to the information gathered by the University, including the right to offer counter information. The University reserves the right to postpone the hearing if new information is presented that had not been made previously available to all parties, and a supplemental hearing will be scheduled.

The Title IX hearing process will proceed where a Respondent fails to appear after timely notice and a determination of the charged misconduct will be made based upon the facts and evidence submitted in support of the alleged misconduct at that hearing (failure to check one's e-mail is not sufficient justification for not attending a scheduled hearing). A Student Complainant who fails to appear after timely notice will be deemed to have abandoned their complaint and the charges will be dismissed unless the University is presenting the case and the facts and evidence presented in support of the charged misconduct independent of the Complainant warrants the continuation of the conduct process;

4. Title IX hearings will generally be private except for the Hearing Panel, parties and Advisors. Title IX hearings will be recorded via videoconferencing software utilized by the Hearing Panel only. Recording devices (audio and/or video) of any kind are not permitted for use by the Students, Witnesses or Advisors. Respondents and Complainants are expected to be visible to the Conduct Administrators and each other throughout the hearing (with the exception of requested breaks). The recording of the hearing will be part of the conduct file and may be accessible to the Respondent and Complainant by contacting OSCCR. Transcriptions of hearings will not be made available;

5. Prior to the hearing, the Respondent or Complainant may challenge a Hearing Panel member on the grounds of conflict of interest. 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 Hearing Panel member shall be determined by the Dean of Students, or designee. If a challenge is sustained, a new Conduct Administrator will be assigned, which may not impact the date and time of any scheduled hearing;

6. The Conduct Administrators on the Hearing Panel shall exercise control over the procedures to avoid needless consumption of time. Any person, including an Advisor, who is disruptive during the hearing, refuses to follow the rules or procedures and/or fails to adhere to the admonitions and rulings of the Hearing Panel may

be excluded from the proceedings. If an Advisor is excluded during a Title IX hearing, the hearing will be halted and rescheduled at a later date to accommodate the Student procuring a different Advisor of their choice or being provided an Advisor by LMU;

7. All participants in a conduct hearing shall be required to affirm that their testimony is truthful and may be subject to charges of providing false information pursuant to Section III(J) of the Student Conduct Code. If a Respondent, Complainant or Witness refuses to participate in the Title IX hearing, their prior or subsequent statements to DPS will not be utilized or relied upon by the Hearing Panel in coming to a decision;

8. The decision of the Conduct Administrators on the Hearing Panel shall include an identification of the initial allegations, a brief description of the procedural steps followed by LMU to respond to the allegations, a summary of the testimony and evidence in support of the findings, the findings, decision and applicable sanction(s) and additional Supportive Measures for the Complainant (if any). The decision shall be sufficiently detailed to permit review pursuant to the appeal procedures (Section XIII) and will be sent to both the Respondent and the Complainant. The decision will not be sent to either the Respondent's Advisor or Complainant's Advisor;

9. Except as provided herein, formal rules of evidence and discovery shall not be applicable in proceedings conducted pursuant to this Policy. The Hearing Panel shall give effect to recognized rules of privacy (including the Family Educational Rights and Privacy Act [FERPA]) and privilege but shall otherwise admit matters into evidence that a reasonable person would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded, may not be considered in the decision making process or may be afforded less weight than other evidence presented;

10. Statements (written or provided to DPS verbally) will not be admitted for any purpose unless the Witness appears at the hearing and is subject to cross-examination;

11. Sanctions shall be levied if it is determined that the Respondent is responsible for the violation(s) by a Preponderance of the Evidence. If not, the charge(s) will be dismissed. Final decisions may be reviewed by the Senior Vice President for Student Affairs, or designee. The reviewing administrator may reduce, defer or suspend the decision and sanction, or impose conditions with any change, deferral or suspension.

D. Privacy

LMU will keep confidential the identity of any individual who has made a Report or complaint of sex discrimination, including any individual who has made a Report or filed a Formal Complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent and any Witness, except as may be permitted by federal law.

XI. Sanctions

Violations of the provisions of Section VIII (Prohibited Conduct) of this Policy will result in the imposition of sanctions in service of the mission of this Policy. Factors to be considered in the determination of sanctions include, but are not limited to, the nature and severity of the violation, the present demeanor, contrition and past disciplinary record of the Respondent, including the willingness to accept responsibility for their behavior, the nature of the offense and the severity of any damage, injury or harm resulting from it, as well as the ability to potentially repair that harm and any and all health and safety considerations of the University Community and/or those involved.

