



**POLICY ON SEX  
DISCRIMINATION  
INVOLVING SEXUAL  
ASSAULT, SEXUAL AND  
GENDER-BASED  
HARASSMENT, OTHER  
FORMS OF  
RELATIONSHIP  
VIOLENCE AND  
RETALIATION**

## **A. PURPOSE**

1. The University of La Verne is an institution built upon honor, integrity, trust, and respect. Consistent with these values, the University is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the University community. The University does not discriminate on the basis of sex

b. Is against a person in the United States at the time the

Violence committed by a current or former spouse, current or former intimate partner, current or former cohabitant of the Complainant, someone with whom the Complainant shares a child, or a person similarly situated under California domestic or family violence law. A cohabitation relationship must be romantic in nature and may not merely consist of roommates. Domestic Violence is not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access, as such conduct is sufficiently serious to deprive a person of equal access.

**Emergency Removal**

The immediate suspension of student privileges to be on any University campus or participate in any in-person University program or event.

**Expert**

A witness permitted to submit a written report and testify during a Hearing regarding their opinion based specialized professional knowledge and not regarding personal knowledge of facts.

**Fondling**

The touching of the private body parts of another person, including the buttocks, groin, and breasts, for the purpose of sexual gratification that is unwelcome and/or without Affirmative Consent.

**Formal Complaint**

A document filed by the Complainant or signed by the Title IX Coordinator against a Respondent alleging conduct which would constitute a violation of this policy and requesting that the University investigate the allegation(s). The document may be in a physical or electronic format so long as the document includes a physical or digital signature indicating the indicating that the Complainant is filing the form of their own behalf.

**Formal Grievance Process**

The equitable process by which the University investigates and adjudicates Formal Complaints of Sexual Misconduct.

**Hearing**

A live, virtual proceeding during which the University and the Parties present evidence before a Hearing Panel subject to the He63 Tm0 g1 0 0 1 535.22 441.15 TmrH412 792 reW\*nBT70 5/F1 TJETQ.00000912 0 612 792

disability, lack of sleep, alcohol or drug use, unconsciousness, being blacked out, or being involuntarily

Individualized measures implemented after a Hearing that may be disciplinary in nature. Sanctions will take into account aggravating and mitigating factors as appropriate. See Appendix B.

**Sex-Based Discrimination**

Adverse action or conduct towards any University employee or student in the terms or conditions of employment, University admission, education, access to a University program, services, or activity; or other University benefits or services, on the basis of inclusion or perceived inclusion in the protected classes of sex, pregnancy, pregnancy-related conditions, sexual orientation, gm0 g0

Discrimination, and/or Retaliation.

**Title IX Coordinator**

A University employee authorized and designated by the University to coordinate its efforts to comply with Title IX responsibilities under federal law.

**University**

The University of La Verne, including eleven campuses in California wherever located.

**University Community**

Students who are registered or enrolled for credit or non-credit-bearing coursework and admitted students participating in University Programs; All University employees, including all full-time and part-time faculty, Administrative Professionals, Classified staff, temporary employees; and independent contractors, vendors, visitors, guests and other persons having dealings with the University community.

**University Officials**

Members of the University Community with authority to institute corrective measures on behalf of the University, including a15(s)23(i1 0 0 1 163.83 Tf1 0reW\*nBT/F1 a 00 g0 G -d522.97 612 792 reW\*nBT/F1 11 Tf

circumstances, including the context in which the alleged incident occurred.

### 3. Reporting Options

- a. There are multiple channels for reporting Sexual Misconduct. A Complainant may choose to report to the University, to law enforcement, to both, or to neither. These reporting options are not exclusive.
  - i. Complainants have the right to notify or decline to notify law enforcement, and are not required to report to law enforcement in order to receive assistance from, or pursue any options with, the University or community resources.
  - ii. Complainants have the right to notify or decline to notify University authorities in order to report to and receive assistance from law enforcement and/or receive outside resources. In such case, the University will not be able to investigate.
  - iii. If the Complainant desires, the University will facilitate reporting to law enforcement.
- b. A Complainant may elect to report Sexual Misconduct to a Confidential Reporting Source, in which case, the report will not be shared Title IX Coordinator or law enforcement, subject to any relevant legal requirements, including obligations to report child abuse.
- c. Reporting Sexual Misconduct through the online reporting form provides the University with the best opportunity to expediently offer appropriate support, resources, and resolution.
  - i. Complainants may also submit a report by contacting the



