



**SOUTHERN CALIFORNIA UNIVERSITY
OF HEALTH SCIENCES**

Title IX/SB 493

2024

THIS PAGE INTENTIONALLY LEFT BLANK

Taking Action Following Sexual Violence/Assault

These steps & resources are meant to immediately assist an individual involved in a sexual violence or sexual assault situation. More details exist in the remainder of this document.

A. Seek Medical Attention

If you need immediate medical attention, call 911.

St. Jude Medical Center
714-871-3280
[101 E. Valencia Mesa Drive, Fullerton CA, 92835](#)
(Link provides directions from SCU)

Presbyterian Intercommunity Hospital
562-698-0811
[12401 Washington Blvd, Whittier CA, 90602](#)
(Link provides directions from SCU)

UCLA Medical Center, Rape Treatment Center
310-319-4000
[1250 16th Street, Santa Monica, CA 90404](#)
(Link provides directions from SCU)

B. Seek Available Assistance
Los Angeles Area Community Sexual Assault Crisis Center
408-843-7138

Peace Over Violence (24/7 hotline)
310-392-8381
213-626-3393
626-793-3385
www.peaceoverviolence.org

Cleveland Rape Crisis Center (24/7 hotline)
216-619-6192
www.clevelandrapecrisis.org

RAINN (Rape, Abuse, & Incest National Network)
1-800-656-HOPE
www.rainn.org

C. Preserve

Do everything possible to not disturb the crime scene;
Preserve all evidence in paper bag (plastic can contaminate evidence);
Try NOT to: Bathe, Urinate, Douche, Brush Teeth, or Drink Liquids.

D. Pursue University conduct charges & policy violations

Per the details found in this document.

E. Pursue criminal prosecution of the offender

Los Angeles County Sheriff's Department – Norwalk Station
562-863-8711
[12335 Civic Center Dr., Norwalk, CA 90650](#)

F. File a formal complaint with the:

Office for Civil Rights (OCR) 415-486-5555
ocr.sanfrancisco@ed.gov
www.ed.gov/ocr

U.S. Equal Employment Opportunity Commission
800-669-4000
www.eeoc.gov

G. California Department of Fair Employment and Housing (DFEH)
www.dfeh.ca.gov
800-884-1684

H. Contact

Contact the appropriate Title IX Deputy Coordinator, Administrator or the Coordinator (see Section 5.0 below);
Call AllOne Health at 1-800-756-3125; code: scuhs

FORWARD

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance..."

"These requirements apply to all forms of sex discrimination and harassment, and are particularly important for preventing and effectively responding to sexual violence..."

"All students are protected by Title IX, regardless of whether they have a disability, are international or undocumented, and regardless of their sexual orientation and gender identity."

— Title IX of the Education Amendments of 1972

PROMULGATION

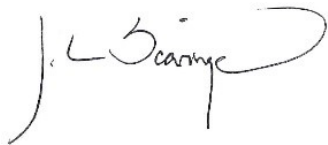
TITLE IX POLICIES & PROCEDURES

The primary duty of any institution is to provide for the welfare and safety of its community members. SCU remains committed to providing a campus community in which learning and working reflect a safe environment free from sex/gender-based discrimination, harassment, and – especially – violence.

In compliance with Title IX of the Education Amendments of 1972 and other federal, state, and local civil rights laws that prohibit discrimination based on sex in educational programs and activities which receive federal financial assistance, SCU has developed these policies and procedures which prohibit discrimination, harassment, violence, and retaliation on the basis of sex/gender. The guidelines are intended to define expectations, establish an instrument for determining when policies have been violated, and provide clear guidance for those individuals adversely impacted by any type of sexual or gender-based misconduct.

In accordance with the Title IX regulations, the University has designated select qualified individuals to act as SCU's Title IX personnel, headed by the Vice President for Operations and COS, who serves that same role under California law. These individuals are charged with the responsibility of monitoring institutional compliance with regulations promulgated under Title IX, eliminating instances of discrimination, harassment, and violence, as well as promoting overall awareness to the campus community concerning issues related to Title IX.

Therefore, in recognition of the regulatory requirements and safety responsibilities of SCU to its students, staff, faculty, patients, visitors, as well as those of the surrounding community and with the authority vested in me as the Chief Executive Officer of Southern California University of Health Sciences, I hereby promulgate this Title IX Policies and Procedures document.



Dr. John Scaringe
President/CEO Southern California University of Health Sciences

Aug 8, 2024
Date

APPROVAL AND IMPLEMENTATION

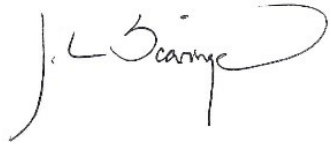
This plan replaces, supersedes, and renders inactive Southern California University of Health Sciences' 2020 *Title IX Policies and Procedures: Discrimination on the Basis of Sex and Sexual Misconduct*, published independently and included as an Appendix to Vol. II of the *SCU Policy Manual*.

Vol. II of the *SCU Policy Manual* designates the Associate Vice President of Student, Alumni, and Career Services as the University's Title IX Coordinator with authority to direct the policies and procedures contained herein.

The continual approval and implementation of this document is as follows:

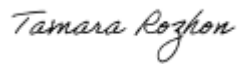
- Document is annually reviewed by SCU Safety & Compliance Committee;
- Recommendations for augmentations and edits are made to the Title IX Coordinator;
- Title IX Coordinator endorses the recommendations of the Safety & Compliance Committee;
- Title IX Coordinator facilitates the approval of revised document by SCU Cabinet; and
- Title IX Coordinator distributes the revised document to the campus community.

APPROVAL AND SIGNATURES



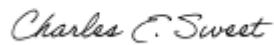
Dr. John Scaringe
President/CEO Southern California University of Health Sciences

Aug 8, 2024
Date



Dr. Tamara Rozhon
Provost

Aug 5, 2024
Date



Mr. Chuck Sweet
Chief Operations Officer

Aug 5, 2024
Date



Dr. Melissa Nagare
Vice President, SCU Health Systems & Chief Clinical Officer

Aug 8, 2024
Date



Mr. Tomas A. Arendt
Vice President for Finance and Business Affairs & Chief Financial Officer

Aug 7, 2024
Date

Table of Contents

THIS PAGE INTENTIONALLY LEFT BLANK.....	2
FORWARD	4
PROMULGATION	5
Date:08/01/2024	5
APPROVAL AND IMPLEMENTATION	6
APPROVAL AND SIGNATURES.....	7
1.0 Navigating Title IX & Similar Legislation	2
1.1 Title IX	2
1.2 The Jeanne Clery Act	3
1.3 The Violence Against Women Re-Authorization Act (VAWA).....	3
1.4 California Senate Bill (SB) No. 967 and Senate Bill 493	3
1.5 Family Educational Rights & Privacy Act (FERPA).....	4
1.5.1 Directory Information	4
1.5.2 Disclosure Exceptions Related to Title IX.....	4
1.5.3 FERPA, Jeanne Clery Act, and Title IX Compliance.....	4
1.6 U.S. Constitution	5
1.7 Title VII.....	5
1.8 State & Local Law.....	5
2.0 Statement of Compliance.....	5
2.1 University Non-Discrimination Policy Statement.....	6
2.1.1 Supplemental Statement on University’s Non-Discrimination on the Basis of Sex.....	6
2.1.2 Supplemental Statement on University’s Non-Discrimination on the Basis of Gender Expression, Gender Identity, and Gender Transition.....	6
Terminology	7
2.1.2.1.1 Gender Identity	7
2.1.2.1.2 Transgender	7
2.1.2.2 Gender Transitions	7
2.1.3 Supplemental Statement on University’s Non-Discrimination on the Basis of Pregnancy or Related Conditions.....	7
3.0 Scope	8
4.0 Definitions	9
4.1 Discrimination on the Basis of Sex/Sex Discrimination.....	9
4.2 Sexual Misconduct.....	10
4.3 Sex-based Harassment	10
4.3.1 Quid Pro Quo Sex-based Harassment.....	10
4.3.1.1 Example(s).....	10
4.3.2 Title IX Hostile Environment Sex-based Harassment	11
4.3.3 California Hostile Environment Sex-based Harassment.....	11
4.3.3.1 Examples for Title IX and California Sex-based Harassment.....	12

4.4 Sexual and Interpersonal Violence.....	12
4.5 Sexual Assault	12
4.5.2 Stalking	13
4.5.2.1. Example(s).....	13
4.5.3 Dating Violence	13
4.5.3.1 Example(s).....	13
4.5.4 Domestic Violence.....	14
4.5.5 California Sexual Exploitation.....	14
4.5.5.1 Sexual Exploitation.....	14
4.5.5.2 Pressuring an individual to perform sexual acts after a date because individual feels that it is “owed” to them; or.....	15
4.5.5.3 Pressuring an individual to perform sexual acts after they have stated “NO.”	15
4.6 Affirmative Consent	14
4.7 Days.....	15
4.8 Decisionmaker.....	15
4.9 Finding	16
4.10 Notice.....	16
4.11 Student	16
4.12 Complainant.....	16
4.13 Respondent.....	16
4.14 Complaint.....	16
4.17 Disclosure or Report.....	16
4.18 Supportive Measures.....	16
4.20 Remedies.....	17
4.21 Education Program or Activity	17
4.22 No Contact Orders	18
5.0 Title IX Coordinators	18
5.1 University Title IX Personnel.....	18
5.1.1 Roles of University Title IX Personnel Title IX Coordinator.....	19
5.2 Office for Civil Rights and Other Federal and State Offices	19
5.3 Updated Title IX Coordinator Information	20
5.4 Title IX Personnel Succession Protocol	20
5.5 Conflict of Interest involving University Title IX Personnel	20
5.6 University Title IX Individual Listed as Respondent.....	21
5.7 Conflict of Interest.....	21
6.0 Reporting Sex Discrimination, Sex-Based Harassment, Violence, & Analogous Behavior.....	21
6.1 Responsible Employees and Confidentiality.....	22
6.2 Exception for Confidential Employees:.....	22
6.3 Exception for University Awareness Events and Programs:.....	23
6.3.1 Amnesty for Sexual Misconduct Complaints and Witnesses:	24

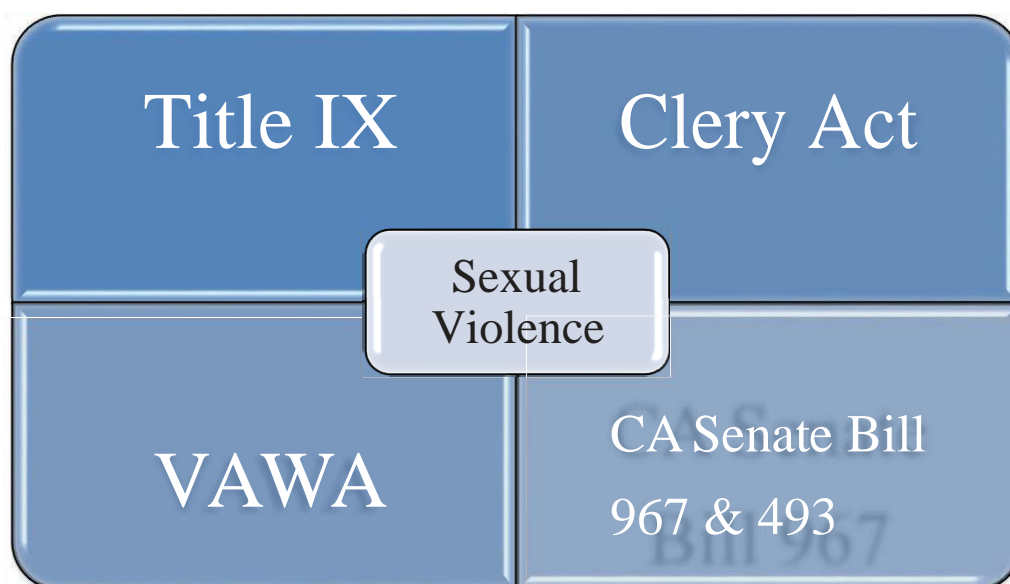
6.3.2	Requests for Confidentiality or No Further Action in the Process.....	24
6.3.3	Status as Participants, Materials, and Confidentiality	25
6.3.4	Reporting to External Law Enforcement	26
7.0	Grievance Procedure	27
	Timeline For Major Stages of the Process:.....	29
7.0	Title IX and California State Law Procedure:.....	30
7.1	Initial Assessment.....	30
7.2	Options for Resolutions	30
7.2.1	Final Report.....	41
7.3	Remedies and Sanctions	45
7.4	Appeals Process	47
7.5	Right to an Advisor.....	48
7.6	Emergency Removal of Student Respondent	48
7.7	Placing Non-Student Employee on Administrative Leave	49
7.8	Temporary Delay of Grievance Process	49
7.9	Dismissal of Formal Complaints/Suspension of Grievance Procedure	49
7.10	Student Withdrawal or Employee Resignation While Matters Are Pending.....	50
7.11	Consolidation of Complaints	50
7.12	Reservation of Flexibility	51
8.0	Anti-Retaliation & False Reports	51
8.1	Retaliation	51
8.2	False Reports	52
9.0	Interaction with Other Relevant Laws:.....	52
9.1	Jeanne Clery Act	52
9.1.1	Timely Warnings	52
9.1.2	Campus Crime Log	53
10.0	Training & Dissemination	53
10.1	Employee Training & Dissemination	53
10.2	Student Training & Dissemination	53
10.3	Training for Campus Safety Personnel	53
10.4	Training for SCU Title IX Personnel	53
11.0	Record Keeping & References	54
11.1	Record Keeping	54
11.2	Policy Review and Revision	54
11.3	References.....	54

1.0 Navigating Title IX & Similar Legislation

The guiding legal regulation for prohibiting discrimination, harassment, and violence as they relate to sex in educational institutions is Title IX of the Education Amendments of 1972. Since the initial codification of the regulations, numerous additional significant guidance documents have been published (especially since 2001) that expand and clarify the rules and regulations of Title IX.

In addition to Title IX, there are three other pieces of legislation that, while separate, do have intersecting causes as part – or all – of their scope. These laws are the Jeanne Clery Act, the Violence Against Women Reauthorization Act (VAWA), and California Senate Bill 967, updated in 2021 by California Senate Bill 493. The overlap is most poignant with regards to sexual violence and the prevention thereof.

The information in this section is meant to highlight the different pieces of legislation so as to allow for a more comprehensive understanding of the policies and procedures contained within the remainder of this document.



1.1 Title IX

Title IX of the Educational Amendments of 1972 prohibits discrimination based on sex in educational programs and activities that receive federal financial assistance. The United States Department of Education (ED) maintains an Office for Civil Rights (OCR) which enforces Title IX and its various requirements. Additionally, the United States Department of Justice (DOJ) shares enforcement authority over Title IX with OCR. To ensure compliance with Title IX and other federal and state civil rights law, SCU has developed these policies and procedures that prohibit sex discrimination in all of its forms. Over the years, OCR has clarified the intent, meaning, and scope of Title IX to include harassment, sexual violence (and prevention thereof), equitable treatment of those who are pregnant or have a related condition, and equitable treatment of Transgender persons.

For information on how to file a discrimination complaint with the Office for Civil Rights, visit: http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

1.2 The Jeanne Clery Act

Originally known as the Campus Security Act, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires colleges and universities across the United States to disclose information about crime on and around their campuses. The Act is enforced by the Department of Education's (ED) Federal Student Aid Office (FSA) and requires institutions to: publish an Annual Security Report, maintain a crime log, issue timely warnings about crimes which pose a serious or ongoing threat to students and employees, devise an emergency response notification and testing policy, and disclose criminal statistics concerning incidents related to the campus proper, the public area surrounding the campus, and at certain non-campus buildings.

