

Loyola Marymount University

Community Standards

2019-20



Student Affairs

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Los Angeles, California 90045

310.338-2885

studentaffairs.lmu.edu/communitystandards

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Letter from Dean of Students

Dear Loyola Marymount University Students,

Welcome to Loyola Marymount University and congratulations on accepting the challenge to live the Lion's Code. LMU is a special place, steeped in tradition, where we embrace the encouragement of learning, the education of the whole person (mind, body, spirit), and the service of faith and the promotion of justice. LMU is one of 27 Jesuit colleges and universities in the United States and one of 100's of Jesuit colleges and universities worldwide, so you are now a member of an expansive community with 500 years of experience in excellence in education and development of leaders.

Much will be expected of you as a Lion and member of the LMU community. The faculty and staff at LMU are fully prepared to both challenge and support you as you immerse yourself in your academic endeavors, become engaged in student clubs, organizations and recreation, and stand in solidarity with others through service and justice activities.

The Student Affairs Division could not be more excited to have you here. You will soon learn about our divisional commitment to you, the [five pillars](#) of the [Student EXPerience](#) or Student EXP. Here's a preview:

1. Integrate Mind, Body, and Spirit – demonstrate transformative growth and develop as a whole person through the integration of mind, body and spirit.
2. Commit to Service and Justice – be a socially responsible citizen committed to building a more just world.
3. Become a Global Citizen – value the diversity of the human experience and commit to the practice of interculturalism to make meaningful contributions as a citizen of the global community.
4. Practice Ignatian Values – make decisions congruent with your personal beliefs, values and faith through continuous reflection and discernment.
5. Live a life of Purpose – lead a life where your greatest passion meets the world's greatest need.

Do you have what it takes to be a Lion? Yes, you've got this! Accept our challenge and support (when you need it) and you will grow, develop and transform into a Jesuit-educated scholar and leader. And you will always be, a Lion!

Best wishes for a successful, safe and enjoyable academic year.

Sincerely,



Terri L. Mangione, Ph.D.

Dean of Students and Vice President for Student Affairs

Student Affairs Dean's Office

Malone Student Center 301

310.338.3756

lmu.edu/SADO

Loyola Marymount University Resource Card

WHEN YOU WANT TO REPORT:

A COMPLAINT/CONCERN REGARDING A STUDENT

Terri Mangione, Dean of Students.....310.338.3756

A COMPLAINT/CONCERN REGARDING A STAFF MEMBER

Rebecca Chandler, Vice President, Human Resources.....310.338.5118

A COMPLAINT/CONCERN REGARDING A FACULTY MEMBER

David Sapp, Vice Provost, Academic Affairs310.338.4262

A COMPLAINT OF DISCRIMINATORY HARASSMENT

Faculty/Staff/Non-Students

Sara Trivedi, Title IX Coordinator/EEO Specialist.....310. 568.6105

Students

Jade Smith, Associate Dean, Student Affairs.....310. 258.8753

A CRIME ON CAMPUS

Danny Martinez, Chief, Public Safety.....310.338.2893

A COMPLAINT OF SEXUAL/INTERPERSONAL MISCONDUCT

Danny Martinez, Chief, Public Safety.....310.338.2893

EMERGENCY ON CAMPUS:

2-2-2 from campus phone/310.338.2893

TO REPORT SUSPICIOUS ACTIVITIES ANONYMOUSLY:

publicsafety.lmu.edu/incidentreporting

TO REPORT A BIAS INCIDENT ANONYMOUSLY:

lmu.edu/birt

COMMUNITY OF CARE:

310.338.3756, deanofstudents@lmu.edu

lmu.edu/communityofcare

EMERGENCY UPDATES FOR THE PUBLIC:

866.568.2968

LAPD STATION: 310.482.6334

LAPD RAPE HOTLINE: 626.793.3385

QUESTIONS RELATING TO:

ACADEMIC RESOURCE CENTER

Mia Watson, Director310.338.2847

CAMPUS MINISTRY

James Erps, SJ, Director, Campus Ministry.....310.338.2860

COMMITTEE ON THE STATUS OF WOMEN

Velitchka Kaltcheva, Faculty Chair.....310.338.5166

DISABILITY SUPPORT SERVICES

Priscilla Levine, Director310.338.4216

ENVIRONMENTAL HEALTH & SAFETY

David French, Director310.338.1932

ETHNIC & INTERCULTURAL SERVICES

Henry Ward, Senior Director310.338.5808

FACULTY SENATE

Marne Campbell, President310.338.5255

GRADUATE STUDENTS

Chelsea Kwan, President, GSLMU.....310.338.2877

HUMAN RESOURCES (Faculty/ Staff)310.338.2723

INTERCULTURAL AFFAIRS310.338.7744

INTERNATIONAL STUDENT SERVICES

Csilla Samay, Assistant Dean of Students310.338.2937

OFFICE OF STUDENT CONDUCT & COMMUNITY RESPONSIBILITY

Francesca Piemetti, Assoc. Dean of Students310.338.1821

LGBT STUDENT SERVICES

Lauren Moreno, Director310.338.5482

LMU CARES

Briana Maturi, Director310. 258.4381

MISSION & IDENTITY

John Sebastian, Vice President, Mission and Ministry310.338.2987

OFF-CAMPUS/COMMUTER STUDENTS

Shannon Taylor, Director, Off Campus Student Life310. 568.6262

PUBLIC SAFETY

Danny Martinez, Chief310.338.2893

REGISTERED STUDENT ORGANIZATIONS

Katie Styles, Program Coordinator

Student Leadership and Development310.338.2877

Sorority & FRATERNITY LIFE

Andrea Niemi, Director

Student Leadership and Development310.338.7814

STAFF SENATE

Katherine Brown, President310.338.5707

STUDENT HEALTH SERVICES

Katie Arce, Director310.338.2881

STUDENT HOUSING

Steve Nygaard, Director310.338.2963

STUDENT PSYCHOLOGICAL SERVICES

Kristin Linden, Director.....310.338.2868

TITLE IX

Sara Trivedi, Title IX Coordinator/ EEO Specialist310.568.6105

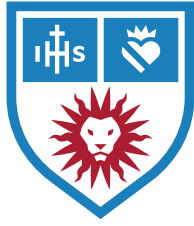
UNDERGRADUATE STUDENTS

Ken Cavanaugh, President, ASLMU310.338.2891

VETERANS

Lisha Maddox, Director of Student Success424.338.8387

Resource Card is subject to change. For the latest version, visit lmu.edu/resourcecard.



I WILL OWN THE ACTIONS OF MY MIND

I WILL JOIN THE DISCOURSE

I STAND IN FAITH

I AM A LION

DESCRIPTIVE

To be in the world, to be fully alive, is to inhabit a place. A Lion finds their place guided by the tradition, the community, and the academy of the Society of Jesus and the Religious of the Sacred Heart of Mary.

Loyola Marymount University has cleared a place for you to stand in faith, learn to be one for others, and take up responsibility in the world. In faith, the Lion grows to be fully alive, clear in thought, rich in vision, and vigorous in act.

In the community of Loyola Marymount University, the Lion discovers their place in the world. Respect for others' individuality, culture, and beliefs provides the Lion the freedom to explore their identity. Recognizing dignity in others, in groups, and in traditions illuminates the dignity of all. The Lion gladly takes responsibility for the actions of the mind, hand, and heart, and thereby, builds the community that sustains all.

In the academy, the Lion bonds with wisdom of the ages. Academic discourse is composed of diverse perspectives, sciences, and arts. The conversation of this place requires respect for peers, professionals, professors, and students. With honesty of voice and integrity of scholarship, the Lion joins the conversation that summons the passion for learning and shelters the adventurous mind.

Some will pass through and never inhabit this place. Others will be here but never shape this place. Those who embrace this

tradition give form and force to this place, just as the tradition inhabits and shapes our mission: the encouragement of learning, the education of the whole person, the service of faith and the promotion of justice. In this tradition, among this community, within this academy, you are asked to stand, learn, and be in the world.

YOU ARE ASKED TO BE A LION.

DECLARATIVE

I am a Lion. Courageous of mind, charitable of heart, I stand in faith.

I will own the actions of my mind, hand, and heart, and build the community that sustains us. The respect and support that nurtures me is born of my respect for others. The dignity of the other, the stranger, grants me dignity. The expectations of my community are my own, and I will discover how I may be more fully alive.

I will join the discourse of the academy with honesty of voice and integrity of scholarship. Respecting peers, professionals, professors, and students, I will embrace the diverse perspectives, arts, and sciences to discover what it means to be human. I will shelter and support the intellectual adventures of others.

In this tradition, within my community, a part of this academy, I stand in faith, prepared to learn to be one for others, ready to take up responsibility in the world.

Student Conduct Code

I. Student Conduct & Community Responsibility Mission Statement

Loyola Marymount University (hereinafter “LMU” or “University”) provides its Students with an academic environment conducive to the pursuit of knowledge. This academic environment is based upon accountability, integrity, respect and trust among all members of the University Community.

Operating within the context of the University’s mission, the Office of Student Conduct & Community Responsibility (OSCCR) seeks to maintain the University’s academic environment by educating and upholding community standards. The Office of Student Conduct & Community Responsibility supports the educational mission of the University by administering the Student Conduct Code (“the Code” or “Student Conduct Code”) in a manner that educates Students, holds them accountable for Student Conduct Code violations and helps them grow into more responsible and community-minded persons.