A. Conduct Probation

The Student is no longer in “good conduct standing” with the University for duration of probation. The Student is given written notice that further infractions of the Student Conduct Code or University policies may result in further, increased sanctions. The Student may also be restricted from eligibility for or participation in present and future Student and University activities, including, but 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.

B. Dismissal from the University

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.

C. Educational Programs

The Student is assigned to attend educational programming either in person or online to increase awareness of the effects

and issues related to their behaviors.

D. Housing Probation

The Student is given written notice that any further infractions of the Student Conduct 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.

E. Ineligibility for Participation in Graduation Ceremonies

Prohibition from participation in graduation ceremonies.

F. Meetings

Meetings with a University staff or faculty member may be assigned as an educational sanction to provide the Student with an opportunity to discuss strategies to prevent future violations. Students may be asked to meet with an individual more than once.

G. No Contact Orders

The Student is given written notice not to have verbal, written or electronic contact with another LMU community member for a specified period of time, which may include their remaining tenure at the University. This order includes all interpersonal communication, including, but not limited to, social interaction, telephone correspondence, email, text message and/or social networking website.

H. Removal from or Relocation within University Housing

Students may be removed from University Housing facilities or a particular University Housing facility, be relocated to another University Housing facility or have their University Housing license agreement terminated. If removed, a Student may be prohibited from entering University Housing facilities and ineligible for future University Housing.

I. 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. Restrictions may include authorizing access to limited University Premises or facilities for specific purposes (e.g. to attend class) or being required to fulfill academic requirements via online educational tools.

J. Suspension from the University

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-approved Activities and may be excluded 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.

K. Warning

The Student is given verbal and/or written warning that future misconduct may result in more severe disciplinary action.

L. Other Sanctions

The University and its Conduct Administrators and Hearing Panels retain the right to impose additional and/or different sanctions according to the specific circumstances and needs of a situation.

XII. Title IX Informal Resolution Process

A. Overview

1. The University recognizes that it is important to take into account the needs of Students, some of whom may not wish to proceed through the conduct process. The University may, in appropriate circumstances, offer Complainants and Respondents the option of proceeding through an informal resolution process. The informal resolution process is designed to redress the harm caused by the underlying conduct and prevent its recurrence in a manner that meets the needs of the Complainant and effected parties while still maintaining the safety of the overall campus community. In cases where the University offers the option of informal resolution, if the parties agree to participate in the informal resolution process, the University will postpone initiation of the conduct process.

B. When Informal Resolution May be Used

1. The University, at its sole discretion, may offer the informal resolution process in lieu of the conduct process.

2. The Title IX Coordinator, or designee, in consultation with OSCCR, will determine whether the informal resolution process is appropriate on a case-by-case basis. The University reserves the right to discontinue the informal resolution process at any time prior to the signing of the informal resolution agreement.

C. Informal Resolution Process - Procedures

1. Either party may request to proceed with the informal resolution process at any point in the investigation process, prior to the start of a hearing. The appropriateness of informal resolution will be determined by the University prior to the commencement of informal resolution procedures.

2. If the University determines that it is appropriate to offer informal resolution regarding the complaint, the Title IX Coordinator, or designee, will explain the informal resolution process to the Complainant, inform the Complainant that participation is voluntary, and ask if the Complainant wants to engage in the informal resolution process in lieu of the conduct process.

3. If the Complainant signs the Formal Complaint, opting for informal resolution, the University will inform the Respondent of the allegation, a summary of the information gathered and the request of informal resolution by the Complainant. The University will explain the requirements of the informal resolution process to the Respondent including, but not limited to, potential consequences that may result from participating in the process. The Respondent will be informed that participation in the informal resolution process is voluntary.

4. The Respondent will need to agree in writing to participate in the informal resolution process. Prior to the resolution of the informal resolution process, the Complainant and/or Respondent may request the informal resolution process end and the complaint proceed through the conduct process.

5. The informal resolution process will be facilitated by a trained facilitator.

6. Individuals who wish to participate in an informal resolution process must successfully complete preparatory meetings with the facilitator. Individuals may be accompanied by a support person at any meetings related to the informal resolution process.