restrictions on contact -contact

5. Report Resolution Options

- a. After submitting a report, a Complainant may elect to file a Formal

- the Hearing. The Advisor may listen, take notes, and quietly confer with the Party.
- v. Advisors may be excluded from any meeting, interview, or other proceeding if unable to conform to the requirements of policy, including the Hearing Rules.
  - b. The Parties may procure their own witnesses, including character and expert witnesses.
    - i. Testimony from character and expert witnesses will allowed at the Hearing except to the extent that it is determined by the Chair of the Hearing Panel to not be relevant.
  - c. Parties and witness will not be subject to disciplinary Sanctions for minor violations of University policy in the Code of Student Conduct at or near the time of the incident and in connection with



- iii. New evidence, unknown and not reasonably available during the original Formal Grievance process, which could substantially impact the outcome.
- iv. The Sanctions imposed fall outside the range of Sanctions the University has designated for the offense and the cumulative record of the Respondent.

## 8. Evidence

- a. All evidence used, considered, and upon which outcomes and Sanctions are determined must be Relevant.
- b. Inculpatory and exculpatory evidence will be subjected to the same requirements and treatment throughout the process.
- c. Complainant, Respondent, or witness.
- d. The following evidence is considered not Relevant and may not be accessed, considered, disclosed, or otherwise used in a Formal Grievance without written consent to do so:
  - i. A records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional acting in the or capacity, or supporting that capacity, and which are made and maintained in connection with the provision of treatment to the Party.
  - ii. by a legally recognized privilege, such as attorney-client privilege.
  - iii. Evidence about sexual behavior except if offered to prove that someone other than the Respondent committed the alleged Sexual Misconduct or if the question or evidence concerns sexual behavior between the Complainant and

the expert witness that includes the subject matter, facts, and expert opinions about which the expert will testify, a summary of the grounds for each opinion and the qualifications of the expert. The expert must have been interviewed and their written report reviewed by the investigator and included in the Hearing File.

- h. Expert witnesses should be able to demonstrate their recognized expertise in the field, including academic and professional experience.
    - ii. The Hearing Panel can determine Party and witness credibility without technical assistance. As such, polygraph examinations and similar truth detection examinations will not be permitted.
  - i. If a Party or witness does not submit to cross examination at the Hearing, the Hearing Panel may not rely on any statement of that Party or witness in reaching a decision regarding Responsibility; provided, however, the Hearing Panel cannot



- i. The definitions of prohibited conduct, including Sexual Harassment; How both formal and informal processes work;
- ii. How to conduct remote Hearings;

this policy.

- e. Title IX matters ongoing at the time this policy goes into effect will proceed in compliance with this policy based on where the matter is in the process.
  - i. E.g., matters having completed the investigation phase under the prior policy will go on to the Hearing phase according to this policy, but the investigation and prior steps will not be reinitiated.





- addressed through another type of intervention; and
- vi. The ability of the University to obtain Relevant evidence without the

- g. Instruct the Parties to preserve all potentially relevant evidence;
  - h. Request that the Parties respond in writing within five business days with:
    - i. A preference for a Formal Grievance Process or an Informal Resolution; and
    - ii. A list of any significant academic, employment, or other scheduling conflicts that would affect the timing of the investigation and Hearing.
8. Beyond any limitations imposed pursuant to Emergency Removal procedures, no academic holds will be placed on a Respondent during the pendency of a Title IX resolution process.
9. The University may dismiss a Formal Complaint if at any time during the investigation or Hearing
- a. A Complainant notifies the Title IX Coordinator in writing that the Complainant wishes to withdrawal the Formal Complaint or any allegations therein;
  - b. The Respondent is no longer enrolled or employed by the University; or
  - c. Other circumstances prevent the University from gathering evidence sufficient to reach a determination regarding the Formal Complaint or exercise necessary control over the Parties.
  - d. Upon a dismissal of the Formal Complaint, the Title IX Coordinator will promptly provide written Notice of the dismissal and the reasons therefor to the Parties simultaneously.

**Informal Resolution**

10. If both Parties elect an Informal Resolution, the Title IX Coordinator will confer with both Parties and determine the form of Informal Resolution most appropriate.
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the cross examination.

a. Each Party must still have an Advisor at the Hearing.