II. General Guidelines

The Student Conduct Code clarifies the standards of behavior essential to the University’s educational mission and its community life. Excluding Loyola Law School students (“Law School Students”) who are subject to the Law School’s disciplinary code, the Student Conduct Code is applicable to all LMU Students—undergraduate, graduate and continuing education/Extension. Students are also responsible, and will be held accountable, for the conduct of their Guests.

A. Interpretations of the Student Conduct Code

Student Conduct Code regulations are set forth in writing in order to give Students general notice of prohibited conduct. The Code and its regulations are intended to be read broadly and are not designed to define misconduct in exhaustive terms. Attempts to commit acts prohibited by the Code shall be handled and remedied in the same manner and to the same extent as completed violations.

B. Jurisdiction of the University

Jurisdiction extends to conduct that occurs on University Premises, in Study Abroad programs and/or at on and off campus University events, programs or activities, as well as to other off-campus misconduct that adversely affects the University, Students, the University’s reputation or goodwill and/or the pursuit of the University’s mission, goals and objectives.

C. Inherent Authority

The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the University, including its reputation and good will, and the University Community. The University reserves the right to take necessary and appropriate action as a result of Student incidents off campus that may adversely affect the well-being, reputation or good will of the University, University Community, University Community members and/or the pursuit of the University’s mission, goals or objectives.

D. Code as Superseding Authority

The Code shall supersede any and all regulations and/or decisions made by Registered Student Organizations and their affiliates, including, but not limited to, the Associated Students of Loyola Marymount University (ASLMU), Graduate Students of LMU (GSLMU), United Greek Council (UGC), Collegiate Panhellenic Council (CPC), InterFraternity Council (IFC), Residence Hall Association (RHA), Student Athletic Council and the Service Organization Council.

E. Student Participation

Students are asked to assume positions of responsibility in connection with the enforcement of the Student Conduct Code so that they might contribute their skills and insights toward the resolution of Student Conduct Code matters. However, final authority in Student Conduct Code matters is vested in the University administration and primarily with the Senior Vice President for Student Affairs.

F. Focus of the Proceedings

The primary focus of the inquiry in all Student Conduct Code proceedings shall be to determine if the subject Student is responsible for the alleged violation of the Student Conduct Code and, if the Student is found to be responsible for a violation, to provide the appropriate remedy. Proceedings shall be prompt, fair and impartial.

In keeping with the mission of the OSCCR and the purpose of the Code, Student Conduct Code proceedings (including those that provide for cross examination) are not intended to materially emulate judicial processes or proceedings in the criminal justice system. This is because Student Conduct Code proceedings are intended to be educational, less formal, less adversarial and less complex than criminal justice processes and procedures, while still seeking the truth in a fundamentally fair manner. Formal rules of evidence shall not be applicable nor shall deviations from prescribed

procedures necessarily invalidate a Student Conduct Code decision or proceeding.

G. Violations of Law and the Student Conduct Code

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

Students subject to potential or actual criminal charges relating to conduct alleged in pending Student Conduct Code proceedings may assert their Fifth Amendment privilege against self-incrimination during Student Conduct Code proceedings. While no inference of responsibility for Student Conduct Code violations will be drawn because of the assertion of the Fifth Amendment privilege, the Conduct Officer(s) will nonetheless evaluate all available information, testimony and evidence in making their determination.

H. Burden of Proof

Depending upon the nature of the claim and proponent of the Student Conduct Code complaint, the burden of proof shall be upon the proponent of the complaint, as the case maybe, the Complainant or the University, who must establish the responsibility of the Respondent for the alleged Student Conduct Code violation(s) by a Preponderance of the Evidence.

I. Limitations Period

Claims should be brought within a reasonable period of time which, in all cases, shall be not less than the period of time during which the putative respondent is a student and subject to the Student Conduct Code.

J. Communication

Students should expect that OSCCR's primary and often exclusive medium of communication will be through the student's official University e-mail account. OSCCR may also, at its discretion, communicate to Students via any one or more of the following methods: U.S. Mail or parcel delivery (e.g. FedEx) to the Student's permanent address on file, and/or personal hand delivery. Students are held responsible and accountable for retrieving communications from their official University e-mail account on a daily basis. Failure to do so is not an acceptable excuse for avoiding or delaying the Student Conduct Code process.

K. Registered Student Organizations

Registered Student Organizations may be charged with the violation of any section of the Code or violation of any

published University policies and procedures. A Registered Student Organization and its officers may be held collectively and individually responsible when those associated with the Registered Student Organization violate the Code, particularly when those involved have received the tacit or overt consent or encouragement of the organization, its leaders, officers or spokespersons. The officer(s), leader(s) or any identifiable spokesperson(s) for a Registered Student Organization may be directed by the Dean of Students, or designee, to take appropriate action designed to prevent or end violations of the Code by the Registered Student Organization. Sanctions for organizational misconduct may include revocation of recognition or denial of registration as well as any other appropriate sanction, pursuant to Section IV of the Code.

OSCCR may notify any and all necessary University officials who act in a liaison or advisory capacity for the subject Registered Student Organization(s) of alleged violations of the Code by the Registered Student Organization(s) and the outcome of proceedings regarding alleged violations by Registered Student Organizations. Registered Student Organizations with a national governing body may be permitted to substitute one Advisor outside of the LMU community if an on-campus Advisor is not reasonably available to assist, but that outside Advisor may not be a lawyer or law student.

L. Scheduling Student Hearings

In scheduling hearings, pre-hearing meetings and other proceedings, OSCCR will reasonably attempt to avoid conflicts with class and academic schedules for those involved but may not be able to do so. Individuals involved in the Student Conduct Code processes are required to attend scheduled hearings, pre-hearing meetings and other proceedings notwithstanding class or academic conflicts.

M. Reservation of Rights

The University expressly reserves the right to revise, supplement or withdraw any Code section, University policy or portion of a University policy periodically as it deems necessary.

Upon the declaration of a campus emergency, all student policies and procedures remain in effect. However, the Senior Vice President for Student Affairs, or designee, may temporarily suspend and/or revise existing policies, procedures or processes for the health and safety of the campus community and to assist and support the University's efforts during the emergency and subsequent recovery.

N. Knowledge and Awareness of Policies and Code

Students are expected to know and understand University

policies. Ignorance is not an acceptable justification or defense for committing violations of University policies or the Code. Lack of intent or awareness of such policies or the Code will not be accepted as an excuse or defense for violations, and will generally subject the Respondent to the same consequences as deliberate violations.

O. Definitions

As used in the Code, the following terms shall have the following meanings:

1. **“Advisor”** means any current LMU Student, faculty, staff or religious community member, but specifically excludes Law School Students, Law School faculty and Law School staff. Off-campus individuals, parents, family members, attorneys, alumni/ae and those persons who have no affiliation with the University are expressly excluded from the definition of “Advisor” and cannot serve as Advisors. Current faculty or staff cannot act as an Advisor to their own family members. In incidents involving charges of sexual and interpersonal misconduct, including Dating Violence, Domestic Violence and Stalking, (as referenced under Section VIII of the Student-on-Student Sexual & Interpersonal Misconduct Policy and Protocol) the definition of Advisor is expanded to include any advisor of the Complainant’s or Respondent’s choice.

2. **“Aggravated Assault”** means an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a Weapon or by means likely to produce death or great bodily harm.

3. **“Bullying”** means an intentional course of conduct, individual act or series of acts that is intended to inappropriately impose one’s will or desire and cause harm to others. Bullying may include verbal or non-verbal threats, assault, Stalking and/or other methods of attempted coercion such as manipulation, blackmail or extortion (including, but not limited to, conduct that is undertaken or effected in whole or in part through the use of written communication, in person or physical contact, by telephone, mail, electronic messaging services, mobile services, electronic communications, social media or other technological means or through third parties). Bullying also includes, but is not limited to, unwanted or uninvited aggressive behavior that intends to harm, threaten, frighten or intimidate another person and may involve a pattern of behavior that is repeated over time where an imbalance of power exists between the Respondent and the Complainant.

4. **“Complainant”** means the individual(s) who file(s) a Student Conduct Code complaint with the University. In

those instances where the University is the proponent of the asserted Code violation it will serve as a Complainant.

5. **“Dating Violence”** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved. Dating Violence includes, but is not limited to, sexual or physical abuse or threat of such abuse. Dating Violence does not include acts covered under the definition of “Domestic Violence.”

6. **“Day”** means a regular University business day. It shall not include Saturdays, Sundays or administrative holidays.

7. **“Disruptive Behavior”** means behavior that unreasonably interferes with the safety, stability or continuance of normal University life, operations or University-sponsored Activities. Disruptive Behavior includes, but is not limited to, behavior that threatens or endangers the physical and/or psychological well-being and/or safety of members of the University Community.

8. **“Distribution”** means the actual or intended sale, exchange and/or dispensation of prohibited substances or materials irrespective of personal profit.

9. **“Domestic Violence”** means a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under California law or by any other person against an adult or youth victim who is protected from that person’s acts under California law.

10. **“Guest”** means person(s), Student or non-student, to whom a Student is extending or has extended hospitality, an invitation or permission to be present or remain in, on or at the campus, University facilities (including Student Housing Facilities) or to attend University events on or off campus.