More information on SCU's Annual Security Reports and Daily Crime Logs visit:

https://my.scuhs.edu/ICS/Departments/Campus_Safety/Annual_Security_Report_Daily_Crime_Log.jnz

1.3 The Violence Against Women Re-Authorization Act (VAWA)

Section 304(b) of the *Violence Against Women Re-Authorization Act of 2013* (VAWA)(Pub. Law 113-4), adds three new crime classifications that must be reported in an institution's Annual Security Report. These new definitions are: "dating violence," "domestic violence," and "stalking." Section 304 and the Final Regulations of VAWA also amend certain portions of the Annual Security Report related to sexual assault and require that all institutions report the contact information for their lead Title IX coordinator in the Campus Safety and Security Survey as well as the Annual Security Report (ASR). Additionally, the Final Regulations require institutions to report how many crimes are found to be "unfounded" in both the ASR and on the Campus Safety and Security Survey beginning with 2014 calendar year statistics.

More information on VAWA & Section 304(b) can be found at:

<http://www.ifap.ed.gov/dpccletters/GEN1515.html>

1.4 California Senate Bill (SB) No. 967 and Senate Bill 493

Otherwise known as the "Yes Means Yes" law or "Affirmative Consent" law, SB 967 was passed by the state of California on September 28th, 2014.

The substantive addition to the Education Code necessitated by SB 967 is the insertion of the "affirmative consent" standard to determine whether consent was given by all parties participating in a given sexual activity.

More information on SB No. 967 can be found at:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB967

In 2021, California enacted Senate Bill 493 which makes significant updates to the requirements for California higher education institutions when responding to disclosures of sexual harassment and violence, including specific requirements for Responsible Employees to whom misconduct may be reported and enumerating specific elements of the investigation and adjudication process.

More information on SB 493 can be found at:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB493

1.5 Family Educational Rights & Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) is indirectly applicable to a vast number of University procedures, including those related to Title IX.

More information on FERPA can be found at:

<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104_pg13.html

1.5.1 Directory Information

SCU will follow its existing FERPA Policy as documented in the Academic Catalog. Said policy allows, in compliance with federal law, the disclosure of certain “directory information” about a student. SCU does not consider sex, gender, gender identify, or any derivative therein to be “directory information” and will not disclose said information without a waiver or other applicable FERPA exception.

1.5.2 Disclosure Exceptions Related to Title IX

FERPA generally prohibits the nonconsensual disclosure of personally identifiable information from a student’s “education record.” Aside from obligations under this policy, including but not limited to employee reporting obligations and notices to parties, employees will, to the fullest extent possible, maintain the privacy of an individual’s information, consistent with FERPA and other applicable laws.

1.5.3 FERPA, Jeanne Clery Act, and Title IX Compliance

Per the requirements of the Jeanne Clery Act, SCU must ensure that the complainant and the respondent be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense. SCU’s continuing compliance with this requirement does not constitute a violation of FERPA. Furthermore, the FERPA limitations on re-disclosure of information do not apply to information that SCU is required to disclose under the Clery Act. Accordingly, the University may not require a complainant to abide by a nondisclosure.

agreement, in writing or otherwise, that would prevent the re-disclosure of the information.

1.6 U.S. Constitution

Nothing in this policy shall restrict any rights guaranteed by the First Amendment, Fourth Amendment, and/or the Due Process Clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution.

1.7 Title VII

Nothing in this policy shall be used to deny any individual's rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq. or any regulations promulgated thereunder.

1.8 State & Local Law

If these policies conflict with a State or local law applicable to the University, Title IX preempts said law to the extent of the conflict and will be followed.

2.0 Statement of Compliance

Southern California University of Health Sciences (SCU) prohibits all types of discrimination against any protected characteristic; SCU prohibits all manifestations of sex-based misconduct, discrimination, harassment, violence, and all forms of retaliation. This includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Consequently, except as permitted by law, SCU does not discriminate on the basis of sex in its education programs or any activities that the University operates. Pursuant to this Policy, SCU will respond to all reports of sex-based discrimination and/or retaliation and take necessary measures to end conduct that is in violation of this Policy, prevent its recurrence, and remedy its effect on individuals and the community.

Questions regarding Title IX may be referred to the University's Title IX Coordinator or Title IX Administrator (see section 5.0). Additionally, individuals may bring their questions or complaints directly to the Department of Education's Office for Civil Rights (OCR) which is responsible for overseeing Title IX compliance (see section 5.0).

SCU also prohibits retaliation against any person opposing sex discrimination or participating in any sex discrimination investigation or complaint process, whether internal or external to SCU. Sex-based harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX, California law, and by this Policy.

California law prohibits coworkers, third parties (including students), as well as supervisors and managers with whom an employee (including a student-employee, applicant for employment, contractor, volunteer or intern) comes into contact, from engaging in conduct prohibited by the California Fair Employment and Housing Act.

The following policy & procedures focus on those types of prohibited behavior(s) concerned with sex, gender, sexual orientation, pregnancy status, gender identity, gender expression, and gender transition. Within any Process related to this Policy, SCU provides reasonable accommodations to persons with disabilities and reasonable religious accommodations, consistent with California and federal law.

Parties may request reasonable accommodations for disabilities to the Title IX Coordinator at any point relating to the implementation of this Policy, including making a disclosure or report, and

initiating a grievance procedure. Accommodation will be granted if they are reasonable and do not fundamentally alter the procedures established by this Policy. Please note that the Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the parties, even where the parties may be receiving accommodations in other SCU programs and activities.

With the consent of the impacted student or employee, the Title IX Coordinator will work collaboratively with the Office of Student Services and the Office of People and Culture when necessary to ensure that approved reasonable accommodations (disability-related) are implemented.

2.1 University Non-Discrimination Policy Statement

Southern California University of Health Sciences (SCU) takes positive action to insure that students and employees are treated in compliance with applicable laws and regulations governing non-discrimination on the basis of race, color, creed, religion, sex, national origin, disability, age, sexual orientation, gender identity, genetic characteristics, marital status, pregnancy, childbirth or related individual conditions, medical condition (as defined by state law), military status, political affiliation, or any other characteristic protected by federal, state or local law. It is therefore a violation of University policy to discriminate in the provision of educational or employment opportunities, benefits, programs, activities, or privileges; to create discriminatory work or academic conditions;

or to use discriminatory evaluative standards in employment, admissions, or educational settings if the basis of that discriminatory treatment is, in whole or part, the person's race, color, creed, religion, sex, national origin, disability, age, sexual orientation, gender identity, genetic characteristics, marital status, pregnancy, childbirth or related individual conditions, medical condition (as defined by state law), military status, political affiliation, or any other characteristic protected by federal, state or local law.

2.1.1 Supplemental Statement on University's Non-Discrimination on the Basis of Sex

Southern California University of Health Sciences (SCU) is committed to providing a learning and working environment that promotes personal integrity, civility and mutual respect in an environment free of discrimination on the basis of sex, including all forms of sex discrimination. Sex discrimination violates an individual's fundamental rights and personal dignity. SCU considers sex discrimination in all its forms to be an egregious offense. This policy refers to all forms of sex discrimination, including but not limited to sex-based harassment, sexual assault, and sexual violence by employees, students, and/or third parties.

2.1.2 Supplemental Statement on University's Non-Discrimination on the Basis of Gender Expression, Gender Identity, and Gender Transition

Southern California University of Health Sciences (SCU) is committed to ensuring equity and full participation of all members of the campus community. Accordingly, it is the policy of the University that discrimination on the basis of gender identity, gender expression, and gender transition is strictly prohibited. The University's non-discrimination policy extends to employment practices, conditions of employment, personnel actions and all other educational programs and activities of the University and its affiliates. It also extends to any retaliatory actions by an individual and associates that may arise as a result of a discrimination complaint.

Furthermore, during such time when the University has been made aware or

otherwise officially notified that a student or employee will assert a gender identity that differs from previous representations or records, SCU will without delay and without any prerequisite information begin treating the individual in a manner consistent with their gender identity (including the use of pronouns and names consistent with the individual's gender identity and provide for equitable access to facilities consistent with their gender identity).

Individuals may choose to voluntarily provide identification documents to the University, or in unforeseen circumstances, the University may make a reasonable request to obtain such documents if, and only if, said request does not have the practical effect of limiting or denying the individuals equal access to any educational program, activity, or employment. Should any such request be made of an individual or should an individual voluntarily provide identification documentation, it shall not in any way adversely hinder or otherwise impede the equitable treatment of the individual as described above.

Terminology

2.1.2.1.1 Gender Identity

Refers to an individual's internal sense of gender. A person's gender identity may be different from or the same as the person's sex assigned at birth.

2.1.2.1.2 Transgender

Describes those individuals whose gender identity is different from the sex they were assigned at birth. A Transgender man is someone who identifies as a man but was assigned the sex of female at birth; a Transgender woman is someone who identifies as a woman but was assigned the sex of male at birth.

2.1.2.2 Gender Transitions

Refers to the process in which Transgender individuals begin asserting the sex that corresponds to their gender identity instead of the sex they were assigned at birth. During gender transition, individuals begin to live and identify as the sex consistent with their gender identity and may dress differently, adopt a new name, and use pronouns consistent with their gender identity. Transgender individuals may undergo gender transition at any stage of their lives, and gender transition can happen swiftly or over a long duration or time.

2.1.3 Supplemental Statement on University's Non-Discrimination on the Basis of Pregnancy or Related Conditions

Southern California University of Health Sciences (SCU) is committed to providing a learning and working environment void of discrimination and harassment as it might relate to individuals who are pregnant or have a related condition. Any discrimination or harassment of individuals based on pregnancy or related conditions shall not be tolerated as it represents a severe violation of SCU Policy and will be enforced accordingly.

Pregnancy or related conditions include pregnancy, childbirth, termination of pregnancy, lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; and recovery from pregnancy, childbirth,

termination of pregnancy, lactation, or related medical conditions.

SCU treats pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions and must allow voluntary leaves of absence. Students, employees, or applicants should contact the Title IX Coordinator for more information. Employees or applicants for employment may also contact The Office of People and Culture for more information, because additional workplace laws and policies apply. Graduate students should refer to SCU's Policy on Accommodations for Pregnant Graduate Students pursuant to Education Code 66281.7.

Those who are pregnant or have a related condition shall not be excluded from University activities, events, clubs, leadership positions, classes, programs, or any other University sponsored or sanctioned offerings on the basis of their pregnancy or related condition. However, in order to ensure a pregnant individual's access to its educational program, the University, when necessary, will make adjustments to its regular program(s) that are both reasonable and responsive to the individual's temporary pregnancy status. As such, SCU may offer or make available separate programs, classes, and/or activities for individuals who are pregnant, but the participation in these offerings is strictly voluntary on behalf of the individual. SCU will not pressure or force a pregnant individual into an alternative offering separate from their regular classes, programs, and activities. Any such alternative offerings will be comparable (though not identical) to regular offerings.

The University does not require pregnant individuals (regardless of the stage of pregnancy) to produce a health professional's note or any such similar document in order to remain in school or participate in activities on the basis of their pregnancy. Pregnant individuals, during time away from the University concerning activities related to their status, will be treated in the same manner as any other individual that is under the care of a health professional.

2.2 University Sexual Abuse and Minor Policy

Southern California University of Health Sciences (SCU) is committed to an educational environment free from sexual abuse and the abuse of persons under the age of eighteen. Any such act carried out by faculty, staff, clinicians, and/or affiliated volunteers represents a severe violation of Policy and will be enforced accordingly.

All acts of sexual abuse and/or abuse of a person under the age of eighteen must be reported to the Title IX Coordinator (see sections 5.0 and 6.0 below). Those incidents which involve a minor will immediately be reported to the appropriate law enforcement agency and/or child protective services. Each allegation of sexual abuse or abuse of a minor will be investigated in accordance with this policy (see "Sexual Violence" 4.4.1).

3.0 Scope

These policies and procedures apply to the conduct of University constituents, potential students, current students, student workers, faculty, staff, all other employees, alumni, vendors, interns, volunteers, invitees, and visitors when they are on campus or participating in a SCU program or activity, whether or not the individuals as stated above are considered temporary, full-time, part-time, adjunct, or any other sub-designation. This includes students and employees and others participating in or attempting to participate in programs and activities and sponsored events that occur off campus. For students and employees, they are also within the scope in any other place for

which SCU would assert jurisdiction or disciplinary authority under other policies, where applicable, or where SCU determines that off-campus conduct affects a substantial institutional interest, including access to educational programs or activities, safety and security, compliance with applicable law, and/or meeting the educational mission. SCU shall take reasonable steps to respond to each incident of Prohibited Conduct involving individuals subject to SCU's policies that occur in connection with any educational activity or other program of SCU, as well as incidents that occurred outside of those educational programs or activities, whether they occurred on or off campus to a student, if, based on the allegations, there is any reason to believe that the incident could contribute to a hostile educational environment or otherwise interfere with a student's access to education.

While the policies and procedures apply equally to all those identified above, the University may be more or less able to effectuate the procedures listed below based upon its jurisdiction over any specific person or type of employee.

Unless otherwise specified in this Policy, any individual who is accused of engaging in conduct prohibited by this Policy who is not a student, faculty member, or staff member is generally considered a third party. SCU's ability to take corrective action against a third party may be limited and will depend on the nature of the third party's relationship, if any, to SCU. When appropriate, the Title IX Coordinator will refer such allegations against a third party to the appropriate office or involve other external organizations. The status of a party may impact which resources and remedies are available to them under this Policy. For third parties listed above over whom the University does not have jurisdiction, the University reserves the right to ban such individuals from any presence at the University when they are the subject of a complaint under this policy, and subject to any other laws and rules of the University.

Further, SCU strongly encourages the reporting of all prohibited conduct regardless of who engaged in the conduct. Even if the University does not have jurisdiction over the respondent the University will take prompt action to provide for the safety and well-being of the complainant and the broader campus community.

If there is a conflict between the provisions of this Policy and other SCU policies, procedures, rules, regulations, or terms or conditions of employment, the provisions of this Policy will govern unless otherwise stated. Any capitalized terms in this Policy are defined as stated. This Policy will use SCU and the University interchangeably, both having the same meaning.

Lastly, Title IX regulations require that these same protections apply to recruiting, admissions, counseling, financial assistance, athletics (including student interests and abilities, sex-based harassment, single-sex education, pregnancy or related conditions, employment, retaliation, as well as information collection and reporting).

Of note: At this time SCU does not maintain or promote any single-sex educational programs, nor does it maintain or promote an athletics program.

4.0 Definitions

4.1 Discrimination on the Basis of Sex/Sex Discrimination

Except as permitted by Title IX, prohibited discrimination on the basis of sex (where sex includes sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity) is defined as actions that cause an individual to be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by SCU.

Except as permitted by Title IX, SCU, including its employees, students, participants and agents, shall not, engage in any of the following prohibited discriminatory actions on the basis of sex if it would cause more than *de minimis* harm:

- (1) Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;
- (2) Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;
- (3) Deny any person any such aid, benefit, or service;
- (4) Subject any person to separate or different rules of behavior, sanctions, or other treatment;
- (5) Apply any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state fees and tuition;
- (6) Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;
- (7) Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

For the purposes of this definition, unless permitted by Title IX, adopting a policy or engaging in a practice that prevents a person from participating in an education program or activity consistent with the person's gender identity subjects a person to more than *de minimis* harm on the basis of sex and will be considered prohibited discrimination.

4.2 Sex-based Harassment

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, as defined by Title IX, including harassment on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Under the Title IX definitions, there are three types of prohibited sex-based harassment, quid pro quo, hostile work environment, and Violence Against Women Act/Clery Act acts of sexual and interpersonal violence (Section 4.4). When used in this Policy, Sex-based harassment should be read to include all defined violations that follow.