28. The Hearing Panel will promptly issue a Written Determination to the Title IX Coordinator.

a. After ensuring

## **APPENDIX A**

### **HEARING RULES**

The Hearing Officer will at all times interpret and enforce these rules.

The Hearing Officer may implement additional reasonable rules as necessary so long as such rules do not materially prejudice either party.

The Parties, witnesses, Advisors, Hearing Panel, Hearing Officer, Title IX Coordinator, investigator, and all other participants in the Hearing will be treated in a respectful manner at all times.

There will be no yelling or abusive language.

All requests to address the Hearing Panel will be first directed to the Hearing Officer.

The Hearing Panel Chair will rule on all evidence and objections.

An advisor may request clarification of a procedural matter or make an objy2.42 TmBT-6jy2.42 TmBT-6jy2.42 Tm

## APPENDIX B

### REMEDIES

Remedies relating to the all Respondents may include:

- Directive not to contact the Complainant directly or indirectly
- Limiting or denying access to all or parts of University property
- Limiting or denying participation in University programs or activities
- Limiting or denying the opportunity to hold leadership positions
- Affirmative requirements for personalized education, training, coaching, or meetings

Remedies relating to student Respondents may include:

- Limiting or denying University housing
- Requiring the Respondent not to enroll in a course that the Complainant is enrolled in or teaching
- Limiting or prohibiting attendance at University activities or events

Remedies relating to teaching Respondents may include:

- Limiting or denying certain advising activities
- Limiting or denying certain teaching activities
- Limiting or denying access to students in private spaces

Remedies for Complainants may include:

- Academic or workplace accommodations
- Safety accommodations
- Other reasonable and appropriate accommodations

### SANCTIONS

Sanctions for Respondents found Responsible may range from expulsion or termination of the student or employee relationship to a written warning and include:

- For students
  - Expulsion
  - Suspension
  - Delay in the conferral of a degree if the student is in their final semester
  - Probation with a suspended



- Dating Violence with serious injury
- Any violation including two or more aggravating factors

#### Aggravating Factors

- The conduct is accomplished by force, violence, or duress
- Inducing incapacitation through involuntary ingestion or knowingly taking advantage of an incapacitated person
- Past violations of University policy, especially relating to prohibited sexual conduct
- More than one perpetrator acting in concert
- Acts committed in the context of initiation into membership and/or hazing
- or to accomplish the violation

#### Mitigating Factors

- The Respondent did not have the intent to violate University policy
- The Respondent takes responsibility for their actions
- Other considerations that a reasonable Decision Maker would rely on



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- name is disclosed or an investigation is conducted.
- The University is able to conduct a thorough investigation and obtain relevant evidence in the absence of the c

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- Where the investigator or hearing officer allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the complainant and the respondent, the mere fact that the complainant and respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.
- Before allowing the consideration of any past or subsequent dating or consensual sexual relations, the investigator or hearing officer will provide a written explanation to the parties as to why consideration of the evidence is consistent with requirements of this appendix.
- The University will decide whether or not a hearing is necessary to determine whether any Sexual Violence more likely than not occurred. In making this decision, the University may consider whether the parties elected to participate in the investigation and whether each party had the opportunity to suggest questions to be asked of the other party or witnesses, or both, during the investigation.
- In addition to non-conflicting rules described in the main policy, any hearing subject to this appendix will comply with the following rules:
  - Any cross-examination of either party or any witness shall not be conducted directly
  - Parties will have the opportunity to submit written questions to the hearing officer in advance of the hearing.
  - At the hearing, a party will have an opportunity to note an objection to questions posed by the other party.
  - Generally, the parties may not introduce evidence, including witness testimony, at the hearing that the party did not identify during the investigation and that was available at the time of the investigation. However, the hearing officer has discretion to accept for good cause, or exclude, such new evidence offered at the hearing.
  - Waiting periods related to the post-investigation/pre-hearing time described in the main policy do not apply to proceedings under this appendix.
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  - deadline related to a complaint during periods of examinations or school closures.
  - The University will provide for periodic status updates on the investigation consistent with the timelines provided to the parties.
  - The University will not mandate mediation to resolve allegations of Sexual Misconduct and will not permit mediation, even on a voluntary basis, to resolve allegations of Sexual Violence. Other forms of informal resolution, however, may be used to resolve allegations of Sexual Violence.
  - The University will not require that a complainant enter into a voluntary resolution agreement or any other form of resolution as a prerequisite to receiving remedial