11. **“Harassment”** means unwelcome verbal, non-verbal, physical or visual conduct including, without limitation, physical aggression, Bullying, intimidation or hostility (including, but not limited to, conduct that is undertaken or effected in whole or in part through the use of written communication, in person or physical contact, by telephone, mail, electronic messaging services,

mobile services, electronic communications, social media or other technological means or through third parties), which may or may not be based on any category of protected characteristics under the law, that is sufficiently severe, persistent or pervasive so as to unreasonably limit or interfere with a Student's ability to participate in or benefit from any LMU program or activity on or off campus, and thereby creates an intimidating, hostile or offensive living, academic or work environment.

12. **"Institution"** and **"University"** mean Loyola Marymount University.

13. **"Preponderance of the Evidence"** means such evidence as when weighed with that opposed to it has more convincing force and the greater probability of truth.

14. **"Reckless Behavior or Endangerment"** means conduct that one should reasonably be expected to know would create a substantial risk of harm to persons or property or that would otherwise be likely to result in interference with normal University life, operations or University-sponsored Activities.

15. **"Registered Student Organization"** means any number of persons who have complied with University requirements for registration as a Registered Student Organization.

16. **"Respondent"** means the individual(s) against whom a Student Conduct Code complaint is made.

17. **"Retaliation"** means adverse, non-permitted action taken by an individual or a third party against a person in response to protected activity including, but not limited to, reporting a violation of policy, assisting someone with a report of a violation of a policy or participating in any manner in an investigation or resolution of a report of a policy violation. Retaliation may, among other non-permitted conduct or behaviors, include threats, intimidation, coercion, Harassment, spreading negative information about an individual, exclusions from academic and non-academic programs and/or adverse actions related to employment (including conduct that is undertaken in whole or in part through the use of electronic messaging services, commercial mobile services, electronic communications, social media and/or other technology).

18. **"Sexual Assault"** means engaging in sexual intercourse, or any of the sexual activities listed below, with another person without that person's consent (definition in the Student-on-Student Sexual & Interpersonal Misconduct Policy and Protocol). Sexual

Assault includes, but is not limited to, rape, sexual battery, anal intercourse, oral copulation or penetration of a body cavity by a foreign object. Sexual intercourse includes the penetration, however slight, of the vagina or anus with any object or body part and of the mouth with a body part and/or object in a sexual manner.

19. **"Sexual Harassment"** means unwelcome verbal, non-verbal, physical or visual conduct of a sexual nature (including, but not limited to, conduct or Bullying that is undertaken in whole or in part through the use of electronic messaging services, commercial mobile services, electronic communications, social media or other technology). In accordance with Title IX, Sexual Harassment may include unwelcome sexual advances, requests for sexual favors, Sexual Assault, sexual violence and sexual coercion. See the Student-on-Student Sexual & Interpersonal Misconduct Policy and Protocol for a fuller discussion about Sexual Harassment.

20. **"Simple Assault"** means an unlawful physical attack by one person upon another where neither the offender displays a Weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

21. **"Stalking"** means engaging in a course of conduct directed at a specific person(s) that would cause a reasonable person under similar circumstances and with similar identities to the Complainant to fear for their own safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, "course of conduct" is defined as two or more acts, including, but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property. For the purposes of this definition "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

22. **"Student"** means a person currently enrolled or eligible and matriculating in any University program or class during the fall or spring semesters, recess period between semesters or summer period, on or off University campus, and includes all persons taking courses at the University, full-time or part-time, pursuing undergraduate, graduate or professional studies or are non-degree seeking. However, the term "Student" does not include Law School Students. During the recess period between the fall and spring semesters or the summer period,

Student includes one who has been enrolled at the University for the immediately preceding fall, spring or summer term and/or is eligible for continuing enrollment or graduation.

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

24. **“University Housing Facilities”** means any on or off campus buildings, residence halls, apartments, suites, units, houses, or other temporary or permanent facilities that are owned, leased, rented or controlled by the University for the purpose of allowing students to reside therein full or part time.

25. **“University Premises”** means buildings or grounds owned, leased, operated or controlled by the University.

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

27. **“Weapon”** means any object or substance designed or utilized to inflict a wound, cause injury or a nuisance or incapacitate including, but not limited to, all firearms, ammunition, chukka sticks, explosives, laser pointers, pellet guns, knives, projectile launchers and chemicals, such as mace or tear gas. This definition also includes decorative, replica and look-alike weapons that are not functional, but reasonably appear to others to be real weapons.

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

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

III. Prohibited Conduct

The following is a non-exhaustive list of conduct that is considered to be in violation of the Code. Participation in any of the below mentioned conduct may result in the initiation of Student Conduct Code proceedings. The policies listed can be found in the Community Standards Booklet on the LMU website.

A. Violating or attempting to violate federal, state or local laws including, but not limited to, the California Penal Code and Vehicle Code; published University regulations and/or policies including, but not limited to, the Alcohol and

Drug Policy (e.g. underage possession or consumption of alcohol and knowingly being in the presence of alcohol while underage on campus), Anti-Hazing Policy, Child Abuse Policy, Community Relations Policy, Discriminatory Harassment Policy, Guest Policy, Student Housing Policies, Study Abroad Policies and Technology and Social Media Policy.

B. Intentionally or recklessly causing psychological or physical harm to any person, causing reasonable apprehension of such harm, endangering others, holding someone against their will or harassing any University Community member on or off campus, University Premises or at University-sponsored Activities. This includes, without limitation, harm related to Aggravated and Simple Assault, Bias- related conduct (conduct in violation of the Student Conduct Code that is motivated by bias based on race, religion, gender, gender identity, sexual orientation, ethnicity, national origin or disability), Bullying, damage to reputation, Dating Violence, Domestic Violence, Harassment, hazing, Sexual Assault, Sexual Harassment and Stalking.

C. Retaliating against any Community or non-community member.

D. Behavior or conduct that unreasonably interferes with normal University life, activities, processes or University-sponsored Activities including, but not limited to, studying, teaching, research, classroom instruction, campus or residential life, University administration, conduct proceedings, Study Abroad or other University- sponsored travel or fire, police or emergency services.

E. Failure to comply with the directions of a University official including, but not limited to, University administrators, faculty and staff, Public Safety Officers and contracted officers, Resident Directors and Student staff and employees (i.e. Student Managers, Resident Advisors, Lion Express Shuttle Drivers) acting in performance of their University duties. Prohibited conduct includes, without limitation, verbally threatening, abusing or harassing of any of the above in the performance of their duties.

F. Vandalism, tampering with or disabling University-owned or operated security or other technologies or intentionally or recklessly destroying or damaging University property or the property of others on University Premises or at University-sponsored Activities.

G. Intentionally limiting or interfering with the lawful freedom of expression or lawful freedom of movement of others on University Premises or at University-sponsored Activities (including, but not limited to, blocking entrances, exits or passageways from or to any University building or roadway, interfering with daily University business, instruction or

scheduled event through congregating, assembling or any other means, creating a volume of noise that prevents normal University activity or events).

H. Possessing, distributing or attempting to distribute a fake governmental identification card or LMU OneCard or intentionally furnishing false information and/or identification, on or off campus, to any University officer, administrator or official, or to the University, or failure to provide upon the request of a University administrator, faculty or staff, on or off campus, valid official picture identification, including, without limitation, the LMU OneCard and a government-issued identification card. This includes providing false information to gain access to an area or building on campus that is providing alcohol to those of legal drinking age.

I. Intentionally initiating or causing to be initiated any false report, warning or threat to the University, the University Community or members thereof, University property, University facilities or University-sponsored Activities.

J. Theft of property, University funds or services on University Premises, University facilities or at University-sponsored Activities or knowingly possessing stolen property on University Premises, University facilities or at University-sponsored Activities.

K. Use, possession, storage, being under the influence or knowingly being in the presence of any controlled substance or illegal drug, misuse of prescription drug(s), possession or use of *Salvia divinorum*, possession or use of drug-related material(s), including, but not limited to, drug pipes, bongs, grinders, scales or other drug paraphernalia or possessing or using any substance or material that contains toluene or has toxic qualities similar to toluene (i.e. spray paints, glue, paint thinner) for the purpose of breathing, inhaling or ingesting to induce a state of intoxication or euphoria.

L. Distribution or possession for purposes of Distribution of any controlled substance, illegal drug, prescription drug(s), *Salvia divinorum* or drug paraphernalia.

M. Use, possession or storage of any Weapon on campus, University Premises, at University facilities or reasonably adjacent or proximate to campus, University Premises, University facilities or University-sponsored Activities.

N. Intentionally or recklessly misusing, disabling, tampering with, covering or damaging University-related fire safety equipment, doors and signs.

O. Use, possession or storage of fireworks, blowtorches and/or other incendiary materials on campus, University Premises, at University facilities, at University-sponsored Activities

or reasonably adjacent or proximate to campus, University Premises, University facilities or University-sponsored Activities. Starting a fire or causing a fire to be started on campus without prior authorization from Public Safety.

P. Unauthorized use, forgery or unauthorized alteration of any University mark, logo or intellectual property, document, instrument, card, certificate, record, instrument of identification or student electronic employment time card.

Q. Unauthorized presence in or use of University Premises, facilities or property including, but not limited to, classrooms, labs, study rooms, University-assigned housing, roofs, balconies, ledges and trellises, for any unsanctioned activities (including, but not limited to, holding events, unofficial organizational meetings, sleeping, use as a domicile, etc.). Scaling perimeter fencing on or surrounding campus.