4.2.1 Quid Pro Quo Sex-based Harassment

Occurs when a University employee, agent, or other person authorized by the University to provide an aid, benefit, or service under SCU's education program or activity explicitly or implicitly actually attempts to or purports to provide or condition such aid, benefit, or service on an individual's participation in unwelcome sexual conduct, which includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, including under any of the following conditions:

- Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress;
- Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual; or
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

4.2.1.1 Example(s)

- a) Unwelcome sexual advances (either verbal or physical), requests for

sexual favors, and other verbal or physical conduct of a sexual nature when:

- i. Submission to such conduct, communication, or solicitation is made either explicitly or implicitly a term or condition of an individual's employment or academic status or progress; or
- ii. Submission to or rejection of such conduct, communication, or solicitation is used or threatened as the basis for employment, academic, or student life decisions.

4.3 Title IX Hostile Environment Sex-based Harassment

Sex-based Hostile environment harassment in Programs and Activities is defined as:

- (i) Unwelcome sex-based conduct (where sex includes sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity) that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from SCU's education program or activity (i.e. creates a hostile environment); or
- (ii) Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting where the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- i. The degree to which the conduct affected the individual's ability to access SCU's education program or activity;
- ii. The type, frequency, and duration of the conduct;
- iii. The parties' ages, roles within SCU's education program or activity, previous interactions, and other factors about a party that may be relevant to evaluating the effects of the conduct;
- iv. The location of the conduct and the context in which the conduct occurred; and
- v. Other sex-based harassment in SCU's education program or activity.

4.3.1 California Hostile Environment Sex-based Harassment

Prohibited conduct is defined as any unwelcome behavior towards an employee (which for this definition includes a student-employee in their capacity as an employee), applicant for employment, unpaid intern, contractor or volunteer, which is reasonably regarded as offensive, which is based on sex that:

- Sufficiently offends, humiliates, distresses, or intrudes upon its victim, so as to disrupt the victim's emotional tranquility in the workplace, or
- Affects the victim's ability to perform the job as usual, or
- Otherwise interferes with and undermines the victim's personal sense of well-being.

For California sex-based harassment in employment, a single incident of harassing conduct based on sex may create a hostile work environment if the harassing conduct has unreasonably interfered with the victim's work performance or created an intimidating,

hostile, or offensive work environment. Whether or not the person meant to give offense or believed their comments or conduct were welcome is not significant. Rather, the policy is violated when other individuals, whether recipients or mere observers, are actually offended by comments or conduct based on sex and the conduct is considered offensive by a reasonable person.

The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical.

4.3.1.1 Examples for Title IX and California Sex-based Harassment

- a) Making or threatening reprisals after a negative response to sexual advances;
- b) Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters;
- c) Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes;
- d) Verbal sexual advances or propositions;
- e) Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations;
- f) Physical conduct that includes touching, assaulting, or impeding or blocking movements; or
- g) Harassing a student based solely on their gender identity, their Transgender status, or their gender transition.

4.4 Sexual and Interpersonal Violence

Completed and attempted physical acts as defined by the Violence Against Women Act Amendments to the Clery Act. This includes sexual violence, physical acts perpetuated against a person's will or where the person is incapable of giving consent due to that person's mental faculties or use of substances. Sexual violence may include: the intentional touching of, either of the victim or when the victim is forced to touch, directly or through clothing, another person's genitals, breasts, groin, or buttocks; sexual penetration or sexual penetration with an object. It should be noted that the lack of consent exists when force, intimidation or threat, temporary or permanent mental incapacity on the part of the victim, temporary or permanent physical helplessness on the part of the victim, or incapacity to consent due to the youth of the victim are factors. Sexual violence can be carried out by University employees, other students, or third parties and all such acts are forms of sex discrimination prohibited by Title IX.

4.5 Sexual Assault

Sexual assault is defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving affirmative consent.

Sexual assault includes:

- i. **Rape**—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the victim. Attempted rape falls under this prohibition.
- ii. **Fondling**—The touching of the private body parts of another for the purpose of sexual gratification, without the affirmative consent of the victim, including instances where the victim is incapable of giving affirmative consent because of their age or because of their temporary or permanent mental incapacity.

- iii. **Incest**—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- iv. **Statutory Rape**—Sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in California is eighteen.

4.5.1 California Sexual Violence (Against Students)

SCU also prohibits Sexual Violence as defined by the California Education Code. Conduct defined as California Sexual Violence may be eligible for alternative resolution except for mediation (a form of alternative resolution), which is never permitted for California Sexual Violence.

California Sexual Violence means physical sexual acts perpetrated against a person without the person's Affirmative Consent. Physical sexual acts include both of the following:

- (A) Rape, defined as penetration, no matter how slight, of the vagina or anus with any part or object, or oral copulation of a sex organ by another person, without the consent of the victim.
- (B) Sexual battery, defined as the intentional touching of another person's intimate parts without their Affirmative Consent, intentionally causing a person to touch the intimate parts of another without Affirmative Consent, or using a person's own intimate part to intentionally touch another person's body without Affirmative Consent.

For the purposes of these definitions, a Sexual Act is defined as conduct between persons consisting of:

- Contact between the penis and the vulva or between penises and vulvas.
- Contact between the penis and the anus.
- Contact between the mouth and the penis.
- Contact between the mouth and the vulva.
- Contact involving any of the above or the buttocks or breasts/
- Private body parts include all of the body parts specified above.

4.5.2 Stalking

Engaging in a course of conduct, directed at a specific person, which would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

4.5.2.1. Example(s)

- a) Intentionally following an individual;
- a) Appearing at a person's home, class, or place of work;
- b) Making frequent phone calls, emails, text or direct messages, social media posts or comments, digital posts, etc. to an individual;
- c) Leaving frequent written messages or objects for an individual; or
- d) Vandalizing an individual's property.

4.5.3 Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

4.5.3.1 Example(s)

- a) Abusing – sexually or physically – one’s ex-boyfriend/ex-girlfriend/boyfriend/girlfriend or someone with whom they’ve had sexual contact; or
- b) Threatening to abuse – sexually or physically – one’s ex-boyfriend/ex-girlfriend/boyfriend/girlfriend or someone with whom they’ve had sexual contact.

4.5.4 Domestic Violence

Any felony or misdemeanor crime of violence committed:

- a) By a current or former spouse or intimate partner of the victim;
- b) By a person with whom the victim shares a child in common;
- c) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- d) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Additionally, in order for an incident to be considered Domestic Violence, the relationship between the perpetrator and the victim must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship. Emotional and psychological abuse do not constitute violence for the purposes of this definition.

4.5.5 California Sexual Exploitation

4.5.5.1 Sexual Exploitation

A person taking sexual advantage of another person for the benefit of anyone other than that person without that person’s consent, including, but not limited to, any of the following acts:

- The prostituting of another person.
- The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion.
- The recording of images, including video or photograph, or audio of another person’s sexual activity or intimate parts, without that person’s consent.
- The distribution of images, including video or photograph, or audio of another person’s sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure.
- The viewing of another person’s sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person’s consent, for the purpose of arousing or gratifying sexual desire.

4.6 Affirmative Consent

Affirmative Consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time.

1. Lack of protest or resistance does not mean consent;
2. Silence does not mean consent;
3. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent;

It shall not be a valid excuse that the alleged lack of affirmative consent that Respondent believed that Complainant consented to the sexual activity under either of the following circumstances:

- (A) Respondent's belief in affirmative consent arose from the intoxication or recklessness of Respondent;
- (B) Respondent did not take reasonable steps, in the circumstances known to Respondent at the time, to ascertain whether Complainant affirmatively consented.

It shall not be a valid excuse that Respondent believed that Complainant affirmatively consented to the sexual activity if Respondent knew or reasonably should have known that Complainant was unable to consent to the sexual activity under any of the following circumstances:

- (A) Complainant was asleep or unconscious.
- (B) Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
- (C) Complainant was unable to communicate due to a mental or physical condition.

Affirmative Consent cannot be given if any of the following are present: Incapacitation, Force, or Coercion.

4.6.1 Coercion/Force: Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual.

1. Coercion refers to unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, or force. Ignoring objections of another person is a form of coercion.
2. Force refers to the use of physical violence or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

4.6.2 Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing and informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, or being under the influence of drugs or alcohol. This Policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs, or who are sleeping.

4.7 Days

Any reference to Days refers to business days when SCU is in normal operations.

4.8 Decisionmaker

Trained professional designated by SCU to decide responsibility, sanction, or appeals. A Decisionmaker may be one person, or a panel of multiple people as determined by SCU. In certain cases, when there is no hearing,

the Investigator may be appointed as the Decisionmaker.

4.9 Finding

A written conclusion by a preponderance of the evidence, issued by a Decisionmaker, that the conduct did or did not occur as alleged.

4.10 Notice

Notice includes relevant information provided to the parties or a party. It is the responsibility of all members of the University to maintain and regularly check their email accounts.

4.11 Student

Any person who has (or will have) attained student status by way of:

1. Admission, housing or other service that requires student status.
2. Registration for one or more credit hours.
3. Enrollment in any non-credit, certificate or other program offered by the University.

4.12 Complainant

An individual who is alleged to be the victim of conduct that could constitute sex discrimination, including sex-based harassment, who was participating or attempting to participate in a SCU program or activity at the time of the alleged misconduct.

Anyone can bring forth a report of conduct alleged to have occurred against someone else for a report and potential investigation and adjudication, where appropriate and possible, but the person who brings forth that report while not being directly affected by the misconduct is not themselves the complainant. The directly affected person, if known and chosen to participate, would be the complainant.

4.13 Respondent

An individual or group of individuals who has or have been reported to be the perpetrator of conduct that could constitute sex-based harassment under this Policy or retaliation for engaging in a protected activity.

4.14 Complaint

An oral or written request to Title IX Coordinator that objectively can be understood as a request for the University to investigate and make a determination about alleged sex discrimination, including sex-based harassment, under this Policy. A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail (ShelbyGugel@scuhs.edu), by using the contact information listed on the Title IX/Equal Opportunity website (https://my.scuhs.edu/ICS/Departments/Campus_Safety/Title_IXSexual_Misconduct.jnz), or as described in this Policy. Individuals who would like more information about filing a complaint are invited to contact the Title IX Coordinator for additional information.

4.17 Disclosure or Report

A disclosure or report may be made by anyone, whether they learned about conduct potentially constituting sex discrimination, including sex-based harassment, under this Policy, or whether they personally experienced such conduct. A person making a disclosure or report may or may not be seeking to initiate an investigation.

4.18 Supportive Measures

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the

filing of a complaint or where no complaint has been filed. The purpose of Supportive Measures is to restore or preserve a party's access to SCU education programs or activities, including measures designed to protect the safety of the parties or the educational environment, or to provide support during the University's grievance Procedures or during an alternative resolution process. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Supportive measures may include:

- a) Counseling;
- b) Extensions of deadlines or other course-related adjustments;
- c) Modifications of work or class schedules or, if applicable, housing arrangements were controlled by SCU;
- d) Campus escort services;
- e) No-contact directives (which may be mutual or unilateral at the discretion of the Title IX Coordinator); Changes in work or housing locations;
- f) Leaves of absence;
- g) Increased security and monitoring of certain areas of the campus;
- h) Training and education programs related to sex-based harassment; and
- i) Other similar measures.

A party may challenge SCU's decision to provide, deny, modify, or terminate supportive measures when such measures are applicable to them. An impartial employee will be designated to consider modification or reversal of SCU's decision to provide, deny, modify, or terminate supportive measures. When the individual providing Supportive Measures is a Deputy Title IX Coordinator or other individual identified by the Title IX Coordinator to provide Supportive Measures, the Title IX Coordinator will be designated to consider the challenge regarding supportive measures. The impartial employee will typically respond to the challenge within five (5) Days.

The Title IX Coordinator has the discretion to implement or modify supportive measures. Violation of the parameters of supportive measures may violate other University Policies.

4.20 Remedies

Remedies means measures provided, as appropriate, to a Complainant or any other person the University identifies as having had their equal access to SCU's education program or activity limited or denied by sex discrimination or other prohibited conduct covered by this Policy. These measures are provided to restore or preserve that person's access to the education program or activity after the University determines that sex discrimination occurred. Only the Complainant will be informed of any remedies pertaining to them. Some examples are academic support and/or opportunity to retake a class or resubmit work or time extensions on course or degree completion, or non-academic support such as counseling, or changes to work assignments or locations. The Title IX Coordinator is responsible for implementation of remedies.

4.21 Education Program or Activity

Locations, events, or circumstances over which SCU exercises substantial control over both the respondent and the context in which the sex-based harassment occurs and also includes any building owned or controlled by a student organization that is officially recognized by SCU. This includes all campus operations, including off-campus settings that are operated or overseen by the University, conduct subject to SCU disciplinary authority when occurring off-campus, conduct that takes place via SCU-sponsored electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of the University. Conduct that occurs outside of the education program or activity may contribute to a hostile environment within the program or activity.

4.22 No Contact Orders

In certain cases, the University may issue a no contact order to one or multiple parties ordering them to have no contact with another party or parties during the course of the process or for a specific time. Failure to follow a no contact order may result in additional disciplinary action. A No-Contact Directive may be mutual or unilateral, with the exception that a No-Contact Directive issued as either a sanction or remedy shall be unilateral, directing that the Respondent does not contact the Complainant.

For cases of Sex-Based Harassment Involving a Student:

- (i) when requested by a Complainant or otherwise determined to be appropriate, SCU shall issue an interim, unilateral no-contact directive prohibiting the Respondent from contacting the complaint during the pendency of the decision-making process under this Policy, including any appeal.
- (ii) SCU shall not issue an interim mutual no-contact directive automatically, but instead shall consider the specific circumstances of each case to determine whether a mutual no-contact directive is necessary or justifiable to protect the noncomplaining party's safety or well-being, or to respond to interference with an investigation. Upon issuance of an interim mutual no-contact directive, SCU shall provide the Parties with a written justification for the directive and an explanation of the terms of the directive, including the circumstances, if any, under which a violation could be subject to disciplinary action.

5.0 Title IX Coordinators

5.1 University Title IX Personnel

The University has identified the following individuals as those responsible for addressing concerns, conducting investigations, and ensuring compliance concerning sexual misconduct, sex discrimination, sexual violence, and harassment policies.

These individuals serve the same role under California law.

Title IX Coordinator

Shelby Gugel, AVP for Student, Alumni, and Career Services

ShelbyGugel@scuhs.edu

(562) 902-3384

16200 Amber Valley Drive

Whittier, CA 90604

Building "Library Resource Center/LRC"

Title IX Deputy Coordinator

Samaneh Sadri, Director of Student Success

SamanehSadri@scuhs.edu

(562) 902-3368

16200 Amber Valley Drive

Whittier, CA 90604

Building "Library Resource Center/LRC"

Title IX Deputy Coordinator

Alex Cruz, Sr. Coordinator Inclusion Well-being
AlexCruz@scuhs.edu
 (562) 902-3352
 16200 Amber Valley Drive
 Whittier, CA 90604
 Building "Chesney Student Center"

The University has contracted with Grand River Solutions (<https://www.grandriversolutions.com>), a national consultancy specializing in Title IX, equity, student conduct, and related topics to staff the roles of Title IX Investigator, Decision Maker/Hearing Officer, and Appellate Officer, subject to the rules of the University and with all required training to conduct these roles for the University. Information on the individuals conducting these roles in a specific case will be maintained by the Title IX Coordinator.

