

2023 – 2024 Code of Student Conduct

The University of La Verne community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life and thoughtful study and discourse. The Student Conduct program within the Division of Student Affairs is committed to an educational and developmental process that balances the interests of individual students with the interests of the University of La Verne community. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior (TJEMC ET/Artifact BMC 1 g70.56 526.32 470.88 13.44 refEMC BT/P

NOTE - The University reserves the right to make changes to this document as necessary. The Dean of Students Office may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules, etc. The Dean of Students may also vary procedures materially with notice (on the institutional web site,

access and opportunity for all members of the University community in a safe and non-discriminatory learning, living, and working environment.

In accordance with the requirements and prohibitions of Title IX of the Education Amendments of 1972 ("Title IX"), Titles VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and other federal and California laws, the University does not discriminate on the basis of race, color, religion, national origin, ethnic origin, ancestry, citizenship, sex (including pregnancy, childbirth, or related medical conditions), sexual orientation, gender (including gender identity and expression), marital status, age, physical or mental disability, medical condition, genetic characteristics, military and veteran status, or any other characteristic or status protected by applicable law as to the admission or enrollment of any student, or its educational programs and activities; the employment of any member

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Decision Maker: An individual appointed by the University to make determinations regarding relevance of evidence,

The Code of Student Conduct applies to Students who are registered or enrolled for credit or non-credit-bearing coursework and admitted Students participating in University Programs ("Student").

The Code of Student Conduct may also be applied to visitors and other persons having dealings with the University ("Third Parties") or individuals who are "guests" of a Student "host." It is the responsibility of the "host" to inform their "guest" of Student Prohibited Conduct and to ensure "guests" abide by all University Policies. Under the Code of Student Conduct, the Student "host" may be held accountable for the behavior of their "guests."

The Code of Student Conduct pertains to acts of Student Prohibited Conduct committed by Students and Third Parties when:

- The conduct occurs on the University campus or other property owned or controlled by the University;
- The conduct occurs in the context of a University education program or activity, including, but not limited to, University-sponsored study abroad, research, on-line or internship;
- The conduct occurs off-campus and outside of the context of a University education program or activity, but:
 - Has the potential to adversely affect and/or create a hostile environment for Students, Employees or Third Parties while on the University campus or other property owned or controlled by the University or in any University employment or education program or activity; or
 - Has the potential to adversely affect the educational mission and/or interests of the University.

This includes, but is not limited to, Student Prohibited Conduct that takes place over the phone, online, via email or other electronic mediums. Students should be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a Student to allegations of Student Prohibited Conduct under this policy if evidence of

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Parental Notification

In accordance with Family Educational Rights and Privacy Act (FERPA), the University reserves the right to notify parents/guardians of dependent students of alcohol and/or drug violations as well as when there is a significant and articulable health and/or safety risk.

The university may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the University will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk.

F. Privacy and Confidentiality

The University is committed to protecting the privacy of all individuals involved in the administrative review (investigation) and resolution of a report under this policy consistent with its duties under federal and state laws. The University also is committed to providing assistance to help Students make informed choices. With respect to any report under this policy, the University will make reasonable efforts to protect the privacy of participants while balancing the need to gather information to assess the report and to take steps to eliminate Student Prohibited Conduct, prevent its recurrence, and remedy its effects.

A Complainant may make a request for confidentiality. This type of request means that the Complainant does not want his/her identity known to the Respondent or Witnesses, or that the Complainant wishes to withdraw a report. In these situations, the University will make all reasonable attempts to comply with this request; however, the University's ability to investigate and respond may be limited. Complainant and Respondents have the right to choose whether to participate in the administrative process surrounding allegations of Student Prohibited Conduct.

If the University cannot maintain a Complainant's request for confidentiality, the Dean of Student Affairs or their designee will notify them. In situations where a member of the University community becomes

specified University campus or other property owned or controlled by the University and/or University programs or activities, as specified.

In some cases, a Persona Non-Grata from the University may be issued. In such cases, an individual is not allowed in or within 10 feet of all University campuses or other property owned or controlled by the University and/or all University programs or activities. In such cases, should an individual need to be on University property or participate in a University sponsored program or activity, approval must be obtained from the Dean of Students Office prior to attendance or participation.

“Social Probation” Order

This order informs the individual that they are no longer allowed to be an active member or officer in student organizations; hold a student leadership position (i.e., RAs, Welcome Week Leader, etc.); and/or participate/attend University of La Verne sponsored programs/events as specified.

Interim Hold on Student Record

The University may impose a “hold” on a student record that does not meet with an administrative review officer where it is determined that:

- there is a substantial benefit to the student’s health and wellness as a result of meeting with the administrative review officer;
- there is a substantial risk to the health and safety of the student or other members of the University community that could be mitigated by having the respondent meet with the administrative review officer;
- there is a concern to the University community that could be mitigated by having the student meet with the administrative review officer.