R. Engaging in disorderly conduct or lewd, indecent or obscene behavior.

S. Any behavior that disrupts, causes disruption or adversely affects University-related technology or information technology services; damages, alters or destroys University or related data or records; adversely affects University or related computer software, programs, systems or networks; the use of data, computer systems or networks to devise or execute any scheme to defraud, deceive, extort or wrongfully obtain money, property or data; the intentional introduction of any contaminant into any University or related network or computers. Unlawful downloading or use of patented, copyrighted or trademarked works, or violating the Information Technology Services' (ITS) Acceptable Use Policy.

T. Violating the terms of any disciplinary sanction imposed in accordance with the Code.

IV. Sanctions

Violations of the provisions of Section III (Prohibited Conduct) of the Code will result in the imposition of sanctions including, without limitation, suspension or dismissal from the University unless specific and significant mitigating factors are present. Factors to be considered in mitigation shall include, but not be limited to, the nature and severity of the violation, the present demeanor, contrition and past disciplinary record of the Respondent, the nature of the offense and the severity of any damage, injury or harm resulting from it and any and all health and safety considerations of the University Community.

A. Community Service/Education Project

Community Service, work on campus, research projects or other appropriate learning experiences may be assigned.

B. Disciplinary Probation

The Student is no longer in “good disciplinary standing” with the University for duration of probation. Students are given written notice that further infractions of the Code or University policies may result in further sanctions. The Student may also be restricted from eligibility for or participation in present and future Student and University activities, including, but not limited to, co-curricular and organizational activities, ASLMU positions and activities, Resident Advisor positions, Study Abroad programs, orientation leadership positions and other Student leadership positions. Notification of disciplinary probation may be sent to the appropriate University offices and officials

C. Disciplinary Warning

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

D. Dismissal from the University

Permanent separation of the Student from the University. Permanent notification may appear on the Student’s University transcript. The Student will also be banned from campus and University Premises. The sanction of dismissal requires the review and approval by the Senior Vice President for Student Affairs, who may alter, defer or suspend this recommended sanction. Any alteration, deferral or suspension of this sanction may be subject to specified conditions. Notification of dismissal may be sent to the appropriate University offices and officials.

E. Educational Programs

The Student is assigned to attend educational programming (e.g. Heads Up!, Choice Theory) or participate in online educational programming (e.g. Under the Influence, Marijuana 101) to increase awareness of the effects and issues related to alcohol, drugs and other behaviors. When possible, a student-run Alcoholics Anonymous, as well as AI-Anon, is offered on campus.

F. Fines

A monetary fine may be imposed or assessed to a Student’s account.

G. Housing Probation

The Student is given written notice that any further infractions of the Code, University policies or Housing policies may result in removal from University housing and/or determination that the Student be ineligible for or restricted from present and future housing opportunities. The Student is required to meet with their Resident Director or Housing designee within two weeks of being placed on housing probation.

H. Ineligibility for Graduation and/or Participation in Ceremonies

Prohibition from participation in graduation ceremonies. Prior to graduation, Students charged with an alleged Code violation in which the charges have not yet been adjudicated, may in the University’s discretion be prohibited from graduating or participating in graduation ceremonies until the Student Conduct Code proceedings have been adjudicated and, if found responsible, sanctions completed.

I. Parental Notification

Students in violation of alcohol or drug policies may be required to write a letter to their parents (or legal guardian) describing the incident and what outcomes resulted from the conduct process.

J. Removal from or Relocation within University Housing

Students who demonstrate that they are unable to live in University Housing Facilities or particular University Housing Facilities as, for example, evidenced by material and/or repeated Code or policy violations, may be relocated to another University Housing Facility, or have their University housing license agreement terminated. If removed, a Student may be prohibited from University Housing Facilities and ineligible for future University housing. Students may also be relocated or removed from University Housing Facilities on an interim or temporary basis as an appropriate interim measure. Interim measures are not sanctions and no adverse finding or determination of misconduct may be made or inferred from the imposition of any interim measures.

L. Restitution

The Student is required to make financial payment to the University for amounts assessed or incurred as a result of a determined Code violation. Restitution payments between individual Students or Registered Student Organizations will not be sanctioned, mandated or administered through the conduct process.

M. Restriction from Campus, University Premises, Facilities or Events

Excluding a Student from campus, University Premises, University facilities or events means that the Student is not allowed to be on the campus, University Premises, at University facilities or in attendance of an event for or during specific time periods. Restrictions may include authorizing access to limited University Premises or facilities for specific purposes (e.g. to attend class).

N. Suspension from the University

Separation of the Student from the University for a stated period with an opportunity for reinstatement consideration. Permanent notification of the suspension may appear on the Student’s University transcript. While suspended, the

Student is ineligible for and shall not participate in any University-sponsored Activities and may be excluded from campus and University Premises. Suspended time will not count against any time limits of graduate schools or programs for completion of a graduate degree. The sanction of suspension requires the review and approval of the Senior Vice President for Student Affairs, who may alter, defer or suspend this recommended sanction. Any alteration, deferral or suspension of this sanction may be subject to specified conditions. Notification of suspension may be sent to the appropriate University offices and officials.

O. Other Sanctions

The University and its Conduct Officers and Hearing Boards retain the right to impose additional and/or different sanctions according to the specific circumstances and needs of a situation including, but not limited to, loss of on-campus driving/parking privileges, loss of network privileges, other conditions and restrictions and meetings with professional staff and/or faculty members.

V. Roles and Responsibilities

Within the student conduct process several members of the University Community play critical roles and have varying responsibilities.

A. The Role and Responsibilities of the Chief Conduct Officer or designee.

1. Supervising, training and advising all Conduct Officers, Hearing Boards and Student Conduct Committee members.
2. Ensuring the maintenance of all student disciplinary records on file in the OSCCR.
3. Administering procedures for resolution of a Student's challenge of bias for any Conduct Officer or Hearing Board member.
4. Prepare statistical reports each semester for the Senior Vice President for Student Affairs or designee.
5. Conducting an annual review of the Student Conduct Code.

B. The Roles and Responsibilities of the Conduct Officers and Hearing Boards.

1. Hearings or other proceedings as provided in the Code may be held before a Conduct Officer, Hearing Panel or an applicable Hearing Board, and may utilize videoconferencing.
2. The Senior Vice President for Student Affairs, or designee, shall appoint Conduct Officers and Hearing

Boards.

3. The Conduct Officers and Hearing Board members shall adhere to procedures consistent with provisions in the Code. All procedures are approved by the Senior Vice President for Student Affairs, or designee.

4. In the event of a vacancy or disqualification of a Conduct Officer or Hearing Board member, the disciplinary matter shall be assigned to another Conduct Officer or Hearing Board by the Senior Vice President for Student Affairs, or designee.

5. Conduct Officers shall complete annual training provided by OSCCR.

6. Conduct Officers may be called upon to participate in the annual review of the Student Conduct Code.

C. The Roles and Responsibilities of the Student Conduct Committee.

1. Appeals as provided in the Code are held before the Student Conduct Committee.

2. The Student Conduct Committee shall adhere to procedures consistent with provisions in the Code. Procedures are approved by the Senior Vice President for Student Affairs, or designee.

3. The Student Conduct Committee members shall be selected as follows:

a. The ASLMU President shall recommend members from the undergraduate student body;

b. The GSLMU President shall recommend members from the graduate student body;

c. The RHA President shall recommend members from RHA;

d. The Student Housing Office shall recommend Resident Ministers as members;

e. The Senior Vice President for Student Affairs shall appoint a minimum of two faculty/staff members;

f. Each meeting, the Senior Vice President for Student Affairs, or designee, shall designate a Presiding Officer over the appellate process from the members of the Student Conduct Committee;

g. The Senior Vice President for Student Affairs, or designee, shall serve as an ex officio member.

4. The Senior Vice President for Student Affairs shall appoint all members of the Student Conduct Committee.

5. The term of office for the Student or faculty/staff Student Conduct Committee members shall be a minimum of one year as determined by the Senior Vice President for Student Affairs. Members may be re-appointed for additional terms.

6. Prior to participating in Student Conduct Committee deliberations, new members of the Student Conduct Committee will participate in an orientation session offered at least once each academic year by the Senior Vice President for Student Affairs, or designee.

7. Student members of the Student Conduct Committee who are charged with any violation of the Code or with a criminal offense may be suspended from their committee positions by the Chief Conduct Officer while charges are pending against them. Students found responsible for any such violation or offense may be disqualified from any further participation in the University conduct system by the Chief Conduct Officer.

8. In the event of a vacancy, suspension or disqualification of a Student Conduct Committee member, the Senior Vice President for Student Affairs shall fill the vacancy.

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

VI. Student Procedural Protection

A. Referrals

Suspected violations of the Code, including those discovered during the adjudication and/or investigation of Student Conduct Code proceedings, shall be submitted to OSCCR. Persons making such referrals are required to provide information pertinent to the case and may be asked to appear before a Conduct Officer/Hearing Board.

B. Student Conduct Code Hearings

The Chief Conduct Officer, or designee, shall review referrals to determine whether or not there is sufficient evidence to charge a Student with a violation of the Code and whether to hold a Student Conduct Code hearing.