5.1.1 Roles of University Title IX Personnel

Coordinator

- a. Maintains ultimate oversight responsibility for all Title IX investigations, requirements, proceedings, and – if warranted – corrective actions;
- b. Assists with Supportive Measures (does not require the filing of a formal complaint);
- c. Explain to complainant the process for filing formal complaint;
- d. Monitors outcomes of any complaints/incidents;
- e. Identifies and addresses any patterns concerning sexual discrimination;
- f. Assesses effects of Title IX preventive and – if present – corrective actions on the campus climate;
- g. Coordinates investigations, hearings, regulatory updates, trainings (student and employee), Title IX personnel trainings, publications, and distributions;
- h. Ensures compliance with related legislation, i.e. Clery and VAWA; and;
- i. Assists with investigations, interviews, and resources.

Title IX Administrator

- a. Conducts Formal Investigation; and
- b. Makes recommendations to Coordinator.

Title IX Hearing Officer

- a. Holds hearings;
- b. Decides whether policy violations have occurred; and
- c. Determines/implements sanctions.

Title IX Appellate Officer

- a. Hears appeals; and
- b. Grants appeal (if appropriate).

5.2 Office for Civil Rights and Other Federal and State Offices

In addition to the people listed above in 5.1, an individual has the option and the right to contact the following offices directly with any complaints or questions they may have. Employees are not required to report concerns directly to their immediate supervisors.

San Francisco Office

50 Beale Street (Suite 7200)

San Francisco, CA 94105 Phone: (415) 486-5555

Fax: (415) 486-5570

TDD: (877) 521-2172

Email: ocr.sanfrancisco@ed.gov Web:www.ed.gov/ocr

U.S. Equal Employment Opportunity Commission (EEOC)

Los Angeles District Office

Roybal Federal Building

255 East Temple St., 4th Floor

Los Angeles, CA 90012

Phone: (213) 785-3090

Fax: (213) 894-1118

TTY: 1-800-669-6820

ASL Video Phone: (844) 234-5122

Web: <https://www.eeoc.gov/field-office/losangeles/location>

California Civil Rights Division (formerly DFEH)

Los Angeles Office

320 West 4th Street, Suite 1000, 10th Floor

Los Angeles, CA 90013

Phone: (800) 884-1684

TTY: (800) 700-2320

Web: <https://civildivisions.ca.gov/locations/>**5.3 Updated Title IX Coordinator Information**

Federal requirements mandate that the title and name of the individuals above be listed; however, the following link has been made available so that the most current titles and names for any of the above-mentioned roles can be easily attained should they have changed since the publication of this document:

https://my.scuhs.edu/ICS/Departments/Campus_Safety/Title_IXSexual_Misconduct.jnz

5.4 Title IX Personnel Succession Protocol

Federal guidelines mandate that the Title IX Coordinator position at any given institution is not left vacant. Though not required directly by law, SCU has opted to establish the Title IX personnel structure referenced above (5.1) and the following succession chain.

- a) In the event the individual serving as Title IX Coordinator can no longer perform their duties as prescribed by federal and state law, as well as this University guidance document; the Vice President of Operations will immediately begin serving as the University Title IX Coordinator until such time as a new Title IX Coordinator is appointed.
- b) In the event both the individuals serving as Title IX Coordinator and the Vice President of Operations, respectively can no longer perform their duties as prescribed by federal and state law, as well as this University guidance document; the University President will immediately begin serving as the University Title IX Coordinator until such time as a new Title IX Coordinator and/or Title IX Administrator is appointed.

5.5 Conflict of Interest involving University Title IX Personnel

Should the involvement of any of the above-mentioned individuals, whether in their predefined

roles or outside of them, represent a conflict of interest concerning a Title IX complaint or investigation, another member from 5.1 above will take their place.

5.6 University Title IX Individual Listed as Respondent

Should the alleged respondent be a member of SCU's Title IX Personnel, a non-alleged individual from 5.1, above will handle the complaint.

5.7 Conflict of Interest

Should any Title IX Personnel, listed above, or any other individual carrying out any part of this Policy, have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, the Title IX Personnel in question will immediately recuse themselves from all aspects of the case and a suitable replacement will be found. The Title IX Coordinator shall be responsible for review and replacement. If the Title IX Coordinator is the person who has such conflict of interest or bias, the review and replacement will be conducted by the persons listed in the Succession Protocol in Section 5.4.

6.0 Reporting Sex Discrimination, Sex-Based Harassment, Violence, & Analogous Behavior

Southern California University of Health Sciences (SCU) considers all complaints seriously and will diligently strive to remedy the situation and ensure the safety of complainants while respecting the rights of respondents. SCU encourages those who have experienced or observed any form of sex discrimination, sex-based harassment, assault, or analogous behavior to report the incident promptly per the following methods:

- a) Complainants should report the incident to either the Title IX Administrator or Title IX Coordinator (contact information in 5.1), reports can be made at any time and any Title IX official can provide assistance with making a report, including information on reporting to law enforcement and different reporting options;
- b) Reports may be made through an online form located on the SCU Title IX Website: https://my.scuhs.edu/ICS/Departments/Campus_Safety/Title_IXSexual_Misconduct.jn
- c) If the complainant is an employee, they may also notify their immediate supervisor, but are not obligated to do so prior to bringing the matter to the University Title IX Personnel;
 - i. If an employee feels that they have been subjected to conduct that violates this policy, they should immediately report the matter to SCU's Title IX Coordinator. If the employee is unable for any reason to contact this person, or if the employee has not received a satisfactory response within five (5) business days after reporting any incident that the employee perceives to be harassment, the employee should contact Title IX Hearing Officer. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact any higher-level manager in their reporting hierarchy.
 - ii. Employees may also contact the Office of People and Culture if they are uncomfortable for any reason using the above procedure.
 - iii. Every report of perceived harassment will be fully investigated, and corrective action will be taken where appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed.
 - iv. In addition, SCU will not allow any form of retaliation against individuals

who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy.

Investigations under this policy shall be conducted in a manner that will protect, to the extent possible, the confidentiality of all parties. The University, however, cannot guarantee complete confidentiality where it would conflict with the University's obligation to investigate meaningfully and, where warranted, take disciplinary action.

6.1 Responsible Employees and Confidentiality

California law provides specific information regarding Responsible Employees. SCU has made the decision to designate all full-time and part-time employees who do not qualify as Confidential Employees as defined below as Responsible Employees.

A responsible employee must report to the Title IX Coordinator or Administrator, all relevant details about an allegation concerning sexual discrimination/harassment/violence that an individual has shared in order that the University may determine what occurred and seek to resolve the situation.

Responsible employees must disclose the names of the alleged perpetrator (if known), the individual who experienced the alleged discrimination/harassment/violence, other individuals involved in the allegation, as well as relevant facts such as date, time, and location.

Prior to the disclosure of any information that an individual may desire to keep confidential, responsible employees must make every effort to ensure that the individual fully understands:

- a) The employee's obligation to report the names of the alleged perpetrator and claimant involved in the allegation, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX Coordinator or other appropriate University officials;
- b) The individual's option to request that the University maintain their confidentiality, which the Title IX Personnel will consider; and
- c) The individual's ability to share the information confidentially with counseling, advocacy, health, mental health, or sexual-assault-related services. If the individual requests confidentiality, the Title IX Personnel should make every effort to respect this request and should evaluate the request in the context of the University's responsibility to provide a safe and nondiscriminatory environment for all individuals.

Federal Work Study students are not considered responsible employees even if they qualify under one of the above-mentioned categories.

6.2 Exception for Confidential Employees:

Individuals who have a legal privilege as a Confidential Employee, such as Counseling Personnel who are professional or pastoral counselors or who have a duty of confidentiality under California law or other relevant provisions, **and** who receive a disclosure in such role, are not Responsible Employees required to report such disclosures received in that role. This includes individuals acting in a professional capacity for which confidentiality is mandated by law (such as physicians, licensed mental health counselors, and other relevant professions).

When such an individual receives a disclosure of a violation of this policy, they must inform each student with information regarding that student's ability to report to a responsible employee under this policy, and direct that student to one or more responsible employees (including via the SCUHS website).

The University offers counseling resources through an external institution, AllOne Health to provide a Student Assistance Program (SAP). SAP is a free and confidential service offers professional counseling (up to 3 sessions per issue) and is available 24/7, 365 days a year via phone, mobile app or chat. In addition to counseling, SAP will also provide our students with life coaching, personal assistant services, medical advocacy, everyday work and life resources, and legal/financial resources. In addition, a website and mobile app is available with content such as webinars, articles, and access to AllOne Health counselors.

Licensed counselors are not required to report— without an individual’s consent – incidents of sexual discrimination/harassment/violence to SCU in a manner that identifies the individual and encourages all counselors to, if and when they deem it appropriate, inform any individuals they are counseling about their right to pursue charges as well as the ability to report crimes or file a Title IX complaint on a voluntary or confidential basis to SCU. Consequently, only aggregate (non-specific) data provided by counselors is considered for the inclusion of the incident(s) in the annual publication of crime statistics per Clery Act requirements (see Section 9.2).

State law requires professional counselors to report: (i) when a patient is likely to engage in conduct that would result in serious harm to the patient or others; (ii) if there is reasonable cause to suspect that California’s Mandatory Reporting Obligations have been triggered. Mandatory reports pertaining to abuse and neglect should be made pursuant to the contractual agreement and the policies of the provider.

Under California law, any health practitioner employed in a health facility, clinic, physician’s office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a person who they know or reasonably suspects is suffering from: (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury where the injury is the result of assaultive or abusive conduct (including Sexual Assault, and Dating and Domestic Violence). This requirement does not apply to sexual assault and domestic violence counselors and advocates.

Individuals should clarify whether a person has confidentiality *before* disclosing information.

6.3 Exception for University Awareness Events and Programs:

SCU ardently desires to make all members of the campus community aware of their individual rights and responsibilities as it relates to sexual discrimination, harassment, violence, and analogous behaviors. Accordingly, the University sponsors various campus events and campaigns aimed at keeping the community informed and safe.

Should an individual disclose experiences relates to sex-based harassment violence as part of the aforementioned events and/or campaign, the University will not – by default – open a Title IX investigation. SCU wants all campus members to feel free to participate in such preventive measures and utilize available resources.

Specifically, while employees are required to report to the Title IX Coordinator information about sex discrimination they learn about at public awareness events, the Title IX Coordinator is not obligated to respond directly to any identified Complainant in a report of sex-based harassment disclosed at a public awareness event that takes place on-campus or in a school-sponsored online platform unless there is an imminent and serious threat to someone’s health or safety.

The Title IX Coordinator must respond to reports of conduct that could constitute sex discrimination other than sex-based harassment if disclosed at public awareness events, wherever they occur. In all cases, SCU will use the information to inform its efforts to prevent sex-based harassment, including by providing tailored training to address alleged sex-based harassment in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of sex-based harassment.

6.3.1 Amnesty for Sexual Misconduct Complaints and Witnesses:

The University encourages reporting of sexual misconduct and seeks to remove any barriers to making a report. The University recognizes that an individual who has been consuming alcohol (including underage consumption) or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for that conduct. To encourage reporting, an individual who makes a good faith report of sexual misconduct that was directed at them or another person or participates in an investigation as a witness will not be subject to disciplinary action by the University for a conduct or policy violation that is related to and revealed in the sexual misconduct report or investigation, unless the University determines that the violation was serious and/or placed the health or safety of others at risk.

6.3.2 Requests for Confidentiality or No Further Action in the Process

If a complainant requests confidentiality, which could preclude a meaningful investigation or potential discipline of the potential respondent, or that no investigation or disciplinary action be pursued to address alleged sex-based harassment, the University shall take the request seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including for the complainant. The University shall generally grant the request. In determining whether to disclose a complainant's identity or proceed to an investigation over the objection of the complainant, the University may consider whether any of the following apply, generally going to the risk of the person committing additional acts that violate this policy. For Title IX Complaints:

- The Complainant's request not to proceed with initiation of a complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of Prohibited Conduct would occur if a Complaint were not initiated;
- The severity of the alleged Prohibited Conduct, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the Respondent is an employee of the University;
- The scope of the alleged discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a Decisionmaker in determining whether sex discrimination occurred;

- Whether the University could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures under this Policy; and
- Whether the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other persons, or that the conduct as alleged prevents SCU from ensuring equal access on the basis of sex to its education program or activity.

For California Law Based Complaints:

- There are multiple or prior reports of sexual misconduct against the respondent.
- The respondent reportedly used a weapon, physical restraints, or engaged in battery.
- The respondent is a faculty or staff member with oversight of students.
- There is a power imbalance between the complainant and respondent.
- The complainant believes that the complainant will be less safe if the complainant's name is disclosed, or an investigation is conducted.
- The University can conduct a thorough investigation and obtain relevant evidence in the absence of the complainant's cooperation.

If the University determines that it can honor the student's request for confidentiality, it shall still take reasonable steps to respond to the complaint, consistent with the request, to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the complainant. These steps may include increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys regarding sexual violence. The University shall also take immediate steps to provide for the safety of the complainant while keeping the complainant's identity confidential as appropriate. These steps may include changing living arrangements or course schedules, assignments, or tests. The complainant shall be notified that the steps the University will take to respond to the complaint will be limited by the request for confidentiality.

If the University determines that it must disclose the complainant's identity to the respondent or proceed with an investigation, it shall inform the complainant prior to making this disclosure or initiating the investigation. The University shall also take immediate steps to provide for the safety of the complainant where appropriate. In the event the complainant requests that the University inform the respondent that the student asked the University not to investigate or seek discipline, the University shall honor this request.

6.3.3 Status as Participants, Materials, and Confidentiality

All activities under these procedures shall be conducted in the privacy interests of those involved. While SCU will take all reasonable steps to protect the privacy of individuals involved in a complaint, it may be necessary to disclose some information to individuals or offices on campus in order to address a complaint or provide for the physical safety of an individual or the campus. Thus, SCU cannot, and does not, guarantee that all information related to complaints will be kept

confidential.

To maintain the privacy of evidence gathered as part of any resolution process, access to materials under the procedures in this Policy will be provided only by a secure method and parties and advisors are not permitted to make copies of any documents shared or make use of the documents outside of the processes described in this Policy. Parties may request to review a hard copy of materials, and SCU will make that available in a supervised or monitored setting. Inappropriately sharing materials provided during this process may constitute Retaliation under this Policy.

6.3.4 Reporting to External Law Enforcement

Some Prohibited Conduct may constitute a violation of both the law and University policy. SCU encourages students to report alleged crimes promptly to local law enforcement agencies. All persons have the right to file with law enforcement, as well as the right to decline to file with law enforcement. The decision not to file shall not be considered as evidence that there was not a violation of SCU policy.

As a condition of participation in CalGrants, SCU states the following pursuant to section 67380 of the California Education Code

SCU will require any report made by a victim or an employee pursuant to Section 67383 of a Part 1 violent crime, sexual assault, or hate crime, as described in Section 422.55 of the Penal Code, received by a Campus Security Authority and made by the victim for purposes of notifying the institution or law enforcement, to be immediately, or as soon as practicably possible, disclosed to the local law enforcement agency with which the institution has a written agreement pursuant to Section 67381 without identifying the victim, unless the victim consents to being identified after the victim has been informed of the victim's right to have the victim's personally identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency, unless the institution determines both of the following, in which case the institution shall disclose the identity of the alleged assailant to the local law enforcement agency and shall immediately inform the victim of that disclosure:

- (i) The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution.*
- (ii) The immediate assistance of the local law enforcement agency is necessary to contact or detain the assailant.*

Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy. Conduct may constitute Prohibited Conduct under this Policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.