7. Informal resolution may include one or more of the following restorative approaches:

a. Restorative Conference: A facilitated interaction where

individuals who have experienced harm can come together with an individual(s) who assumes responsibility for repairing harm, with the goal of creating a plan or agreement to repair the harm (to the extent possible). With both parties' agreement, a restorative conference can include multiple members of the community to explore individual and community impact, harm, obligations and opportunity for repairing them;

b. Restorative Shuttle Agreement/Impact Statement: An indirect, facilitated conversation individually with the Complainant, the Respondent and/or other participants to discuss experience and perspective and explore interests while working towards meeting expressed needs. This negotiated process does not require direct interaction between the parties or the parties and other participants, but rather, independently, with a coordinator to create an agreement to repair harm.

8. After consultation and intake with the trained facilitator, the Complainant and the Respondent must voluntarily agree on the process(es) that best meet(s) the interests and needs of the parties.

9. If the informal resolution process is not accepted or fully completed by all parties, then the matter may be referred back to OSCCR, and the conduct process may be initiated.

D. Informal Resolution Process Agreements

1. A mutual voluntary resolution agreement may include requirements that the Respondent complete various responsive actions. The trained facilitator will explain to the Complainant and Respondent the types of responsive actions available and appropriate on a case-by-case basis.

2. Typically, an agreement also includes agreed upon consequences when obligations under the agreement are not fulfilled, which may include being charged with a violation of the Student Conduct Code for failure to comply with University officials or other applicable university policies.

3. Any agreement reached in the informal resolution process will be reviewed by the Title IX Coordinator, or designee.

4. As part of the successful completion of the informal resolution process, which may include completion of agreement items, the Respondent will not be charged with a violation of the Student Title IX Policy.

5. Once an agreement is signed, the complaint is

considered resolved and cannot be referred back to the conduct process.

E. Information obtained during Informal Resolution Process

1. Information shared or obtained during the informal resolution process will be treated as private to the extent permitted by law and will not result in subsequent disciplinary actions by the University.

2. Should the process revert to the conduct process, information obtained through the informal resolution process may not be utilized in the conduct process.

3. To fairly assess pattern or systemic behavior, the Title IX Coordinator may maintain records of all reports and conduct referred for informal resolution.

XIII. Title IX Appeal Procedures

A. Decisions by the Hearing Panel or, in some instances, conduct sanctions levied may be appealed by the Respondent or the Complainant to the Student Conduct Appeal Committee. Appeals to the Student Conduct Appeal Committee are limited to one or more of the following grounds:

1. The sanction is inappropriate;

2. The procedures provided for in the Code were not materially followed resulting in significant prejudice to the Appellant that effectively denied Appellant a fair hearing;

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; or

5. The Title IX Coordinator, Investigator(s) or Conduct Officer(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent specifically that affected the outcome of the matter.

B. All petitions for appeals shall be submitted to:

Student Conduct Appeal Committee
c/o The Office of Student Conduct & Community
Responsibility
Malone Student Center 355
OSCCR@lmu.edu

C. Appeal petitions must be submitted by the Respondent or Complainant via written statement and received by the Student Conduct Appeal Committee c/o OSCCR within five Days from the date of the imposition of the original decision. Appeal petitions may not be submitted by Advisors or third parties on behalf of the involved Student party. Failure to file the appeal petition within the limitations period results in the decision becoming final and conclusive.

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

D. The appeal petition must be accompanied by a written statement in support of the appeal. Upon notification of the receipt of a proper and timely appeal petition, the Student Conduct Appeal Committee shall be convened. The non-appealing party (either Complainant or Respondent) will receive access to the submitted appeal petition, and be afforded the opportunity to submit a timely written statement in opposition to the appeal.

E. The Student Conduct Appeal Committee will review the DPS investigation report or documentation of alleged behavior, the video and audio recording of the hearing, the findings, decision and recommended sanctions (if applicable), the Respondent's disciplinary history and the written statement of the Respondent and of the Complainant filed with the appeal petition or in response to the appeal petition.

F. Both parties shall have the opportunity to submit an appeal and absent an appeal by both parties, the non-appealing party shall have the opportunity to submit a written statement in either support or opposition to the extant appeal petition. Both parties will be notified of the results of the appeal.

G. Concurrent with the filing of an appeal petition, Complainants or Respondents may challenge a member of the Student Conduct Appeal Committee on the grounds of a conflict of interest. All disqualification challenges of Student Conduct Appeal 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 in the event that a quorum exists with the remaining members. If disqualification results in the lack of a quorum a new Committee will be assembled without the previously challenged member.