C. Hearing Process

Students charged with Code violations of misconduct that does not present the potential for severe sanctioning (suspension or dismissal from the University) are accorded the following procedural protections:

1. A written or electronic notice (generally, via the official

University e-mail account) of alleged facts underlying the misconduct charge(s), the location of the Student Conduct Code, a scheduled hearing with a Conduct/ Officer or applicable Hearing Board (or instructions on how to schedule the hearing) and timely notice of that hearing. Students who fail to appear after timely notice will be deemed to have admitted the alleged misconduct and accepted responsibility for the charges asserted against them failure to check one's University e-mail account is not sufficient justification for not attending a scheduled hearing;

2. A hearing during which the Conduct Officer/Hearing Board shall again specify the facts underlying the alleged misconduct and provide the Student the opportunity to review the information gathered by the University, including time, date and place where the behavior is alleged to have occurred, that makes up the basis for the charge(s). Students shall have the opportunity to present evidence relevant to the alleged misconduct and to respond to the information gathered by the University in support of the charge(s), including the right to offer counter or explanatory information. Students may utilize the assistance of an Advisor during the hearing (see Section II(O)(1) for specifics of who is eligible to serve as an Advisor in these proceedings);

3. During the hearing, the Conduct Officer/Hearing Board shall explain the University's conduct system and Student rights and make available the Student Conduct Code. The Conduct Officer/Hearing Board shall also explain the private nature of the conduct process (Students' statements remain private except in the event of multiple involved parties and/or Witnesses, in which case newly presented information may be mutually shared) and the fact that the hearing may become a part of the file relating to the case;

4. Reasonable access to the evidence supporting the charge will be made available to the Students (Complainants and Respondents) prior to the hearing;

5. If a further hearing or Witness meeting is necessary, a supplemental proceeding will be scheduled;

a. Students or the Conduct Officer/Hearing Board may submit new and/or additional evidence and call appropriate fact (non-expert) Witnesses at the supplemental proceeding. Students shall have the opportunity to respond to any new or additional evidence that is presented for the first time at the supplemental proceeding;

b. Students may utilize the assistance of an Advisor

during the supplemental hearing;

6. Students who wish to have the assistance of an Advisor must inform the presiding Conduct Officer in writing or via e-mail at least two Days prior to the scheduled date of the hearing. The Advisor's role is to assist Students in understanding the conduct process during hearings. Advisors may not address the Conduct Officer/Hearing Board or play any other role during hearings. All communication involving Advisors must be between the Advisor and Student. An Advisor may not appear in lieu of the Student;

7. Sanctions shall be levied if it is determined that the Student is responsible for the alleged violation(s). If not, the charge(s) will be dismissed;

8. Students may have the assistance of fact (non- expert) Witnesses. Expert Witnesses are not allowed and character Witnesses are disfavored. The Conduct Officer/Hearing Board must be notified in writing at least two days prior to the scheduled date of the hearing that the Student plans to provide Witnesses. These Witnesses must have relevant knowledge and information pertaining to the case;

9. Complaints will be promptly investigated and adjudicated following the procedures set out in the Code;

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

11. A Student's conduct history and record are cumulative; therefore increased sanctions may be imposed to take into consideration the Student's overall record of violations of all types, not just those of a similar type.

D. Hearing Process for Misconduct Potentially Resulting in Severe Sanctioning (suspension or dismissal from the University)

Student charged with violations of the Student-on-Student Sexual or Interpersonal Misconduct Policy and Protocol, and/or whose alleged misconduct and asserted Code violations may result in severe sanctioning (suspension or dismissal from the University), are accorded the following procedural protections:

1. A written or electronic notice (generally, via the official University e-mail account) of misconduct charges, the location of the Student Conduct Code, a scheduled pre-hearing meeting with an OSCCR representative (or the instructions on how to schedule the pre-hearing meeting) and timely notice of that pre-hearing meeting;

2. A pre-hearing meeting at which:

a. The Respondent (and separately the Complainant if applicable) may review all the information gathered by the University, including time, date and place where the alleged behavior/misconduct is alleged to have occurred, that makes up the basis for the charge(s);

b. The Respondent/Complainant may ask the OSCCR representative questions regarding the conduct process;

c. Either the Respondent or the Complainant (if applicable) may provide the names of Witnesses not yet interviewed by Public Safety, whose statements may have value to the proceedings. In the event either a Respondent or Complainant provides Witnesses during the pre-hearing meeting, then the names of those Witnesses will be provided to Public Safety for formal interview, and the investigation report will be supplemented with their statements. Once the investigation report is updated with any additional Witness interviews and information, both Respondent and Complainant will be permitted another opportunity to review the updated report, evidence and information. If a Witness fails to meet with Public Safety for a formal interview, any prior or subsequent statements will not be utilized nor relied upon by the Hearing Panel in rendering its decision;

d. The OSCCR representative shall explain the hearing processes to the parties including cross examination processes and procedures and Student rights and make available the Student Conduct Code. The OSCCR representative shall also explain the private nature of the conduct process (Student statements during the hearing with cross examination shall remain private except in the event of multiple involved parties, in which case newly presented information related to another Respondent may be mutually shared) and the fact that the hearing may become part of the file relating to the case;

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

3. Respondents and Complainants who wish to have the assistance of an Advisor should inform OSCCR in writing at least two Days prior to the scheduled date of the pre hearing meeting. The Advisor's role is to assist Students in understanding the conduct process during pre-hearing meetings and hearings with cross examination. [Advisors may not address the Hearing Panelists or play any other role during hearings. All communication involving

Advisors during hearings must be between the Advisor and Student.] An Advisor may not appear in lieu of the Student to either the pre-hearing meeting or the hearing with cross examination;

4. A hearing with cross examination (conducted via videoconferencing) during which the Hearing Panel shall specify the nature of the alleged misconduct and provide the Respondent and the Complainant the opportunity to again review the information and evidence gathered by the University that make up the basis for the charge(s). Students shall have the opportunity to present evidence relevant to the alleged misconduct and to respond to the information gathered by the University, including the right to offer counter information and/or call appropriate fact (non-expert) Witnesses. Students may utilize the assistance of an Advisor during the hearing (see Section II(O)(1) for specifics of who is eligible to serve as an Advisor in these proceedings).

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

5. The Respondent, via videoconferencing, will be permitted the opportunity to ask questions of the Complainant, and any Witnesses that appear either at the request of the Respondent, the Complainant or the University, in order to assess the credibility of the information offered. Conduct Officers on the Hearing Panel will be permitted to disallow a question asked by the Respondent if the Respondent is unable to provide sufficient rationale for the relevancy of the question. The Complainant, via videoconferencing, will be permitted the opportunity to ask questions of the Respondent, and any Witnesses that appear either at the request of the Complainant, the Respondent or the University, in order to assess the credibility of the information offered. Conduct Officers on the Hearing Panel will be permitted to disallow a question asked by the Complainant if the Complainant is unable to provide sufficient rationale for the relevancy of the question;

6. Both the Respondent and the Complainant will be

permitted the opportunity to make a closing statement at the conclusion of the evidentiary portion of the hearing;

7. If a further hearing is necessary, a supplemental proceeding will be scheduled:
 - a. Respondents, Complainants or the Hearing Panel may submit new and or additional evidence and call appropriate fact (non-expert) Witnesses at the supplemental proceeding. Students shall have the opportunity to respond to any new or additional evidence that is presented for the first time at the supplemental proceeding;
 - b. Respondents and Complainants may utilize the assistance of an Advisor during the supplemental hearing;
8. Sanctions shall be levied if it is determined that the Student is responsible for the violation(s). If not, the charge(s) will be dismissed;
9. Complaints will be promptly investigated and adjudicated following the procedures herein outlined;
10. For compliance with Clery Act record retention requirements, all official conduct-related correspondence will be retained for a minimum of seven years;
11. A Student's conduct history and record is cumulative; therefore increased sanctions may be imposed to take into consideration the Student's overall record of violations of all types, not just those of a similar type;
12. Unless required by law, privacy laws prevent notification or disclosure to Student Complainants about the prior conduct history, if any, of the Respondent.

VII. Hearing Procedures

A. The following procedural guidelines shall be applicable in conduct proceedings that do not present the potential for remedies including severe sanctioning (suspension or dismissal from the University). Respondent meets solely with the Conduct Officer or Hearing Board Panel:

1. The Conduct Officer/Hearing Board has the right to request the presence of and interview fact (non-expert) Witnesses;
2. Hearings will generally be private except for Conduct Officers/Hearing Boards, Students and Advisors. Recording devices (audio and/or video) of any kind are not permitted for use by the Students, Witnesses or Advisors;

3. The Conduct Officer/Hearing Board shall exercise control over the procedures to avoid needless consumption of time. Any person, including the Advisor, who is disruptive during the hearing, refuses to follow the rules or procedures and/or who fails to adhere to the admonitions and rulings of the Conduct Officer/Hearing Board may be excluded from the proceedings;

4. The decision of the Conduct Officer/Hearing Board shall include a summary of the testimony, findings, decision and applicable sanction(s). The decision shall be sufficiently detailed to permit review as provided in the Code;

5. Prior to the hearing, Students may challenge a Conduct Officer/Hearing Board member on the grounds of personal bias. Any such challenge must be made in writing to the Dean of Students, or designee, not less than two Days prior to the hearing. The disqualification challenge of a Conduct Officer/Hearing Board member shall be determined by the Dean of Students, or designee. If a challenge is sustained, the charge shall be referred to another Conduct Officer/Hearing Board member;

6. Witnesses shall be asked to affirm that their testimony is truthful and may be subject to charges of providing false information pursuant to Section III(H) of the Code;

7. The burden of proof shall be upon the Complainant who must establish the responsibility of the Respondent by a Preponderance of the Evidence;