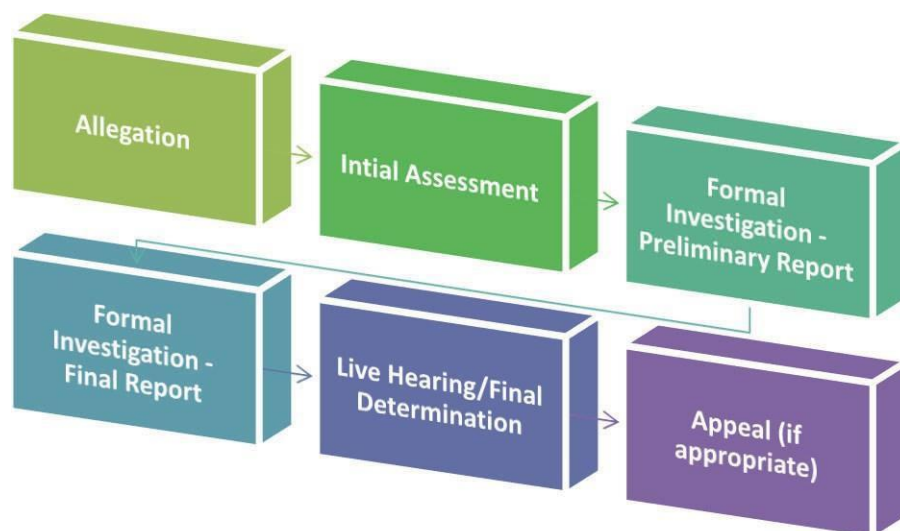
Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. However, when a complaint is made to the University as well as to law enforcement, SCU may delay its process if a law enforcement agency requests such delay for a reasonable amount of time to allow law enforcement to gather evidence of criminal misconduct. Criminal or legal

proceedings are separate from the processes in this Policy and do not determine whether this Policy has been violated.

All investigations and determinations under this Policy will be thorough, reliable and impartial, and will seek to collect evidence and names of witnesses to gather information that is directly or substantially relevant to whether the alleged policy violation occurred and will not be based on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

In the case of an emergency, where the physical well-being of a member of the SCU community or the safety of the University as an institution is threatened, any individual with such knowledge should promptly inform the Assistant Vice-President of Auxiliary Operations. SCU may take any immediate steps as may be necessary and appropriate under the circumstances to ensure the well-being of the SCU community and the institution.

7.0 Grievance Procedure



The University's Grievance Procedure set forth in this policy meets Title IX requirements and California state law and affords complainants a prompt and equitable resolution utilizing the preponderance of evidence standard (meaning it is more likely than not that the alleged conduct did or did not occur), while additionally upholding appropriate process as it relates to the respondent so as to protect the integrity of all party's rights.

When a report of misconduct as defined under Section 4 above is received, the University shall follow Title IX and California law in providing equitable notice to all parties regarding the receipt of the report, investigation, availability of the investigation report, hearing, determination, appeal, final determination, and all other major stages of the process. If new allegations arise or are reported during the course of the process, additional notice may be issued, which will be shared equitably with parties.

Initial outreach to parties shall include, where relevant and appropriate:

- The University has received a report that the person may have experienced Sex Discrimination and/or Sex-based Harassment.

- A statement that retaliation for filing a complaint or participating in a complaint process, or both, under this section is prohibited.
- Counseling resources within the University or in the community as well as existing and available resources in health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available both within the University and in the community.
- The availability of Supportive Measures regardless of whether a complaint is filed and/or any resolution process is initiated.
- Where a crime may have occurred, notice that the person has the right, but not the obligation, to report the matter to law enforcement and the role of victim advocates in supporting those who reach out to law enforcement.
- The University's investigation procedures established pursuant to the requirements of this section and a copy of this Policy.
- Potential interim measures, such as no-contact directives, and academic schedule changes, where applicable.
- The importance of preserving evidence.
- A request for the person to meet with the Title IX coordinator or other designated employee to discuss options for responding to the report.
- The manner in which the University responds to reports of Sex Discrimination and/or Sex-based Harassment and a description of potential disciplinary consequences.
- The identification and location of known witnesses.
- The right to an advisor of choice as established in this Policy.

The University shall provide all parties with notice regarding appropriate counseling resources.

In all phases of the process, under Sections 7(a) and 7(b), the University shall prohibit questions of any party that are repetitive, irrelevant, or harassing. Such a decision shall be made by the Title IX Coordinator.

The University expects all parties and advisors to act with decorum in all phases and aspects of the process, even as it acknowledges that these matters can create angst and stress. To that end, when addressing University officials or other parties and advisors (where applicable), all persons shall convey all information in a neutral tone intended to elicit information and not argumentation. All persons shall use the name and gender pronoun of the other person to whom they are speaking and shall not intentionally misname or mis-gender any other person. No person shall act abusively or disrespectfully towards any other person in the process. At no time may a person approach with menace or anger, use abusive language, yell, scream, badger, or physically lean into another person. No person shall take any action during the process that a reasonable person in the shoes of the affected person would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

All questions of decorum and appropriateness of questions shall be determined by the Title IX Coordinator or Title IX Hearing Officer.

The University's Grievance Procedure is applicable for all complaint scenarios (student against student, employee against student, student against employee, employee against employee, student against employee, student against third party, etc.). It is applicable whether the complainant filed the complaint directly or if it was filed on their behalf by another party.

The University's Grievance Procedure is not an adversarial process between the complainant, the respondent, and the witnesses, but rather a process for the University to comply with its obligations under existing law. The complainant does not have the burden to prove, nor does the respondent have the burden to disprove, the underlying allegation or allegations of misconduct. The burden of determining whether a violation occurred lies on the University. The investigation and adjudication shall provide all parties with appropriate process and reach reasonable conclusions based on the evidence collected.

During the Grievance Procedure, the University will be adamant concerning the fair and equitable treatment of all parties involved. Additionally, the complainant has the right to file criminal charges of their own accord (the University can assist where appropriate and warranted), and the procedures described below are in no way meant to discourage pursuit of said charges outside the institution.

During the Grievance Procedure, the presumption is that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Procedure based on the preponderance of evidence.

In the event that a complaint is filed with an external agency or court, the University reserves the right to determine, in its discretion and subject to federal and California law, whether the University's Grievance Procedure should be discontinued or continued separately.

All University personnel participating in the investigation or adjudication of violations under 7.0 shall be, at all times, neutral.

Coverage of the Policy, Sections 7

The response to sex discrimination, sex-based harassment, and sexual and interpersonal violence by the University is governed by several laws. Of primary application are three laws, Title IX of the Education Amendments of 1972, with the most recent changes coming in the 2024 Title IX Final Rule, the Clery Act as amended by the Violence Against Women Act, with the most recent changes coming in the 2014 Final Rule to implement the VAWA changes to the Clery Act, and California law, with the most recent changes coming in the 2021 Senate Bill 493. The two federal laws, Title IX and the Clery Act, are primary where they conflict with state law (this means that in case of conflict, the University must follow federal requirements). But where a federal law such as Title IX does not apply, the University must still follow California law. Section 7 outlines the grievance process when an allegation is made under any of the defined violations in this Policy, regardless of whether the violation is defined under federal law, such as Title IX, or California law, provided that the alleged violation occurred on or after August 1, 2024.

Section 7 outlines several somewhat different processes depending upon the nature of the harm alleged and depending upon whether all parties (including SCU) agree to use an informal resolution process, or the University investigates using a formal process.

The University recognizes that this can lead to confusion among members of the community. The University wants to assure those impacted by harassment and violence that they may call upon any of the officials listed in Section 5 above to assist them in working through the distinctions and which policy applies.

Timeline For Major Stages of the Process:

Reports will be generally handled under the timeline listed below.

Title IX and California State Law Procedure:

7.1 Initial Assessment

The first step in addressing any complaint is for the Title IX Administrator to conduct an initial assessment of the nature and circumstances of the report which will determine whether or not the allegation constitutes a potential violation under Title IX and/or California law. The primary concern shall be safety. If this Policy is invoked, depending upon the nature of the harm alleged and the choices of the parties, SCU will use one of the Processes detailed below.

This may, but does not necessarily, include a Formal Investigation (7.2 below) to determine whether or not there has been a violation of policy. If the Complainant does not wish to initiate a resolution process or the Administrator determines it is not a potential violation under Title IX and/or California law, the Title IX Coordinator will assess whether to proceed as set forth below.

The Title IX Coordinator may also determine that the provision of Supportive Measures only is the appropriate response under the Policy. If the initial complaint was not reported by the actual Complainant, the Title IX Coordinator will limit communication to general information on policies and processes. If the information provided does not suggest a potential violation of this Policy, the Title IX Coordinator will provide the Complainant written notice to that end and, if applicable, note that the matter is being referred for handling under a different policy, and/or to another appropriate office for handling.

The Administrator or Coordinator will provide for the adequate, reliable, and impartial response to all complaints.

- c) Reporting incidents or complaints directly to the Title IX Coordinator or Administrator is the most efficient way of beginning the grievance procedure.
 - i. Refer to Section 5.0 above for their contact information;
 - ii. Refer to Section 6.0 above for additional reporting options.
- d) There is no time limit for the reporting of an incident or complaint of Sex Discrimination or Sex-based Harassment, nor beginning the grievance procedure; however, all incidents of sex discrimination, including sex-based harassment, violence, misconduct, or ~~etc.~~ etc. should be reported as soon as practicable.
 - i. Timely reporting is essential for an efficient investigation and the prevention of any future discriminatory actions;
 - ii. Responsible employees are obligated to report any behavior they feel is in violation of this policy.

7.2 Options for Resolutions

There are multiple ways to resolve a complaint or report of sex discrimination. During the resolution of a complaint, the Title IX Coordinator will determine whether to implement reasonable supportive measures designed to assist all parties (Complainants and Respondents) and community members in maintaining access to and participation in SCU's educational programs, services and activities during the resolution of the complaint.

A. Support-Based Resolution

A support-based resolution is an option for a Complainant who does not wish SCU take any further steps to address their concern, and when the Title IX Coordinator determines that another form of resolution, or further action, is not required. Some types of support that may be appropriate include but are not limited to adjustments or changes to class schedules; moving from one residence hall room to another; adjusted deadlines for projects or assignments; adjustments to work schedule or arrangements; escorts to and around campus; and/or counseling.

A support-based resolution does not preclude later use of another form of resolution, for example if new information becomes available to the University and the Title IX Coordinator determines there is need for additional steps to be taken, or the Complainant later decides to pursue a Resolution Agreement or investigation and decision making.

B. Agreement-Based Resolution

Agreement-Based Resolution is an alternative where the parties each voluntarily agree to resolve the complaint in a way that does not include an investigation and does not include any finding of responsibility. Agreement-Based Resolution is a voluntary, structured interaction between or among affected parties that balances support and accountability. If SCU offers Agreement-Based Resolution to the parties, and they voluntarily consent to engage in that process, the Title IX Coordinator must still take other prompt and effective steps as needed to ensure that sex discrimination does not continue or recur within the education program or activity. Parties and the Title IX Coordinator may agree to pause or exit the investigation and decision-making resolution procedures to explore Agreement-Based Resolution.

Any party may design the proposed agreement between the parties. The Title IX Coordinator must approve of the use of the Agreement-Based Resolution process and approve the final agreement between the parties. Although not generally a part of Agreement-Based Resolution, under California law mediation is not permitted for the violations defined in Section 6\4 under California law. The Title IX Coordinator must specifically determine that it is permissible for resolving California Sex-Based Harassment in Employment. Agreement-Based Resolution may be initiated at any time prior to the release of the final determination. Because Agreement-Based Resolution does not involve an investigation, there is not any determination made as to whether a Respondent violated this Policy.

The Title IX Coordinator has the discretion to determine that Agreement-Based Resolution is not an appropriate way to address the reported conduct, and that the matter must instead be resolved through an alternate process described below.

Initiating the Agreement-Based Resolution Process

Prior to the initiation of Agreement-Based Resolution, the Title IX Coordinator will provide the parties written notice that includes:

1. The specific allegation and the specific conduct that is alleged to have occurred;
2. The requirements of the Agreement-Based Resolution process;
3. Any consequences resulting from participating in the Agreement-Based Resolution process, including the records that will be maintained or could be shared, and whether SCU could disclose such information for use in a future University grievance process, including an investigation and resolution process arising from the same or different allegations, as may be appropriate;

4. Notice that an agreement resulting from the Agreement-Based Resolution process is binding only on the parties and is not subject to appeal;
5. Notice that once the Agreement is finalized and signed by the parties, they cannot initiate or continue an investigation procedure arising from the same allegations;
6. A statement indicating that the decision to participate in the Agreement-Based Resolution process does not presume that the conduct at issue has occurred;
7. A statement that the Respondent is presumed not responsible for violating this Policy, unless Respondent admits to violations of this Policy;
8. An explanation that all parties may be accompanied by an advisor of their choice, who may be a parent, colleague, friend, or attorney;
9. A statement that any party has the right to withdraw from the Agreement-Based Resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
10. The date and time of the initial meeting with staff or the Title IX Coordinator, with a minimum of three (3) days' notice;
11. Information regarding Supportive Measures, which are available equally to the parties; and
12. The potential terms that may be requested or offered in an Agreement-Based Resolution agreement.

Facilitating an Agreement

If all parties are willing to explore Agreement-Based Resolution, the Title IX Coordinator will then meet separately with each party to discuss the Agreement-Based Resolution process and facilitate an agreement. If an agreement cannot be reached, either because the parties do not agree, determine they no longer wish to participate in the Agreement-Based Resolution process, or the Title IX Coordinator does not believe that the terms of the agreement or continuing the Agreement-Based Resolution process is appropriate, the Title IX Coordinator may decide that the reported conduct will instead be addressed through the investigation and decision-making process. The Title IX Coordinator will inform the parties of such decision, in writing.

Agreement-Based Resolution processes are managed by facilitators who do not have a conflict of interest or bias in favor of or against Complainants or Respondents generally or regarding the specific parties in the matter. The Title IX Coordinator may serve as the facilitator, subject to these restrictions. The Investigator or Decisionmaker for the matter may not facilitate an Agreement-Based Resolution in that same matter.

Any party may craft or create the terms of their agreement and will be asked for their suggestions or ideas. Examples of agreements may include but are not limited to:

1. An agreement that the Respondent will change classes or housing (where applicable);
2. An agreement that the parties will not communicate or otherwise engage with one another;
3. An agreement that the parties will not contact one another;
4. Completion of a training or educational project by the Respondent;
5. Completion of a community service project by the Respondent;
6. An agreement to engage in a restorative justice process or facilitated dialogue; and/or
7. discipline agreed upon by all parties.

To facilitate Agreement-Based Resolution, information shared by any party will not be used in any related resolution process of the same complaint under this policy. No evidence

concerning the allegations obtained within the Agreement-Based Resolution process may be disseminated to any outside person, provided that any party to the Agreement-Based Resolution process may generally discuss the allegations under investigation with a parent, advisor, or other source of emotional support, or with an advocacy organization. An admission of responsibility made during an Agreement-Based Resolution process, however, may not be incorporated into the investigation and adjudication proceeding.

Finalizing the Resolution Agreement

Once the final terms of the Resolution Agreement have been agreed upon by all parties, in writing, and approved by the Title IX Coordinator, the matter will be considered closed, and no further action will be taken. Once signed, no appeal is permitted. The Agreement-Based Resolution process is generally expected to be completed within thirty (30) Days and may be extended by the Title IX Coordinator as appropriate. All parties will be notified, in writing, of any extension and the reason for the extension.

Records of an Agreement-Based Resolution process can be shared with other offices as appropriate.

Any violations of the terms of the Resolution Agreement may result in disciplinary action.

A. Formal Investigation and Decision-making

This Policy includes two types of investigation and decision-making procedures.

1. Procedures covering all Sex Discrimination (4.1) matters **except for** Sex-based Harassment involving a Student as a party (106.45 Procedures); and
2. Procedures covering Sex-based Harassment (4.3, 4.4, 4.5, 4.6, 4.7, 4.8) involving a Student as a party (106.46 Procedures). Sex-based Harassment that does not involve a Student as a party will be addressed using the 106.45 Procedures.