H. OBLIGATION TO PROVIDE TRUTHFUL INFORMATION

All University community members are required to provide truthful information in any report or proceeding under this policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Student Prohibited Conduct is prohibited and subject to disciplinary sanctions under the Code of Student Conduct. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

I. RETALIATION

A materially adverse action performed directly or through others, aimed to dissuade a reasonable person from engaging in, or done in retribution for engaging in, exercising rights under this policy, reporting in good faith a possible violation of this policy, or participating in an investigation or proceeding in good faith pursuant to this policy. Retaliation may arise whether or not the underlying allegation was found to be substantiated. Retaliation does not include good faith actions pursued in response to a report of Prohibited Conduct.

Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would

J. AMNESTY

An individual who participates as a Complainant, Respondent or Witness in an Administrative Review for Sexual Misconduct or allegations where violence, threat pattern, predation, and/or weapon use is indicated, may not be subject to disciplinary sanctions for a minor violations of Student Prohibited Conduct (i.e. alcohol, controlled substances, etc.) at or near the time of the incident and in connection with the investigation, unless it is determined that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty. Determination of the applicability of Amnesty will be made the Administrative Review Officer.

K. ADMINISTRATIVE REVIEW

The procedures referenced below provide for prompt, thorough, equitable response to reports of Student Prohibited Conduct that afford all parties notice, an opportunity to present witnesses and evidence, as well as to

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be considered, including history and pattern evidence. The Administrative Review Officer (Investigator) may exclude irrelevant or immaterial evidence and may choose to disregard evidence lacking in credibility or that is improperly prejudicial.

While previous conduct violations by the Respondent or Complainant are not generally admissible for the purpose of determining whether a policy violation has occurred, the Administrative Review Officer (Investigator) will reference information about previous good faith allegations and/or findings to consider as evidence of pattern and/or predatory conduct.

Unless the Administrative Review Officer (Investigator) determines it is appropriate, the Administrative Review and the finding will not consider:

- Incidents not directly related to the possible violation, unless they s (o)-9.a itey cern.

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through email using the party's University of La Verne email account. Once emailed, notice will be presumptively delivered. The notification will:

- Provide a brief description of the alleged behavior that constitute a violation Student Prohibited Conduct;
- Identify the specific Student Prohibited Conduct policy(s) that has been allegedly violated;
- Provide the date and location of the alleged Student Prohibited Conduct, to the extent that is known;
- Provide information on the source of complaint, and if appropriate, identity of Complainant, if any;
- Inform parties of any supportive or protective interim measures being taken. Information on protective measures will include an analysis and rationale for the measure;
- Provide a description of applicable interim measures, investigation process procedures and next steps, if any;
- Provide access to a copy of applicable policies and guidelines, including Respondent and Complainant rights;
- Name the Administrative Review Officer(s) (Investigator) assigned to the case and of involved party's right to request recusal of Administrative Review Officer(s) based on demonstrated bias or conflict of interest.
- Inform involved parties of their rights to participate in process and to review information as outlined in the Code of Student Conduct;
- Inform involved parties on retaliation, amnesty, and obligation to provide truthful information under the Code of Student Conduct;
- Inform involved parties on Respondent being presumed not responsible for alleged conduct until a determination is made as an outcome of administrative review or hearing process.

If during the course of investigation/administrative review, additional allegations are discovered, the Administrative Review Officer will provide notice to the involved parties of the additionally discovered allegations.

Involved Parties will be afforded 3-5 days from the date of notice to respond to allegations in writing or in person. An involved Party may choose to waive the 3-5 days response period.

Investigation

Administrative Review Officers will conduct a thorough, reliable and impartial investigation. The investigation will be a process that may necessitate more than one meeting/interview with the Respondent, Complainant and Witnesses. The investigation process may include, but-4.3 (t)-vnogaiaarociei the 3

- Administrative Review Officer(s) interviewing all relevant witnesses and collecting all relevant evidence.
- Administrative Review Officer(s) reviewing all relevant statements and evidence with Respondent and Complainant.
- Administrative Review Officer(s) allowing each party the opportunity to suggest applicable questions they wish the Administrative Review Officer(s) to ask the other party and/or witnesses. Administrative Review Officer may choose to edit questions or not ask them based upon their relevance or purpose.

For allegations where the possible outcome is suspension or expulsion, the Administrative Review Officer(s) will provide Respondent and Complainant an opportunity to review a “summary of all relevant evidence” to be used in rendering a determination and provide Respondent and Complainant with a full and fair opportunity to address the "summary of all relevant evidence" prior to a finding being rendered.