8. Except as provided herein, formal rules of evidence and discovery shall not be applicable in proceedings conducted pursuant to the Code. The Conduct Officer/Hearing Board shall give effect to recognized rules of privacy (including the Family Educational Rights and Privacy Act [FERPA]) and privilege, but shall otherwise admit all matters into evidence that a reasonable person would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded;

9. Written statements shall not be admitted into evidence unless signed by the affiant and witnessed by a person designated by the Dean of Students, or designee;

10. A Student with a case assigned to a Student Hearing Board has the option to have the matter heard by a Conduct Officer. Notice of such election must be given to the presiding Conduct Officer no less than two Days prior to the date of the hearing;

11. Student Complainants in these conduct cases (e.g. without cross examination provisions) will not be notified

of the decision rendered by the Conduct Officer/Hearing Board, and have no appeal rights;

B. The following procedural guidelines shall be applicable in conduct proceedings with potential severe sanctioning (Suspension or dismissal from the University):

1. The Hearing Panel may request Public Safety interview fact (non-expert) Witnesses;

2. Hearings with cross examination will generally be private except for the Hearing Panel, parties and Advisors. Hearings with cross examination will be recorded via videoconferencing software utilized by the Hearing Panel only. Recording devices (audio and/or video) of any kind are not permitted for use by the Students, Witnesses or Advisors;

3. The Hearing Panel shall exercise control over the procedures to avoid needless consumption of time. Any person, including an Advisor, who is disruptive during the hearing with cross examination, refuses to follow the rules or procedures and/or fails to adhere to the admonitions and rulings of the Hearing Panel may be excluded from the proceedings;

4. The decision of the Hearing Panel shall include a summary of the testimony and evidence in support of the findings, the findings, decision and applicable sanction(s). The decision shall be sufficiently detailed to permit review as provided in the Code and as authorized or required by law will be sent to both the Respondent and the Complainant;

5. Prior to the hearing, Students may challenge a Hearing Panel member on the grounds of personal bias. Any such challenge must be made in writing to the Dean of Students, or designee, not less than two Days prior to the hearing. The disqualification challenge of a Hearing Panel member shall be determined by the Dean of Students, or designee. If a challenge is sustained, the charge shall be referred to another Hearing Panel member;

6. Witnesses shall be required to affirm that their testimony is truthful and may be subject to charges of providing false information pursuant to Section III(H) of the Code. If a Witness refuses to participate in the hearing with cross examination, their prior or subsequent statements to Public Safety will not be utilized or relied upon by the Hearing Panel in coming to a decision;

7. The burden of proof shall be upon the Complainant who must establish the responsibility of the Respondent by a Preponderance of the Evidence;

8. Except as provided herein, formal rules of evidence and discovery shall not be applicable in proceedings conducted pursuant to the Code. The Hearing Panel shall give effect to recognized rules of privacy (including FERPA) and privilege, but shall otherwise admit all matters into evidence that a reasonable person would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded;

9. Written statements, absent live testimony by the Witness that is subject to cross-examination, shall not be admitted into evidence nor used for any purpose.

VIII. Appeal Procedures

A. Any decision by a Conduct Officer, Hearing Panel or Hearing Board or disciplinary sanction assigned may be appealed by the Respondent to the Student Conduct Committee. In proceedings involving potential severe sanctioning (suspension or dismissal from the University) Student Complainants may also appeal the decision. Appeals to the Student Conduct Committee are limited to one or more of the following grounds:

1. The sanction is substantially disproportionate to the offense;
2. The procedures provided for in the Code were not materially followed resulting in significant prejudice to the Appellant;
3. New relevant evidence is available, which in the exercise of reasonable diligence could not have been produced at the time of the hearing; or
4. The decision is not supported by substantial evidence.

B. All petitions for appeals shall be submitted to:

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

C. Appeal petitions must be submitted by the involved Student party (Respondent or Complainant, if applicable) via written statement and received by the Student Conduct Committee c/o OSCCR within five Days from the date of the imposition of the original decision. Appeal petitions may not be submitted by Advisors or third parties (including, without limitation, lawyers or Law School Students) on behalf of the involved Student party. Failure to file the appeal petition within the five-day limitations period results in the decision becoming final and conclusive.

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

D. Pursuant to Section VIII(A) the appeal petition must be accompanied by a written statement in support of the appeal. Upon notification of the receipt of a proper and timely appeal petition, the Chief Conduct Officer, or designee, shall convene the Student Conduct Committee. If an appeal is made in a conduct case involving the potential for severe sanctioning (suspension or dismissal from the University), the non-appealing party (either Complainant or Respondent) will be notified of an appeal and be afforded the opportunity to submit a timely written statement in opposition to the appeal.

E. In appeals of decisions in conduct cases without the potential for severe sanctioning (suspension or dismissal from the University), pursuant to Section VIII(A), the Student Conduct Committee will review the Conduct Officer's/Hearing Board's summary of the testimony, findings and decision and the recommended sanction, the Student's disciplinary history and the written statement of the Student filed with the appeal petition.

F. In appeals of decisions in conduct cases involving the potential for severe sanctioning (suspension or dismissal from the University), pursuant to Section VIII(A), the Student Conduct Committee will review the video and audio recording of the live hearing, the findings, decision and recommended sanctions (if applicable), the Respondent's disciplinary history and the written statement of the Respondent and of the Complainant filed with the appeal petition or in response to the appeal petition.

G. The Student Conduct Committee may, but is not required to, request either the Conduct Officer/Hearing Board or the involved Student parties to submit additional information in writing. If the Conduct Officer/Hearing Board or any Student parties is/are requested to submit additional information, the Student parties not so requested shall be entitled to reply in writing to the additional written information supplied to the Student Conduct Committee.

H. So long as supported by the evidentiary record, the Student Conduct Committee shall give deference to the determinations of the Conduct Officer, Hearing Panel or Hearing Board, and may make one of the following recommendations:

1. Recommended sanctions may be reduced, if found to be substantially disproportionate to the offense or affirmed;
2. The case may be referred back to the Senior Vice President for Student Affairs, or designee, for reassignment

to a new Conduct Officer, Hearing Panel or Hearing Board if specified procedural errors in interpretation of the Code were so substantial as to effectively deny the Student a fair hearing or if significant new evidence became available which could not have been discovered by a properly diligent Student before or during the original hearing;

3. The determination should be reversed and the case should be dismissed if the decision is not supported by substantial evidence;

4. The Student Conduct Committee shall not alter the underlying decision of the Conduct Officer, Hearing Panel or Hearing Board if supported by substantial evidence and reasonable inferences arising therefrom.

I. In appeals of conduct cases involving the potential for severe sanctioning (suspension or dismissal from the University) in which the Complainant is a student, both parties shall have the opportunity to submit an appeal and absent an appeal by both parties, the non-appealing party shall have the opportunity to submit a written statement in either support or opposition to the extant appeal petition. Both parties will be notified of the results of the appeal.

J. Concurrent with the filing of an appeal petition, Complainants or Respondents may challenge a member of the Student Conduct Committee on the grounds of personal bias. All disqualification challenges of Student Conduct Committee members shall be determined by the Senior Vice President for Student Affairs, or designee. If a challenge is sustained, the proceedings will continue without the participation of the disqualified member in the event that a quorum exists with the remaining members. If disqualification results in the lack of a quorum a new Committee will be assembled without the previously challenged member.

K. Except as provided herein, formal rules of evidence and discovery shall not be applicable in these proceedings conducted pursuant to the Code. The Student Conduct Committee shall give effect to the recognized rules of privacy (including FERPA) and privilege but shall otherwise admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

L. The Student Conduct Committee may take presumptive notice of matters that would be of general knowledge to other University Students.

M. The Student Conduct Committee shall be provided copies of the Student's disciplinary record when reference to the Student's disciplinary history is included in the decision made

by the Conduct Officer/Hearing Board.

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

O. Procedural, evidentiary and final recommendations of the Student Conduct Committee shall be by majority vote of the members present and voting. A tie vote in an appeal proceeding will result in affirmation of the original decision. Procedural or evidentiary issues in any hearing before the Student Conduct Committee shall be determined by the Committee's presiding officer in accordance with the Code. The Student Conduct Committee shall give effect to the recognized rules of privacy (including FERPA) and privilege but shall otherwise admit all matters into evidence which a reasonable person would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

IX. Exceptional Procedures

A. Violations of the Code that in ordinary circumstances may not result in a sanction of suspension or dismissal may nonetheless result in a sanction of suspension or dismissal if, in the view of the Senior Vice President for Student Affairs, suspension or dismissal is appropriate under all the facts and circumstances (e.g. intentional, malicious or aggravated violation, history of repeated Code violations, etc.). Such incidents will be adjudicated following the procedures outlined in Section VII(B).

B. The Senior Vice President for Student Affairs, or designee, may suspend a Student for an interim period pending Student Conduct Code proceedings or medical evaluation. Such interim suspension becomes immediately effective without prior notice whenever there is reasonable suspicion that the continued presence of the Student on the University campus poses a substantial threat to the health, safety or well-being of members of the University Community or to unreasonably interfere with the stability and continuance of normal University functions.

C. A Student suspended on an interim basis shall be given an opportunity to appear personally for an interim suspension hearing before the Senior Vice President for Student Affairs, or designee, within three Days from the effective date of the interim suspension to present their case to discontinue the interim suspension in accordance with Section IX(D) below.