The following information applies to both types of the investigation and decision-making procedures:

Acceptance of Responsibility

If a Respondent accepts responsibility for all or part of the Prohibited Conduct alleged, the Title IX Coordinator or designated sanctioning officer will issue an appropriate sanction or responsive action as to those violation(s) and continue processing remaining allegations of Prohibited Conduct, if any.

Investigation and Decision-making Procedures for All Prohibited Sex Discrimination (4.1) Matters **Except for** Sex-based Harassment Involving a Student as a Party (106.45 Procedures);

This Procedure covers all Sex Discrimination (4.1) matters **except for** Sex-based Harassment involving a Student as a party (106.45 Procedures);

A. Notice of Allegations and Investigation

Prior to the start of an investigation, the parties will be provided a written Notice of Investigation communicating the initiation of an investigation. Should additional allegations be

brought forward, or information regarding location or date of the incident(s), a revised written Notice of Investigation shall be provided to all parties.

The Notice shall include, at a minimum:

1. The University's resolution procedures, including the applicable determination procedure, and any alternative resolution process, with a link to the full procedures;
2. The specific allegations, including the identity of the parties, and dates and location if known;
3. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
4. A statement that Retaliation is prohibited;
5. Contact information for the assigned Investigator and Decisionmaker, as well as the process for raising a challenge to the appointed Investigator, Decisionmaker, or Title IX Coordinator, and the deadline for doing so;
6. A statement indicating the expected length of the major stages of the resolution process, as well as any applicable deadlines;
7. Whether the Investigator, or another individual, shall serve as the Decisionmaker;
8. A statement that the Respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the investigation and decision-making procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decisionmaker;
9. A statement indicating that the parties may have an advisor of their choice who may be a friend, colleague, therapist, or attorney;
10. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, and to provide a response;
11. A statement that SCU prohibits knowingly making false statements or knowingly submitting false information during grievance procedures, with a link to the relevant policy(ies); and
12. The date and time of the initial interview with the Investigator, with a minimum of five (5) Days' notice.

B. Individual Interviews

The Investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility. Only the investigator and the party or witness may attend each individual interview, and a party may be accompanied by their advisor. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of those proceedings and may be subject to further University discipline for failure to do so.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at SCU's discretion, with all participants joining virtually through a video conferencing option.

The University may also adopt and apply other reasonable rules regarding decorum, provided they

apply equally to the parties. The University will share expectations of decorum to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all parties and advisors. SCU has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable rules.

C. Evidence Review

At the conclusion of all fact-gathering, the Investigator will provide each party and their advisor, if any, the opportunity to review all relevant and not otherwise impermissible evidence gathered.

The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation, to submit any additional relevant evidence, questions, and the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence, or the names of witnesses. Given the sensitive nature of the information provided, SCU will facilitate this review in a secure manner. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties will have a minimum of five (5) Days to inspect and review the evidence and submit a written response in writing to the Investigator. The University will provide access to copies of the parties' written responses to the Investigator to all parties and their advisors, if any. The Title IX Coordinator shall have the discretion to extend the evidence review period based on the volume and nature of the evidence. At the conclusion of the evidence review, when deemed appropriate by the Investigator, the Investigator shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence is gathered during this second fact-gathering period, the new evidence will be made available for review by the parties and their advisors. The parties shall have five (5) Days to provide a response to the newly gathered evidence. No new evidence will be accepted as part of any response, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The Investigator will consider the parties' written responses before finalizing the investigation report. The parties may each submit a written impact statement prior to the conclusion of the resolution process. The impact statement is not evidence and will be reviewed only after a determination of responsibility is reached.

D. Investigation Report

The Investigator, who may also serve as the Decisionmaker, shall evaluate the relevant and not impermissible evidence and make a factual determination regarding each allegation, and also determine whether a violation of the Policy occurred. The Investigator may choose to place less or no weight upon statements by a party or witness who refused to respond to questions deemed relevant and not impermissible or declined to participate. The Investigator will not draw an inference about whether Sex Discrimination occurred based solely on a party's or witness's refusal to respond to questions. The Investigator shall prepare a report which shall include:

1. A description of the allegations of Prohibited Conduct;
2. Information about the Policies and Procedures used to evaluate the allegations;
3. A description of the procedural steps taken from the receipt of the Complaint through the

- determination, including any notifications to the parties, interviews with parties and witnesses, and methods used to gather other evidence;
4. An evaluation of the relevant and not otherwise impermissible evidence and the rationale for that evaluation;
 5. Findings of fact for each allegation, with rationale; and
 6. Conclusions regarding which section of this Policy or other SCU policy, if any, the Respondent has or has not violated, with rationale.

This report shall be provided to the Title IX Coordinator. In the event that the Decisionmaker has determined that a violation of SCU policy has occurred, the Title IX Coordinator shall then provide the report to the appropriate Sanctioning Officer to determine the sanction, and the Title IX Coordinator shall then determine the appropriate remedy(ies) for the Complainant and any impacted parties.

The Title IX Coordinator shall then provide the parties and their advisors, if any, with a written Notice of Outcome and a copy of the investigation report. The Notice of Outcome shall include:

1. A statement of, and rationale for, any disciplinary sanctions the University imposed on the Respondent;
2. A statement as to whether remedies will be provided to the Complainant;
3. For the Complainant, a description of any remedies that apply to the Complainant;
4. SCU's procedures and the permitted reasons for the parties to appeal, including identifying the Appeals Officer; and
5. How to challenge participation by the Appeals Officer for bias or conflict of interest, which the Title IX Coordinator will resolve in their sole discretion.

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

E. Investigation and Decision-making Procedures for Sex-based Harassment (4.3, 4.4, 4.5, 4.6, 4.7, 4.8) Involving a Student as a Party (106.46 Procedures).

This Procedure covers Sex-based Harassment (4.3, 4.4, 4.5, 4.6, 4.7, 4.8) involving a Student as a party (106.46 Procedures) (Sex-based Harassment that does not involve a Student as a party will be addressed using the 106.45 Procedures, C.1.).

Assignment of the Investigator and/or Decisionmaker

The University will assign a trained Investigator and/or Decisionmaker to conduct an adequate, reliable, and impartial investigation and determination, as applicable, in a reasonably prompt timeframe. As required by California law, those involved in the process shall have undergone a comprehensive, trauma-informed training program for campus officials involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases.

All parties have the option to participate in the investigation, and each have the same rights during the resolution process including the right to an advisor, to submit relevant witness names and evidence, and to review the evidence gathered by the Investigator prior to the Investigator providing the final report to the Decisionmaker.

The Investigator will establish deadlines for submission of names of relevant witnesses

and submission of evidence and communicate those deadlines to the parties in writing.

The formal investigation will be completed over the course of forty-five (45) Days from the date the complaint was filed; however, if circumstances permit, more time may be required, and an extension warranted. SCU shall not unreasonably deny a student party's request for an extension of a deadline related to a complaint during periods of examinations or school closures. Such a decision will be rendered by the Title IX Coordinator. The parties will receive a timeline that will include the anticipated period of the investigation, the date by which they will be notified of the investigation outcome, the anticipated period for a hearing (if applicable) and anticipated date for the hearing outcome (when known), and the deadlines and process to appeal, where there is an appeal. The purpose of this investigation is to establish whether policy has been violated.

The individual responsible for the investigation shall promptly notify the person against whom the complaint is made (respondent) with a notification of investigation. If warranted, the Title IX Coordinator and/or Administrator shall notify the appropriate University officer or supervisor concerning the nature of the complaint and of the identity of the parties. SCU will provide to any party or witness whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate.

All parts of this process shall be conducted by individuals without bias as established in Section 5. After a Notice of Investigation, as described below, is issued to all parties, any party may object to the participation of the Title IX Coordinator or designated Investigator on the grounds of a demonstrated bias or actual conflict of interest. All parties will have three (3) days from the date of the Notice of Investigation to object to the selection of the Investigator or the Title IX Coordinator. All objections will be considered, and changes made as appropriate. If the objection is substantiated as to either the Title IX Coordinator or the Investigator, that individual shall be replaced. Any change will be communicated in writing.

Violations governed by California law shall use a victim-centered interview protocol.

A. Notice of Investigation

Prior to the start of an investigation, the parties will be provided a written Notice of Investigation communicating the initiation of an investigation. Should additional allegations be brought forward, or information regarding location or date of the incident(s), a revised written Notice of Investigation shall be provided to all parties.

The Notice shall include, at a minimum:

1. The University's investigation procedures, including the applicable determination procedure that will be used in this investigation and resolution, and a link to the relevant policies;
2. Information about the agreement-based resolution procedures, with a link to the full procedures;
3. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
4. A statement that retaliation is prohibited;
5. A statement indicating whether the Investigator, or another individual, shall serve as the Decisionmaker;

6. At the discretion of SCU, the Investigator may serve as the Decisionmaker;
7. A statement indicating the expected length of the major stages of the resolution process, as well as any applicable deadlines;
8. A statement informing the parties that the Investigator will establish and communicate, in writing, all investigation deadlines, including the final deadlines for submitting names of witnesses, evidence, and relevant questions to ask a party or witness. These deadlines may be extended by the Title IX Coordinator for good cause, and any changes will be provided, in writing, to the parties, along with the rationale for the revised deadline(s);
9. A statement explaining the process for raising a challenge to the appointed investigator, Decisionmaker or Title IX Coordinator, and the deadline for doing so;
10. A statement that the Respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the resolution process. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decisionmaker;
11. A warning that the Decisionmaker may exclude evidence at the hearing if it was not presented during the investigation.
12. A statement that the parties may have an advisor of their choice who may be a friend, parent, therapist, colleague, or attorney;
13. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigation report that accurately summarizes this evidence;
14. Section 8 of this Policy prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures;
15. The identification of the Decisionmaker; and
16. The date and time of the initial interview with the Investigator, with a minimum of five (5) Days' notice.

B. Individual Interviews

The Investigator will interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via video conference. When a party meets with an Investigator, the Investigator will ask questions related to the allegations in the complaint and a party is given the opportunity speak to the allegations and related events. Parties may identify fact witnesses and provide evidence that is relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show it more likely that someone committed a violation) and exculpatory evidence (that tends to show it less likely that someone committed a violation). The Investigator ultimately determines whom to interview to determine the facts relevant to the complaint.

The Investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility, and to request of the parties the names of relevant witnesses and relevant evidence. Only the investigator and the party or witness may attend each individual interview, and a party may be accompanied by their advisor. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the grievance process and may be subject to further discipline for failure to do so.

The Investigator will then gather from parties, witnesses, and other sources, all relevant evidence.

At the initial interview with each party, the Investigator will invite the parties to provide, in writing and in advance of the individual interviews, questions to ask of the parties and witnesses that are relevant and not otherwise permissible, including questions exploring credibility. Upon receiving the question list, the Investigator will determine whether a proposed question is relevant and not otherwise impermissible and will explain, in writing in advance of the individual interview, any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The Investigator must give a party an opportunity to clarify or revise any question that the Investigator has determined is unclear or harassing and, if the party sufficiently clarifies or revises a question, the question will be asked.

An Investigator will not permit questions that are unclear or harassing of any party or witness being questioned.

The University will share expectations of decorum to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all parties and advisors. SCU has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable rules.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at SCU's discretion, with all participants joining virtually through a video conferencing option. All interviews will be recorded.

The Investigator will determine, in their sole discretion, whether parties and witnesses are likely to provide relevant information about the allegations and has the sole discretion to determine which parties and witnesses to call to an interview. The Investigator may conduct follow-up interviews as they deem appropriate. Any evidence available, but not disclosed during the investigation might not be considered at a subsequent hearing.

As it pertains to allegations concerning violations of this Policy, the University Grievance Procedure shall not – at any time – permit, encourage, or allow for questions pertaining to the complainant's sexual history, except as specifically enumerated here. The University shall not consider prior or subsequent sexual history between the complainant and anyone other than the respondent for any reason unless directly relevant to prove that physical injuries alleged to have been inflicted by the respondent were inflicted by another individual. The investigator or hearing officer shall not consider the existence of a dating relationship or prior or subsequent consensual sexual relations between the complainant and the respondent unless the evidence is relevant to how the parties communicated consent in prior or subsequent consensual sexual relations. 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 consideration of any evidence of prior sexual history, the University shall provide a written explanation to the parties as to why consideration of the evidence is consistent with this Procedure.

Further, the University shall not permit evidence that is protected under a privilege recognized

by federal or California law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality; evidence from a person designated as exempt from internal reporting under this Policy, unless the person who made the disclosure or otherwise provided evidence to that employee has voluntarily consented to re-disclosure; or a party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless SCU obtains that party's or witness's voluntary, written consent for use in its grievance procedures

The University may only access the evidence described in the two paragraphs above for the purpose of determining whether an exception exists. It will not otherwise be used or disclosed.

A. Submission Limitations

Pursuant to California law, the University includes the following submission limits for documentation. This covers all phases of the process (including investigation, adjudication, and appeals). Parties are encouraged to concentrate submissions on factual documents, documents that tend to prove or disprove one or more facts. There are no limits on the submission of relevant factual information. Parties may, but are not required to, submit additional documents that are in the nature of advocacy for their position (making arguments for or against the investigator and/or hearing officer relying on or weighing certain facts and testimony). These non-factual documentations are limited to five type-written, single-spaced pages, Times New Roman or Arial font, one-inch margins all around for each of the investigation, adjudication, and appeals process. Pages beyond this limitation shall not be considered. The Title IX Coordinator shall make the determination as to whether a document or page shall count against this limit by determining whether it is more factual than argument or more argument than factual.

Parties shall have an equitable opportunity to submit evidence and documentation. No party will obtain an extension that is not offered equitably to the other party.

In order to promote accuracy, for each conducted interview, the investigator shall produce a transcript within five (5) Days and provide to the party being interviewed for commentary.

At all times, the investigator shall make a demonstrated and documented effort to maintain privacy; however, the University cannot guarantee complete confidentiality where it would conflict with the obligation to investigate meaningfully and, where warranted, take disciplinary action. Additionally, the University will act to ensure that all participants involved maintain privacy to the degree possible.

Lastly, the Title IX Coordinator and Administrator have the authority to investigate concerns without the request of a formal inquiry.

B. Evidence Review

At the conclusion of all fact-gathering, the Investigator will provide each party and their advisor the opportunity to review all relevant and not otherwise impermissible evidence gathered. In the event that an audio or audiovisual recording is shared, the recording will only be made available at an in-person and monitored meeting on campus, and will not otherwise be transmitted for review, so as to maintain the privacy of those participating in the process.

The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation, to submit any additional relevant evidence, questions, and the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence or names of witnesses. Evidence not provided during the investigation process will not be considered by the Decisionmaker. Given the sensitive nature of the information provided, SCU will facilitate this review in a secure manner. None of the parties, nor their advisors, may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties will have a minimum of five (5) Days to inspect and review the evidence and submit a written response in writing to the Investigator. The Title IX Coordinator shall have the discretion to extend the evidence review period based on the volume and nature of the evidence.

When deemed appropriate by the Investigator, the investigator shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence was submitted as part of evidence review, or is gathered during this second fact-gathering period, the new relevant evidence will be made available for review by the parties and their advisors. The parties shall have five (5) Days to provide a response to the newly gathered evidence. No new evidence will be accepted as part of any response, except that the investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The Investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Character evidence is not relevant evidence, and therefore will not be considered. If the Decisionmaker is not the Investigator, the Decisionmaker is not bound by the Investigator's determinations about relevance.