H. The Student Conduct Appeal Committee may, but is not required to, request the Hearing Panel or the involved Student parties to submit additional information in writing. If the Hearing Panel or any Student parties is/are requested to submit additional information, the Student parties not

so requested shall be entitled to reply in writing to the additional written information supplied to the Student Conduct Appeal Committee.

I. So long as supported by the evidentiary record, the Student Conduct Appeal Committee shall give deference to the determinations of the Hearing Panel. The Student Conduct Appeal Committee shall not alter the underlying decision of the Hearing Panel if supported by substantial evidence and reasonable inferences arising therefrom. If the appeal submitted by the Respondent or Complainant is granted, the Committee may make one of the following recommendations to the Senior Vice President of Student Affairs, or designee:

1. The case may be referred back to the Hearing Panel who made the original decision to consider new, significant relevant evidence, which in the exercise of reasonable diligence could not have been produced at the time of the hearing;
2. The case may be referred back to the Hearing Panel who made the original decision to consider new evidence that had been brought forward in appeal;
3. The case may be referred back to the Senior Vice President for Student Affairs, or designee, for reassignment to a new Hearing Panel if specified procedural errors in interpretation of the Policy resulted in significant prejudice to the Appellant that effectively denied the Appellant a fair hearing;
4. The determination should be reversed, if the decision is not supported by substantial evidence;
5. The case be referred back in a manner designed to cure a finding by the Appeal Committee that the Title IX Coordinator, Title IX Investigator(s) or Hearing Panelist(s) had a conflict or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that specifically affected the outcome of the matter.

J. Except as provided herein, formal rules of evidence and discovery shall not be applicable in these proceedings conducted pursuant to the Policy. The Student Conduct Appeal Committee shall give effect to the recognized rules of privacy (including FERPA) and privilege but shall otherwise admit 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.

K. The Student Conduct Appeal Committee may take

presumptive notice of matters that would be of general knowledge to other University Students.

L. The Student Conduct Appeal Committee shall be provided copies of the Student's conduct record when reference to the Student's conduct history is included in the decision made by the Hearing Panel.

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

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

O. Procedural, evidentiary and final recommendations of the Student Conduct Appeal Committee shall be by majority vote of the members present and voting. A tie vote in an appeal proceeding will result in affirmation of the original decision. Procedural or evidentiary issues in Student Conduct Appeal Committee proceedings shall be determined by the Committee's presiding chair in accordance with the Policy.

XIV. Exceptional Procedures

A. Final decisions of the Hearing Panel recommending a suspension or dismissal from the University shall be reviewed and approved by the Senior Vice President for Student Affairs.

B. Students may also be relocated or removed from University Housing facilities on an interim or temporary basis as an appropriate Supportive Measure.

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

D. A conduct hold may be placed on a Student's file/account and a notation may be 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 Title IX Policy proceedings are pending. In addition, when the Student has incomplete sanctions or open conduct cases and leaves the University for any reason, including, but not limited to, leave of absence, withdrawal or academic disqualification, a conduct hold may be placed on the Student's file/account and the Student may also be prohibited from entering campus during the period of the conduct hold. This conduct hold must be cleared before a Student will be allowed to return to the University.

E. A notation may be entered on the Respondent's University transcript at the discretion of the University if the Student is found responsible for Title IX Sexual Harassment.

F. Prior to graduation, Students charged with an alleged Policy violation in which the charges have not yet been adjudicated, may in the University's discretion be prohibited from participating in graduation ceremonies until the Student Title IX Policy proceedings have been adjudicated and, if found responsible, sanctions completed.

XV. Retaliation

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 Title IX Sexual Harassment.

The University will respond to any accusations of Retaliation against the Complainant, Respondent or Witnesses because of participation in the investigation or adjudication of a report of Title IX Sexual Harassment. Any person(s) 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.

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 filing or being named in a complaint for Title IX Sexual Harassment or having participated in the investigation of such a complaint, should promptly notify DPS at 310.338.2893 or public.safety@lmu.edu. Any person who believes that they have been retaliated against for the above-mentioned reasons by a faculty or staff member as an individual or on behalf of the University should contact the Title IX Coordinator at 310.568.6105 or Sara.Trivedi@lmu.edu.