D. An interim suspension hearing shall determine whether the interim suspension should continue through the hearing and determination on the merits of the Student Conduct Code charge(s) because the alleged misconduct and surrounding circumstances reasonably indicate that the

continued presence of the Student on campus pending the hearing and determination of the Student Conduct Code charge(s) poses a substantial threat to the health, safety or well-being of members of the University Community or unreasonably interferes with the stability and continuance of normal University functions.

E. If, at the interim suspension hearing referenced in Section IX(D) above, the Student's continued presence is determined to pose a substantial threat to the health, safety or well-being of members of the University community or to unreasonably interfere with the stability and continuance of normal University functions, the Senior Vice President for Student Affairs, or designee, may continue the interim suspension through the conclusion of the proceedings on the alleged Student Conduct Code violation.

F. In cases alleging sexual and interpersonal misconduct including Dating Violence, Domestic Violence and Stalking, the Senior Vice President for Student Affairs, or designee, may take interim measures, including, but not limited to, academic, residential, transportation and/or employment accommodations, intended to ensure the well-being of the Complainant, the Respondent, the investigatory process and/or the University community while the complaint is being investigated and prior to the determination on the charge. Any such interim measures shall not be referred to or offered as evidence at the hearing on the underlying charge. Any such interim measures shall be designed and implemented in a manner intended to achieve their purpose while at the same time limiting, to the extent practicable, any adverse effect to the Complainant and/or Respondent's educational program.

G. Final decisions of the Conduct Officer, Hearing Panel, Hearing Board or the Student Conduct Committee recommending a suspension or dismissal from the University shall be reviewed and approved by the Senior Vice President for Student Affairs. All other final decisions may be reviewed by the Chief Conduct Officer, or designee. The reviewing officer may change, defer or suspend the decision and sanction, or impose conditions in connection with any change, deferral or suspension.

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

I. A conduct hold may be placed on a Student's file/account and a notation may be entered on the Student's University transcript when the Student has been dismissed or suspended from the University or has officially or unofficially withdrawn, taken a leave of absence or has been academically disqualified while Student Conduct Code

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

J. In cases regarding allegations of sexual or interpersonal misconduct (including Dating Violence, Domestic Violence and Stalking) a notation may be entered on the Respondent's University transcript at the discretion of the University if the Student is found responsible for a specific sexual or interpersonal misconduct charge.

X. Restorative Justice Process

The OSCCR may opt to postpone initiation of the conduct process in matters deemed potentially appropriate for a Restorative Justice Process.

The Restorative Justice Process is voluntary for all participants, and the appropriateness of such process must be concurred in by the University, and allows a Respondent to accept responsibility for the harm caused. As part of the successful completion of a Restorative Justice Process, the Respondent will not be charged with a violation of the Student Conduct Code. The Restorative Justice Process is designed to redress the harm caused by the underlying conduct and prevent its recurrence in a manner that meets the needs of the Complainant and effected parties while still maintaining the safety of the overall campus community.

If a Restorative Justice opportunity is not accepted or fully completed by all parties, then the matter may be referred back to OSCCR and the conduct process may at that time be initiated. The initial determination of eligibility for the Restorative Justice Process will be left to the Associate Dean of Students, or designee, and the Associate Dean, or designee, reserves the right to terminate the process at any time.

XI. Conduct Files and Records

A. Case referrals may result in the development of a conduct file in the name of the Respondent that may be voided if the Respondent is found not responsible for the charges.

B. The files of Respondents found responsible for any of the charges against them will be retained as a conduct record for a minimum of seven years from the date of the letter providing notice of the final conduct action.

C. Conduct records may be voided and any records or

notations related thereto purged by the Dean of Students for good cause following consideration of a written petition of Respondent. Among the factors considered by the Dean of Students in review of such petitions shall be:

1. The nature of the charge;
2. The period of time that has elapsed since the violation;
3. The present demonstrated demeanor and contrition of the Respondent;
4. The demonstrated conduct of the Respondent subsequent to the violation; and/or
5. The nature of the violation and the severity of any damage, injury or harm resulting from it.

Decisions on petitions under this subsection are at the discretion of the Dean of Students.

D. When Students sign a release offered by internal (Study Abroad, University offices, etc.) or external (graduate schools, prospective employers, etc.) entities, this release allows the University to release Student disciplinary information to these parties. Upon receipt of a request from an internal or external entity, and with appropriate signed release by the subject student, the University reserves the right to report only those records in which violations resulted in a sanction of probation, suspension or dismissal from the University.

Academic Honesty Policy

I. Statement of Policy

A. The [LMU Academic Honesty Policy](#)

Loyola Marymount University is a community dedicated to academic excellence. Academic honesty in scholarship and creative work stands at the center of LMU's academic life and is essential for true learning and creation of knowledge to take place. As a university in the Jesuit and Marymount traditions, this community expects its members to act in accordance with the highest standards of honesty and ethics at all times. Violations of academic honesty undermine the fundamental educational mission of the University and cannot be tolerated. Students are responsible for understanding the standards of academic honesty and determining how they apply to their academic work and behavior. Students are responsible for contacting their instructor(s) before assignments are due to proactively resolve any questions they may have.

B. Definitions of Academic Honesty and Dishonesty

Academic honesty requires that all members of the LMU community act with integrity, respect their own intellectual and creative work as well as that of others, acknowledge sources consistently and completely, act honestly during exams and on assignments and report results accurately.

Academic dishonesty is any violation of the standards of academic honesty. Examples of academic dishonesty are defined below. These examples are intended to provide guidance but not to constitute an exhaustive list of the forms that academic dishonesty might take.

1. Plagiarism

- a. Presentation or appropriation of another's ideas, words, images, work, materials, results, etc., as one's own, including but not limited to, omission or improper use of citations; copying another's work without attribution.
- b. Inappropriate use of an Internet or digital source, including but not limited to, inappropriate copying in whole or part; submission of a paper or other work, or any part thereof, obtained via the Internet or a digital source, as one's own work; inappropriate sampling of images or sound; the use of online solutions typically made available as instructor resources for a course.
- c. Unauthorized presentation or partial or complete resubmission of one's own previous academic work for additional academic credit.

2. Fraud

- a. Representing oneself as another person in relation to an academic assignment or course, or allowing another to represent oneself in relation to an academic assignment or course. For example, signing an attendance sheet in class or at an extracurricular event on behalf of an absent student, representing oneself as someone else in the context of an online course, or permitting another person to complete an assignment or take an examination on one's behalf in the context of an online course.
- b. Presenting forged signatures or documents as authentic.
- c. Altering or fabricating data.
- d. Submitting false or fabricated citations.

3. Cheating and Facilitating Cheating

- a. Possession, distribution and/or use of materials or technology for the purpose of cheating or facilitating cheating.
- b. Coercing or attempting to coerce a classmate to facilitate cheating.
- c. Using resources and materials prohibited by the Instructor.
- d. Collaboration on coursework that violates an Instructor's stated policies or instruction.
- e. Misrepresenting contributions to group projects.

4. Unauthorized Access to or Alteration of Privileged and Proprietary Information

- a. Unauthorized access to and/or use of privileged University documents, files or information and/or alteration thereof by electronic or any other means.
- b. Unauthorized access to and/or use of proprietary information. For example, the unauthorized dissemination of research prior to publication.
- c. Unauthorized access to and/or use of University

course resources and materials. For example, distribution of any course materials (syllabus, assignments, exams, etc.) without explicit permission from the instructor.

5. Other Academic Dishonesty

a. Acts of academic sabotage. For example, the purposeful theft, vandalism or unauthorized access of library books, academic records, equipment or materials, or the theft or destruction of other Students' work.

b. Any other means of violating the standards of academic honesty set out above, existing or yet to be invented.

C. Student Protections

1. The burden shall be upon the Instructor to provide evidence that it is more probable than not that the Student has committed the alleged academic honesty violation.
2. A Student has the right to appeal the Instructor's decision concerning an allegation of academic dishonesty.
3. Access to materials, files and records alleging and documenting a Student's violation of the Academic Honesty Policy will only be authorized for disclosure to individuals necessary for the processing of the Academic Honesty Policy violation (such as the Student, Instructor, Chair, Dean, Provost, Academic Honesty Review Committee (AHRC)).
4. Students have the right to petition the AHRC to have records of their violation of the Policy expunged. The AHRC shall review the petition and make its recommendation to the Provost. Factors to be considered include: (1) severity of the violation; (2) time that has elapsed since the violation; (3) present demeanor and contrition of the Student; (4) demonstrated conduct since the violation; and (5) the severity of any damage, injury or harm resulting from the violation. Decisions on such petitions are at the discretion of the Provost, whose decision is final.

D. Instructor Protections

1. Instructors are expected to apply academic integrity standards consistently across all of their students in all of their classes and pursue all cases of academic dishonesty.
2. Instructors may attempt to stop suspected cheating

in progress when appropriate (for example, during an examination). Instructors must then follow the procedure outlined in this policy prior to imposition of any academic dishonesty sanction.

3. For each incident of academic dishonesty, a record identifier that does not identify the student is generated that the Instructor may make reference to or include in retention, merit, rank and promotion decisions (if applicable).

4. Should an Instructor require legal assistance during any proceedings related to the charge of academic dishonesty, having followed the procedures outlined in the Policy, LMU will provide the faculty member with the assistance of University counsel. In addition, it is recognized that faculty have the right to be indemnified for all necessary expenditures or losses incurred in direct consequence of the discharge of their duties under California Labor Code section 2802.