The Investigator will consider the parties' written responses before finalizing the investigation report. The Investigator shall prepare a report which shall include:

1. A description of the allegations of Prohibited Conduct;
2. Information about the policies and procedures used to evaluate the allegations;
3. A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, and methods used to gather other evidence;
4. An evaluation of the relevant and not otherwise impermissible evidence and the rationale for that evaluation; and
5. Summaries of facts gathered for each allegation.

7.2.1 Final Report

The investigator shall produce a Final Report within twenty (20) Days of the end of the evidence review period; however, additional time may be granted if warranted (determined by the Title IX Coordinator).

The Final Report will be issued to all parties simultaneously as well as the TitleIX Coordinator.

C. Final Determination/Hearing

The purpose of a hearing is for a Hearing Officer to determine whether the conduct occurred as alleged, and if so, whether that conduct violates this policy. The University expects that all individuals who participate in the hearing process do so truthfully and that all who have a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias. Hearings may be conducted in person or via videoconferencing. The Title IX Coordinator may determine that the hearing will continue in the absence of any party or any witness.

After receiving the Final Report, the Title IX Coordinator will – within fourteen (14) Days – determine whether or not a hearing is necessary and, if necessary, schedule a live hearing with the complainant, respondent, advisors, and witnesses (if any/necessary). Factors for deciding whether to schedule a hearing include whether the parties elected to participate in the process and whether all parties could suggest questions to be asked of other parties in the investigation. The University will appoint a Hearing Officer, who may be the same person as the Title IX Coordinator or Investigator, who will determine whether a violation of this policy has occurred. The Hearing Officer shall have the authority to determine the relevance of evidence submitted, and of questions asked, to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing. The Hearing Officer shall not draw an inference about the determination regarding responsibility based solely on a party's absence from the hearing or refusal to answer questions posed. Said hearing will be conducted by the Title IX Hearing Officer using teleconference technology and will be recorded. This recording will be considered the only official recording of the hearing. No other person is permitted to record while the hearing is taking place. The recording is the property of SCU, but will be made available to all parties no later than three (3) Days after the hearing has concluded and will be available until the conclusion of the appeals process. All parties participating in the hearing must attend using both a camera and microphone unless granted a waiver for a disclosed disability that prevents use of such technology.

Prior to the Hearing

The parties and the Hearing Officer all have the right to call witnesses. Witnesses participating in the hearing must have information relevant to the allegations. Parties who wish to call witnesses must submit the name of the witness at least five (5) Days in advance of the hearing.

Only witnesses who participated in the investigation will be permitted to participate in the hearing, unless the witness was otherwise unknown or not known to have relevant information during the course of the investigation. If the witness did not participate in the investigation, the party must also provide the reason the witness was not interviewed by the investigator, and what information the witness has that is relevant to the allegations. The Hearing Officer will then determine whether the witness has relevant information and if there is sufficient justification for permitting the witness to participate. The Hearing Officer may instead send the case back to the investigator to interview the newly proffered witness prior to the hearing taking place.

A list of witnesses approved by the Hearing Officer will be provided to the parties at least three (3) Days prior to the hearing.

Three (3) Days prior to the hearing, each party shall submit to the Hearing Officer a preliminary list of questions they wish to pose to the other party, or to a witness. If the Hearing Officer determines that any questions are not relevant or seek otherwise impermissible evidence, the Hearing Officer shall exclude the question and explain the reason for the exclusion of the question at the hearing. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The Hearing Officer must give a party an opportunity to clarify or revise any question that the Hearing Officer has determined is unclear or harassing and, if the party

sufficiently clarifies or revises a question, and the question is relevant, the question will be asked.

Advisor

Each Party is entitled to be accompanied by one Advisor at the hearing. The role of the Advisor is to assist the party with understanding and navigating the proceedings. The Advisor may not advocate for, respond for, or otherwise speak on behalf of, a party during the hearing. In the event that a party does not appear for the Hearing, the Advisor for that party may not participate in the hearing or submit questions to be asked on behalf of the party.

Hearing Participation Guidelines

The Title IX Hearing Officer will structure and conduct the live hearing as they see fit so as to maintain the integrity and efficacy of the hearing so long as it does not conflict with any policies herein.

The Hearing Officer shall have the authority to maintain order and decorum at the hearing, including responding to disruptive or harassing conduct, and when necessary to adjourn the hearing or exclude the disruptive person. In the event the Hearing Officer removes an Advisor, the Hearing Officer will have the discretion to appoint another Advisor for the remainder of the hearing. The Hearing Officer also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions. The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing.

Statements, Questioning and Presentation of Evidence

During the hearing, each party will be permitted to provide an introductory statement. Following introductory statements, the Hearing Officer will call parties and witnesses for questioning. The order of questioning shall be determined by the Hearing Officer. The Hearing Officer will pose questions to the parties and witnesses including the questions the Hearing Officer approved to be asked that were submitted by each party prior to the hearing. Each party will then be provided an opportunity to submit follow-up written questions to the Hearing Officer for the Hearing Officer to pose to the other party or witnesses. If the Hearing Officer determines that any questions are not relevant to the allegations, or seek otherwise impermissible evidence, the Hearing Officer shall exclude the question and explain the reason for the exclusion of the question at the hearing and offer an opportunity to the party to reframe or resubmit the question. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. At any point, the Title IX Hearing Officer may pause the cross-examination questions posed by the party in writing to ask a question, and the questions of the Title IX Hearing Officer shall be primary in nature over those submitted in writing by the parties.

Only the Hearing Officer is permitted to ask questions of parties and witnesses. Neither party may directly question the other party or witness. Advisors are not permitted to directly or indirectly question the other party or witness.

Questions that are harassing in nature, irrelevant, repetitive, or otherwise violate this Policy or Procedure shall not be asked but shall be marked in writing as such and that document shall remain a part of the record. The Title IX Hearing Officer shall conduct a brief analysis of each question prior to asking it out loud. The Title IX Hearing Officer may partially or fully discard, rephrase, or modify any question. Either party may object to any question. After verbally stating that they have

an objection, the Title IX Hearing Officer will ask them to share the nature of their objection. For standard or simple objections, an oral conversation, where both parties, through their advisors, can be heard on the objection, will suffice. For more complex objections, the Title IX Hearing Officer may request that the objection, and any argument on it, be submitted in writing for consideration. The Title IX Hearing Officer may choose to take a recess to complete this or may move on to another portion of the testimony and come back to the issue at a later time. The determination of the Title IX Hearing Officer to sustain or overrule the objection shall be final. The Title IX Hearing Officer is under no obligation to rule on or respond to any specific objection and may simply include the objection in the record.

At the discretion of the Title IX Hearing Officer, a party through their advisor may submit follow up questions to a response. Such submissions shall be in writing only and shall not be stated out loud or otherwise shared by the advisor or party, but only by the Title IX Hearing Officer after they have reviewed the follow up question or questions under the requirements of this Procedure. All submitted questions will be maintained as part of the record and will be marked as “Asked,” “Modified,” or “Rejected,” and if rejected or modified, a brief explanation will be included as to the reason.

Following the questioning of parties and witnesses, each party will be permitted to provide a closing statement. An advisor is not permitted to provide a closing statement on behalf of their party.

G. Hearing Officer’s Report

At the conclusion of the hearing, the Title IX Hearing Officer will issue a final determination report as to whether Policy was violated, and whether sanctions are appropriate. Said determination will also be provided in written format to all parties. The written determination will include the following:

- a) Identification of the allegations potentially constituting Sex-based harassment as defined in Section 4;
- b) A reference to the policies and procedures used to evaluate the allegations; A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c) Findings of fact supporting the determination which shall be the Hearing Officer’s evaluation of the relevant and not otherwise impermissible evidence;
- d) Conclusions regarding the application of the University’s Policies to the facts; and
- e) A statement of, and rationale for, the results as to each allegation, including:
 - a. Any disciplinary sanctions the University imposes on the respondent; and
 - b. Whether remedies designed to restore or preserve equal access to the University’s educational program or activity will be provided by the University to the complainant.
- f) The Procedures for an appeal
- g) The findings letter shall provide assurances, consistent with federal and California law, that the University will take steps to prevent recurrence of any harassment (if found) and to correct its discriminatory effects on the complainant and others, if appropriate.

The Hearing Officer’s report shall be provided to the Title IX Coordinator. If the Hearing Officer

determines that there is no finding of responsibility, the Title IX Coordinator shall communicate the findings to each party, and their advisor should the party wish the advisor to receive it, a written Notice of Outcome along with a copy of the Hearing Officer's report, to the parties, together with procedures for appeal.

If there is a finding of responsibility, the Title IX Coordinator shall contact the appropriate sanctioning officer who will determine the sanction and notify the Title IX Coordinator of the sanctioning determination. The Title IX Coordinator will then provide each party, and their advisor should the party wish the advisor to receive it, a written Notice of Outcome regarding the Hearing Officer's decision, including the Hearing Officer's report.

In the event that the Decisionmaker has determined that a violation of Policy has occurred, the Title IX Coordinator shall then provide the report to the appropriate Sanctioning Officer to determine the sanction, and the Title IX Coordinator shall then determine the appropriate remedy(ies) for the Complainant and any impacted parties.

1. *Sanctioning Officer or Designee for Student Respondents*: Title IX Coordinator;
2. *Sanctioning Officer or Designee for Staff Respondents*: Chief Operations Officer;
3. *Sanctioning Officer or Designee for Faculty*: Chief Operations Officer.

The Title IX Coordinator shall then provide the parties and their advisors, if any, with a written Notice of Outcome and a copy of the Decisionmaker's report.

The Notice of Outcome shall include:

1. Any disciplinary sanctions for the Respondent;
2. Whether remedies will be provided; and
3. The procedures for appeal.

In addition, the Complainant shall be informed of any remedies that apply to the Complainant.

The Title IX Coordinator will provide each party, and their advisor, written communication regarding the decision, the sanction determination, and the procedures for appeal, along with a copy of the Investigation Report.

7.3 Remedies and Sanctions

Violation(s) of this Policy may result in the imposition of one or more of the remedies or sanctions listed below which are designed to restore or preserve equal access to the University's education programs and/or activities. In certain limited situations, the Title IX Hearing Officer may impose a sanction but suspend or postpone its actual implementation. Failure to comply with the sanction(s) imposed by the Title IX Officer may result in further disciplinary action, including but not limited to, a registration hold, placement on, or extension of, University probation, suspension, or permanent dismissal.

Sanctions are based on general principles of fair treatment. While attempting to be consistent in its disciplinary decisions, the University also seeks to be fair and sensitive to the facts and circumstances of each individual case.

Factors considered when determining a sanction/responsive action may include:

1. The nature, severity of, and circumstances surrounding the violation;
2. An individual's disciplinary history;
3. Previous grievances or allegations involving similar conduct;

4. The need for sanctions/responsive actions to bring an end to the sex discrimination or retaliation;
5. The need for sanctions/responsive actions to prevent the future recurrence of sex discrimination or retaliation;
6. The need to remedy the effects of the sex discrimination or retaliation on the victim and the campus community.

Student sanctions imposed are implemented when the decision is final (after an appeal, or, if there was no appeal, after the appeals period expires).

Faculty found responsible for violating this Policy may be referred to the appropriate academic official for any other applicable processes.

The following are the potential sanctions that may be imposed:

- a) Warning: Oral or written notice to the individual that the individual is violating or has violated the University's Title IX Policy and that continuation or repetition of misconduct may result in a more severe sanction.
- b) University Probation: A status which indicates that an individual's relationship with the University is tenuous. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the individual is found in violation of the University's Title IX Policy or other policy violations. Probation may also result in the loss of privileges, depending on the policies of various University departments and organizations.
- c) Loss of Privileges: Such loss may include, but is not limited to, financial assistance, eligibility to represent the University officially, or use of specific University facilities or services.
- d) Restitution: Compensation for loss, damage or injury. Failure to pay such charges may result in additional sanctions (including, but not limited to, denial of re-enrollment or refusal to release official transcripts and records).
- e) Educational Sanctions: Reading/writing assignment, drug or alcohol assessment/treatment, seminar attendance, or other discretionary sanctions as deemed appropriate.
- f) Suspension: Temporary separation of the individual from the University for a definite period of time, after which the individual (if a student) is eligible to return without reapplying through the office of admissions. Conditions for readmission may be specified.
- g) Expulsion: The individual is permanently separated from the University with a notation of the reason(s) for the termination in their file. No refunds are made, and the individual will suffer the academic consequences of their actions.
- h) Termination: The individual's employment with the University is permanently severed with a notation of the reason(s) for the termination placed in their file. No opportunity for reemployment will be afforded.

The Title IX Coordinator is responsible for effective implementation of any remedies.

Failure to Complete Sanctions/Comply with Responsive Actions

All responding parties are expected to comply with conduct sanctions/responsive actions/corrective actions within the timeframe specified by the University. Responding parties needing an extension to comply with their sanctions must submit a written request to the Title IX Coordinator stating the reasons for needing additional time.

Failure to follow through on conduct sanctions/responsive actions/corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive actions/corrective actions, such as suspension, expulsion, termination, or a transcript notation. Students who fail to comply will be referred to Office Student Services in accordance with SCU's Student Code of Conduct.

7.4 Appeals Process

Any decision made by the Title IX Hearing Officer or a dismissal during the process may be appealed in writing by the Respondent or by the Complainant (if there is one) to the Title IX Appellate Officer within five (5) Days of the decision.

Appeals will be sent to the Title IX Coordinator, who will then send the appeal to the designated Appeals Officer assigned to conduct a written review of the appeal(s) and to make a final determination. Appeals must be in writing and filed within ten (10) Days following the issuance of the Notice of Outcome.

When an appeal is filed, the other party shall be notified and provided with a copy of the filed appeal within one (1) Day and have five (5) Days to respond to the appeal in writing. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal.

Within three (3) Days of an Appeal Officer being assigned, either party may provide written objection to the Appeal Officer on the basis of an actual bias or conflict of interest. Any objection is to be sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator will appoint another Appeal Officer. The basis for appeal shall only include the following:

- a) A claim of procedural irregularity that affected the outcome of the matter. A description of the error and its impact on the outcome of the case must be included in the written appeal;

A claim that the Title IX Coordinator, Administrator, and/or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. Any evidence supporting the alleged conflict of interest or demonstrated bias must be included in the written appeal; or

- b) A claim that there is new evidence to present that is sufficient to alter the decision that was not reasonably available at the time of the determination. Information that was known to the party during the resolution process but which they chose not to present is not considered new information. The new evidence, an explanation as to why the evidence was not previously available or known, and an explanation of its potential impact on the investigation findings must be included in the written appeal; or

An individual's notice of appeal does not suspend the imposition of sanctions or interim measures until the appeal is finally decided. If an appeal is upheld, the sanctions will be reversed.

If the Title IX Appellate Officer determines there is merit for an appeal, the facts of the incident will be reviewed with the parties, typically in a personal meeting with the Title IX Appellate Officer. Appeals, if granted, can result in one of the following:

- a) The original determination/sanction will be upheld.
- b) The original determination/sanction will be modified.
- c) A new investigation will be scheduled.

The Appeal Officer will make a determination regarding the appeal and communicate that

decision, along with a rationale for the decision to the Title IX Coordinator who will communicate the Appeal Officer's decision to the parties. The decision of the Appeals Officer is final.

7.5 Right to an Advisor

Both complainants and respondents have the right to be assisted by an advisor of their choice and at their own expense, and the University will not limit their choice of an advisor. The advisor may be any person, including a friend, family member, therapist, union representative, or an attorney. Advisors are bound by the same rules of decorum established for parties. The purpose of the advisor is to support an individual during the Grievance Procedure, including accompanying the individual to in-person interviews or other meetings during the process to which they are required or are eligible to attend.