Administrative Review Officer(s) will complete the Investigation promptly, and without unreasonable deviation from the intended timeline. If the Administrative Review Officer(s) determines additional time is needed to complete an investigation, both parties will be notified of the delay. Administrative Review Officer(s) will provide regular updates to the Complainant and Respondent throughout the investigation as appropriate.

For cases of Sexual Misconduct, the processes outlined under the [Title IX policy](#) will be followed.

Findings

If the Preponderance of Evidence standard is met for a Student Prohibited Conduct violation, the allegation(s) brought against a Respondent will be “substantiated” and the Administrative Review will proceed to the sanctioning phase.

If the standard is not met, the allegation(s) brought against a Respondent will be “unsubstantiated” and the case will be closed. The Administrative Review Officer may impose preventative measures when the

Notification of Findings

The Administrative Review Officer(s) will inform the parties of the final determination. Notification will be made using the parties' University of La Verne email account. Once emailed, notice will be presumptively delivered.

sanction can range from a semester/term to up to 4 years. Specific duration will be specified in Notification of Findings.

- **Housing Reassignment:** Requires an individual to relocate or move to a different room in on-campus housing. Failing to relocate by the specified date may result in further administrative action including charges and holds on student records.
- **Housing Removal:** Informs an individual that their on-campus housing contract is being cancelled and as such, they will be required to vacate and remove their belongings from on-campus housing facilities by a specified date. Housing Removal sanctions are usually accompanied by the following sanctions: Persona Non-Grata and University Probation. Failing to abide by the removal date or move-out process may result in further administrative action including charges and holds on student records.
- **Loss of Privileges:** This sanction imposes restrictions on privileges (i.e., having guests/visitors on campus or in on-campus housing) or access to buildings, areas or events normally afforded to an individual. Specific duration will be specified in Notification of Findings.
- **“No-Contact” Order:** Establishes identified individuals may not have any contact with one another. No Contact Orders coming from the Title IX Coordinator’s office are issued by a different process and have different requirements than those coming from the Student C(n)-0.7 (o)-9.68o0.9675

Abiding by Sanction or Preventative Measures

Students are expected to comply with assigned sanctions or preventative measures within the timeframe(s) identified in the "Notification of Findings." Failure to abide with sanctions or preventative measures, whether by refusal, neglect or any other reason, is considered a violation of Student Prohibited Conduct and may result in additional administrative action, including, but not limited to hold on Student records, suspension from the University, and/or notation on the Student's official transcript at the end of the semester.

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M. Preventative Measures

The Administrative Review Officer may impose preventative measures when the finding is "unsubstantiated" for the purposes of restoring and preserving involved party's education access. Specifically:

- Protecting the health and safety of all parties involved;
- Preventing the occurrence of Student Prohibited Conduct;
- Preventing escalation of an incident, concern or behavior.

The following are non-exhaustive examples of preventative measures that may be imposed singularly or in combination:

- **"No-Contact" Order:** Establishes identified individuals may not have any contact with one another.
- **Behavioral Expectation Requirement:** Requires individuals to engage or follow outlined behavioral expectations.
- **Loss of Privileges (Visitations):** Limits an individual from having guests on-campus or being able to visit specific residence halls, when that guest does not reside in the specific building, is not a resident of on-campus housing, and/or is not a student at the University.
- **Persona Non-Grata from Specified Facilities:** Instructs an individual that they are not allowed in or within 10 feet of the specified University facility(s), parking lot, space, other property owned or controlled by the University, as well as a specified city wsp t27mivsit o11.3 (t)-2..207 TD (id)2.1.6 (e)-3 ()10.7 (

- **On Notice:** Informs individual that their behavior is of concern and while the current behavior may be a violation of prohibited conduct, continuing to engage in that behavior may result in allegations and/or findings of engaging in prohibited conduct.
- **Other Actions:**

- Once an appeal is decided, the outcome is final. Further appeals are not permitted, even if a decision or sanction is changed on remand.
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- The right to not have irrelevant prior conduct history or incidents used in the determination of investigation.
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- The right to a fundamentally fair resolution, as defined in these procedures.
- The right to a decision based solely on evidence presented during the investigation. Such evidence shall be credible, relevant, based in fact and without prejudice.
- The right to be promptly informed of the outcome and sanction of the investigation in writing, without undue delay between the notifications to the parties.
- The right to be informed in writing of when a decision by the University is considered closed.
- The right to be informed of the right to appeal the finding and sanction(s) of the investigation, and the procedures for doing so in accordance with standards for appeal established by the University.

P. STUDENT PROHIBITED CONDUCT

Student Prohibited Conduct includes the defined forms of behaviors listed below.

- Sexual or Gender Based Harassment
- Smoking
- Soliciting
- Sports Related Activities