- a) The advisor may not appear in lieu of the complainant or the respondent or speak on their behalf in either in-person or written communications to the University. The advisor may not communicate directly with the investigator(s), the Title IX Coordinator, the Title IX Administrator, or any other University official involved in the Grievance Procedure and may not interrupt or otherwise delay the Grievance Procedure and shall only participate as established in this Policy and Procedure. Parties shall have equal access to an advisor and any restrictions on advisor participation will be applied equally.
- b) Advisors may have access to information concerning a case only when accompanying a party (for in-person access to information) or when a party has given permission for the advisor to be copied on emails or other correspondence (for access to written communications). An advisor's access to such information is subject to the same limitations as those placed upon the parties and conditioned upon the advisor's agreement to maintain the confidentiality of any student educational records or other confidential information, as applicable under law.
- c) While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum. Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning. No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers. All questions and statements must be conveyed in a neutral tone.
- d) Parties must provide the name of the person they have selected as their advisor to the Title IX Coordinator or Title IX Administrator. Advisors will be required to sign an Advisor Agreement acknowledging receipt and understanding of the requirements described herein. Failure to comply with these requirements, including violations of confidentiality or other forms of interference with the complaint resolution procedure by the advisor, may result in the disqualification of an advisor.
- e) The University will notify a party involved in the Grievance Procedure if another party involved has obtained an advisor, and if so, whether the other party's advisor is an attorney.

7.6 Emergency Removal of Student Respondent

The University may remove a student respondent from its education programs or activities on an emergency basis, only after:

- d) Undertaking an individualized safety and risk analysis; and
- e) Determining if an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
- f) Providing the respondent with notice and an opportunity to challenge the decision immediately following removal while respecting all rights under the Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, as applicable.

The Respondent may challenge the decision immediately following the removal, by notifying the Title IX Coordinator in writing. The University will designate an impartial individual, not otherwise involved in the case, to consider the challenge to the removal and determine if the emergency removal was reasonable. For all other Prohibited Conduct, SCU may defer to its interim suspension policies for students and administrative leave for employees.

7.7 Placing Non-Student Employee on Administrative Leave

The University may, if warranted, place a non-student employee respondent on administrative leave during the pendency of a grievance process under its existing procedures, with or without pay, without modifying any rights provided under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act. Administrative leave implemented as a supportive measure or as emergency removal is subject to the procedural provisions above, including the right to challenge the decision to implement that measure.

7.8 Temporary Delay of Grievance Process

The University may temporarily delay the Grievance Process or extend the time frames established above for good cause with written notice to the complainant and the respondent of the delay/extension and the reason(s) for the action. Good cause may include, but is not limited to, considerations such as: the 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.

7.9 Dismissal of Formal Complaints/Suspension of Grievance Procedure

Before dismissing a complaint, the University will make reasonable efforts to clarify the allegations with the Complainant.

Except for cases of California Misconduct or California Sex-Based Harassment in Employment, SCU may dismiss a complaint if:

1. SCU is unable to identify the Respondent after taking reasonable steps to do so;
2. The Respondent is not participating in SCU's education programs or activities and/or is not employed by SCU;
3. The Complainant voluntarily withdraws their complaint in writing and the Title IX Coordinator declines to initiate a complaint;
4. The Complainant voluntarily withdraws some but not all allegations in a complaint in writing, and SCU determines that the conduct that remains alleged in the complaint would not constitute Prohibited Conduct under this Policy; or
5. SCU determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct under this Policy.

Upon dismissal, SCU will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then SCU will notify the parties simultaneously, in writing. If a dismissal of one or more allegations changes the appropriate decision-making process under these procedures, the Title IX Coordinator will include that information in the notification.

SCU will notify the Complainant that a dismissal may be appealed on the basis outlined in the Appeals section. If dismissal occurs after the Respondent has been notified of the allegations, then SCU will also notify the Respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, SCU will follow the procedures outlined in the Appeals section of these

procedures.

When a complaint is dismissed, SCU will, at a minimum:

1. Offer supportive measures to the Complainant, as appropriate;
2. If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
3. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the University's education program or activity.

A Complainant who decides to withdraw a complaint or any portion of it may later request to reinstate it or refile it.

Complaints of California Misconduct and California Sex-Based Harassment in Employment must be processed unless a Complainant's request for confidentiality pertaining to California Misconduct can be honored, as set forth above.

Dismissed Complaints may, where relevant and for good reason, be referred to other applicable SCU offices for review under other Policies. As part of any such referral for further handling, SCU may use evidence already gathered through any Process covered by this Policy.

7.10 Student Withdrawal or Employee Resignation While Matters Are Pending

If a student or employee Respondent permanently withdraws or resigns from the University with unresolved allegations pending, SCU will consider whether and how to proceed with the resolution process. SCU will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s) and any ongoing effects of the alleged Prohibited Conduct.

A student Respondent who withdraws or leaves while the process is pending may not return to SCU without first resolving any pending matters. Such exclusion applies to all campuses and programs.

An employee Respondent who resigns with unresolved allegations pending is not eligible for rehire with SCU and the records retained by the Title IX Coordinator will reflect that status. All SCU responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

7.11 Consolidation of Complaints

The University may consolidate Complaints as to allegations of Prohibited Conduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular "party," "Complainant," or "Respondent" include the plural, as applicable. Where multiple policies may be implicated by the same set of facts or circumstances, SCU may bifurcate the proceedings in accordance with the requirements of the individual policies.

The University also reserves the right to use this Policy to adjudicate other allegations and conduct charges as defined by policies outside of the scope of this Policy in instances when the conduct is associated with an alleged issue of prohibited conduct under this Policy. The Title IX Coordinator will address these consolidated complaints in

collaboration and coordination with other appropriate offices. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this Policy.

7.12 Reservation of Flexibility

The procedures set forth in this Policy reflect the University's desire to respond to complaints in good faith and in a manner that promotes fairness to all parties. The University recognizes that each case is unique and that circumstances may arise which require that it reserve some flexibility in responding to the particular circumstances of the matter. Where it is not possible or practical to follow these procedures, the University reserves the right to modify the procedures or to take other administrative action as appropriate under the circumstances, with notice to all parties and a reasonable, limited opportunity to provide input on the modifications prior to a determination by the University.

8.0 Anti-Retaliation & False Reports

8.1 Retaliation

It is a violation of this policy for any person to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceedings, or hearing under Title IX.

Intimidation, threats, coercion, or discrimination, that form a materially adverse action taken against an individual because they were involved in the disclosure, reporting, investigation, or resolution of a report of a violation under this Policy, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purposes of interfering with any right or privilege secured by Title IX or this part, may constitute retaliation. Adverse action does not include perceived or petty slights, or trivial annoyances.

The exercise of rights protected under the First Amendment does not constitute retaliation.

The prohibition against retaliation applies to any individuals who participate (or refuse to participate) in any manner in an investigation.

Retaliation may occur even where there is a finding of "not responsible" under this Policy. Good faith actions lawfully pursued in response to a report of Prohibited Conduct are not Retaliation. Initiating a complaint of sexual misconduct and/or sex discrimination will not affect a complainant's employment, compensation or work assignments or, in the case of students, grades, class selection, or any other matter pertaining to student status. Distinguishing between harassing or discriminatory conduct and conduct that is purely personal or social without a harassing or discriminatory work or educational effect requires a determination based on all the known and available facts pertaining to the situation.

Additionally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business, work-related, academic, or student social activities or discussions in order to avoid allegations of harassment. The law and the policies of the University prohibit disparate treatment on the basis of protected characteristics, with regard to terms, conditions, privileges and perquisites of employment or admission as a student. The prohibitions against harassment, discrimination and retaliation are intended to complement and further these policies, not to form

the basis of an exception to them.

Complaints alleging retaliation may be filed according to the grievance procedures described above in Section 7 (above).

8.2 False Reports

False accusations and reports of sex discrimination, harassment, or violence can seriously injure innocent persons and their reputation. It is a violation of this policy, therefore, for anyone knowingly to make false accusations. If, during the conducting of the investigation, it is determined that the evidence demonstrates the accusation was made falsely, appropriate disciplinary action will be instituted by the University and will follow the Grievance Process as defined in Section 7 of this policy. A determination that a complaint is not meritorious is not necessarily equivalent to a false allegation. A finding for the accused does not constitute a finding the complaint was in bad faith. Complaints alleging false reports may be filed according to the grievance procedures described above in Section 7 (above).

9.0 Interaction with Other Relevant Laws:

9.1 Jeanne Clery Act

In compliance with Public Law 101-542, the Student Right to Know and Security Act, the University will provide information on campus security policies and campus crime statistics to current and prospective students, faculty, and staff. The University will make available, upon request to all interested people, information on policies regarding the use of campus facilities; the reporting of criminal actions and/or emergencies which have occurred on campus; a statement of current procedures regarding campus security, campus law enforcement, the authority of security personnel to perform their duties and their liaison with state and local police; policies which include a prompt reporting of any Clery Act reportable crimes on campus; policies which might deter crime; statistical reporting for a calendar year of all Clery Act reportable crimes, as well as a statistical report of the number of arrests for drug, alcohol, and weapons law violations on campus during that time period. The Campus Safety Office and the Office of Student Affairs shall maintain copies of the entire text of the act for use by students, faculty, and staff.

9.1.1 Timely Warnings

In the event that a crime or series of crimes under the Clery Act, occurring within the Clery Act geography of the campus that, in the judgment of the Campus Safety Office, University Administration, or local law enforcement, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued.

The warning will be issued through the University email system and MySCU portal. In the event a given incident jeopardized the technological infrastructure, a hard copy of the warning will be posted throughout the campus. Timely warnings may be issued for arson, burglary, robbery, aggravated assault, criminal homicide, motor vehicle theft, sex offenses, hate crimes, arrests/referrals for drug, alcohol, or weapon disciplinary actions, and other Clery Act crimes. Anyone with information warranting a timely warning should immediately report the circumstances to the Campus Safety Office, by phone (562) 902-3333, in person (F Bldg., Room 20), or by utilizing any of the yellow phone boxes located throughout campus or the blue poles located in the parking lots.

Complainants of sexual misconduct, discrimination, harassment, or violence should be aware that University administrators must issue timely warnings for certain types of incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community per these Clery Act guidelines. Many reports made

under this policy do not rise to the level requiring a Timely Warning under the Clery Act. The University will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community member's safety decision is light of any potential danger.

9.1.2 Campus Crime Log

Clery Act requirements mandate that the Campus Safety Office keep a daily crime log of alleged criminal incidents and make said log publicly available.

Complainants of sexual misconduct and/or sex discrimination should be aware that allegations of criminal activity associated with their complaint may be placed on the daily crime log; however, any and all personally identifying information is not required to be recorded and will not be disclosed.

10.0 Training & Dissemination

10.1 Employee Training & Dissemination

Employees of the University will be provided a copy of this policy during the new hire orientation process and when any augmentation is made to this policy.

Additionally, employees will be required to complete a comprehensive online training concerning this policy and relevant federal, state, and local regulations during the new hire orientation process and annually thereafter. This shall include information on identifying sexual harassment and whom it should be reported to.

10.2 Student Training & Dissemination

All students at the University will be provided with a copy of this policy during the application process, during the orientation process, and at the beginning of each calendar year. Students will also be provided with a copy of this policy when any augmentation is made.

Additionally, all students will be required to complete a comprehensive online training concerning this policy and relevant federal, state, and local regulations during their first week of instruction and annually thereafter.

10.3 Training for Campus Safety Personnel

Campus Safety Officers will be held to the same standards in 10.1 above. Additional training may be provided by SCU or the officer's parent company as appropriate.

10.4 Training for SCU Title IX Personnel

Because of their importance to the policies and procedures outlined in this document, Title IX personnel are required to take an additional annual training beyond that listed in 10.1 This will include, at minimum, a comprehensive, trauma-informed training program for all officials involved in investigating and adjudicating violations under this policy. This includes trauma-informed investigatory and hearing practices that help ensure an impartial and equitable process, best practices for assessment of a sexual harassment or sexual violence complaint, best practices for questioning of the complainant, respondent, and witnesses, and implicit bias and racial inequities, both broadly and in school disciplinary processes. This annual training will require all training topics established in Title IX, the Violence Against Women Act Amendments to the Clery Act, and California law, and SCU will endeavor to have such training meet best practices.

Further, each representative will be required to participate in an annual review of this policy in order to propose the addition of relevant contemporary standards or augment the existing language so as to better serve the campus community.

Policies shall also be provided to each volunteer who will regularly interact with students and each individual or entity under contract with SCU to perform any service involving regular interaction with students.

11.0 Record Keeping & References

11.1 Record Keeping

The following must be maintained for a period of seven (7) years:

- a) Each sexual harassment investigation including any determination regarding responsibility;
- b) Any audio or audiovisual recording or transcript;
- c) Any disciplinary sanctions imposed on the respondent;
- d) Any remedies provided to the complainant designed to restore or preserve equal access to the University's educational program or activities;
- e) Any appeal and the result therefrom;
- f) All materials used to train Title IX Personnel;
- g) Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment

11.2 Policy Review and Revision

These policies and procedures will be reviewed and updated regularly by the Title IX Coordinator. The Title IX Coordinator will submit modifications to this Policy in a manner consistent with institutional policy upon determining those changes to law, regulation or best practices require policy, or procedural alterations not reflected in this Policy and procedure. Procedures in effect at the time of its implementation will apply. The Policy definitions in effect at the time of the conduct will apply even if the Policy is changed subsequently, unless the parties' consent to be bound by the current Policy.

This Policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon posting to the University website.

11.3 References

The following were consulted during the revision of this document:

- a) 2024 Title IX Final Rule
 - a. <https://www.govinfo.gov/content/pkg/FR-2024-04-29/pdf/2024-07915.pdf>
- b) Title IX Resource Guide
 - a. <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf>
- c) Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, Title IX, January 19th, 2001
 - a. <http://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>
- d) DLC April 4th, 2011
 - a. <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>
- e) DLC April 24th, 2013
 - a. <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201304.pdf>
- f) DLC June 25th, 2013
 - a. <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201306-title->

[ix.pdf](#)

- g) DLC May 13th, 2016
 - a. <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>
- h) Questions & Answers on Title IX and Sexual Violence
 - a. <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>
- i) Dear Title IX Coordinator, April 24th, 2015
 - a. <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-letter-201504.pdf>
- j) Guidance on Supporting the Academic Success of Pregnant & Parenting Students: Under Title IX of the Education Amendments of 1972
 - a. <http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>
- k) Examples of Policies and Emerging Practices for Supporting Transgender Students
 - a. <http://www2.ed.gov/about/offices/list/oese/oshs/emergingpractices.pdf>
- l) Know Your Rights: Title IX Requires Your School to Address Sexual Violence
 - a. <http://www2.ed.gov/about/offices/list/ocr/docs/know-rights-201404-title-ix.pdf>
- m) FERPA
 - a. <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>
- n) The Handbook for Campus Safety & Security Reporting 2016 Edition
 - a. <http://www2.ed.gov/admins/lead/safety/handbook.pdf>
- o) Title IX and Beyond: The Adjudicatory Process – United Educators
 - a. <https://www.edurisksolutions.org/Templates/template-article.aspx?id=2571&pageid=94>
- p) California Senate Bill no. 967
 - a. https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=20132014_0SB967
- q) [California Senate Bill 493](#)
 - a. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=20132014_00SB493
- r) Higher Education Law Report
 - a. <http://www.higheredlawreport.com/2014/05/responsible-employees-and-title-ix/>
- s) DLC September 22nd, 2017
 - a. <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-title-ix-201709.pdf>
- t) Questions & Answers on Campus Sexual Misconduct (2017)
 - a. <https://www2.ed.gov/about/offices/list/ocr/docs/qa-title-ix-201709.pdf>