E. Sanctions

Factors to be considered in applying sanctions for determinations of academic dishonesty under this policy shall include the nature and severity of the violation and whether there is a pattern of violations. Sanctions for violations of the Academic Honesty Policy may include the following:

1. Instructor-Imposed Sanction. Imposed at the sole discretion of the Instructor of record and may include, but is not limited to, a requirement to re-do the assignment; a reduced or failing grade on an assignment, or part of an assignment; a reduced or failing grade in the course. If the Instructor imposes a failing grade sanction in the course, a failing grade will appear on the transcript even in the case of subsequent withdrawal.
2. Suspension from the University. The sanction of suspension requires recommendation by the AHRC and approval of the Provost.
3. Dismissal from the University. The sanction of dismissal requires recommendation by the AHRC and approval of the Provost.

II. Definitions

A. Academic Honesty Violation Form: the official form on which the Instructor reports a violation of academic honesty.

B. AHRC: the Academic Honesty Review Committee, the body that provides a ruling to the Provost concerning appeals and other matters related to violations of the Academic Honesty Policy.

C. Day: a regular University business day. It shall not include Saturdays, Sundays or administrative holidays.

D. Dismissal: the permanent separation of the Student from the University. Permanent notification may appear on the Student's transcript. The Student will also not be permitted on campus or University premises. Any alteration, deferral or suspension of this sanction may be subject to conditions.

E. Institution/University: Loyola Marymount University.

F. Instructor: any LMU faculty member, librarian or other individual authorized to evaluate students' academic work.

G. NR: Not Reported. NR will be used as a placeholder at the time of a final grade submission or recordation while an academic honesty violation appeal is in process.

H. Policy: the Academic Honesty Policy.

I. Provost: the Provost or the Provost's designee for managing the day-to-day operations of the Academic Honesty Policy.

J. Record/Student Record: the permanent documentation kept by the University concerning the student's matriculation and performance. Files are all relevant physical or digital documentation of a case.

K. Student: a person enrolled in any University program or class.

L. Supervisor: the person to whom an Instructor reports directly in teaching-related matters. In most cases, "Supervisor" is the Instructor's Department Chair or Program Director; for most Department Chairs and Program Directors it is the Dean or Associate Dean.

M. Suspension: the separation of the Student from the University for a stated period with an opportunity for reinstatement consideration. Permanent notification of suspension may appear on the Student's transcript. While suspended, the Student is ineligible for and shall not participate in any University sponsored activities and may be prohibited from a presence on campus and University premises. Suspended time will not count against any time limits of graduate schools or programs for completion of a graduate degree. Any alteration, deferral or suspension of this sanction may be subject to conditions.

N. Violation: a determined violation of the University's Academic Honesty Policy.

O. The terms "will" and "shall" are used in the imperative sense. The term "may" is used in the permissive sense.

III. Procedures

A. Process

1. An Instructor who has reason to believe that a student has violated the Academic Honesty Policy will inform the Student of the suspected academic dishonesty in an e-mail sent to the Student's LMU e-mail address (with a copy to the Instructor's Supervisor) within five days of discovering evidence of the academic dishonesty. This message should include a statement of the nature of the suspected violation, the evidence supporting the suspected violation and a deadline of five days for the Student to respond by e-mail. Because at this point in the process there is only a suspicion or allegation of a policy violation, no determination has been made and there should not be any mention of a prospective sanction in the message. The communication should also include a request to meet (or confer) with the Student within five days after the student's response to the e-mail.

2. The Instructor's meeting with the Student shall take place after receipt of the Student's e-mail reply and provides an opportunity for the Instructor and the Student to discuss the suspected academic honesty violation, the evidence, and the prospective sanction (e.g., a failing grade on an assignment or a failing grade in a course) and any concerns the Student may have.

a. If the Instructor determines that no violation of the Academic Honesty Policy has occurred, no further action or steps will be taken. The Instructor will notify the Supervisor of the determination.

b. If the Instructor determines that a violation of the Academic Honesty Policy has occurred, a sanction within the purview of the Instructor will be imposed. A completed Academic Honesty Violation Form (with supporting evidence) will be forwarded to the Provost (with a copy to the Instructor's Supervisor and to the Student).

3. If the Student does not respond to the initial e-mail from the Instructor within five days, a determination shall be made by the Instructor and if a determination of an Academic Honesty Policy violation is made, a sanction within the purview of the Instructor will be imposed. A completed Academic Honesty Violation Form with the supporting evidence will be forwarded to the Provost (with a copy to the Instructor's Supervisor and to the Student).

4. The Student may submit an appeal of the Academic Honesty Policy violation determination and/or sanction within five days of the Instructor's e-mailing of the Academic Honesty Violation Form.

a. If no appeal is filed, then the Academic Honesty Policy violation determination becomes final. The Provost will file the paperwork, with a copy to the Student's Dean's Office, and apply the sanction determined by the Instructor. This terminates the process.

b. If the Student files an appeal, then the grade on the relevant assignment, or in the course, will be converted to "NR" within five days of receipt of the appeal, and remain as such until the final resolution of the appeal process.

c. In the case of a Student appeal, the Provost will submit the case to the AHRC for reconsideration and will notify the Student and Instructor thereof.

5. When a determination becomes final, the Provost shall review the Student's record to determine if there is a prior history or pattern of academic dishonesty. For cases in which the Provost determines that such a history or pattern exists and therefore the Student's record and pattern of behavior warrants further review, the Provost will submit the Student's record of proceedings under the Academic Honesty Policy to the Academic Honesty Review Committee (AHRC) for consideration of additional action and will so notify the Student thereof.

6. If the AHRC determines that a violation merits a different result or sanction (in cases of appeal) or that the Student's pattern of behavior warrants an additional sanction, up to and including the Student's suspension or dismissal (in cases where the Provost requests further review), it shall communicate its decision to the Student and to the Provost within 15 days of the Provost's request for consideration.

a. In cases of a ruling for additional sanction based on a pattern of behavior, the Student has 10 days to respond to the AHRC ruling; the response shall be submitted directly to the Provost.

b. The Provost shall make the final decision within five days after the window for the Student's response to the AHRC ruling closes. Upon making the final decision, Provost shall add appropriate documentation to the Student's record, with a copy to the Student's Dean's Office, and apply the sanction. The Provost's decision is final and terminates the process.

7. All deadlines apply during the semester – that is, from the first day of classes to five days after final grades are due. Attempts will be made to conclude pending cases in May before the end of the academic year. All unresolved cases will be considered and determined in the next regular semester.

8. A Student charged with an Academic Honesty Policy violation prior to graduation may not receive a diploma/degree until any pertinent proceedings regarding that Student have been completed. A Student who has been suspended cannot graduate unless and until they are reinstated.

9. The Provost's office will provide an annual report, without identifying Students, detailing the number and type of violations reported in different areas of the LMU community, as well as the number and type of AHRC rulings and Provost decisions, if applicable.

B. Appeals

1. A Student has the right to appeal the Instructor's decision concerning an allegation of academic dishonesty.

2. A Student may appeal on one or more of the following grounds:

a. The violation determination is not supported by substantial evidence.

b. New relevant evidence is available.

c. The sanction is substantially disproportionate to the offense.

d. The procedures detailed in this document were not materially followed, resulting in significant disadvantage or prejudice to the Student.

3. The Student must make an appeal in writing no later than five days following the Instructor's e-mailing of the Academic Honesty Violation Form to the Student.

4. All appeals must be submitted by e-mail to the Provost (with a copy to the Instructor and the Instructor's Supervisor).

5. The Provost will inform the Instructor of the receipt of an appeal request within five days, and will submit the appeal request to the AHRC. At the request of the AHRC, the Instructor will be given the opportunity to provide additional evidence or argument should the Student present new arguments or evidence. The Student shall

have a right to know of and respond to the AHRC respecting any new or additional evidence or argument provided by the Instructor to the AHRC.

6. The AHRC shall determine whether or not the evidence supports the allegation, if so, whether the sanction is appropriate taking into account all available evidence related to the academic dishonesty as well as, during the sanctions deliberations, any evidence provided by the Provost regarding any prior offenses, and whether the correct procedures were followed.

7. The AHRC will communicate its findings and ruling to the Provost.

8. In cases of an AHRC ruling for suspension or dismissal, the Student has 10 days to respond to the AHRC ruling about the propriety of the sanction; the response shall be submitted directly to the Provost.

9. The Provost shall make the final decision, in light of the recommendation of the AHRC and after consideration of any submission from the Student, and will communicate this decision to the Student and Instructor, with a copy to the Student's Dean's Office. The Provost's decision is final and terminates the process.

C. Documentation: Files and Records

1. A digital copy of the Academic Honesty Violation Form, with supporting evidence, will remain on file in the Provost's Office.

2. Records will have a protected status, with access only as authorized by law and permitted by the Provost.

Alcohol and Drug Policies

I. Introduction

The goal of the Loyola Marymount University Policy on Alcohol and other Drugs is to create an environment in which the responsible use of alcohol is taught and promoted for individuals age 21 years and over who choose to lawfully consume alcohol. The misuse of alcohol and the use of illicit drugs are discouraged and will be disciplined. This goal can be achieved by campus-wide involvement in comprehensive and on-going alcohol and drug education and the enforcement of the following guidelines.

II. University Regulations Governing the Use of Alcohol

The LMU Alcohol Policy adheres to the laws of the State of California (listed in Section V of this policy) regarding the purchase, sale, furnishing and consumption of alcohol. Intoxication and/or alcohol abuse is not permissible as an excuse for unlawful behavior or misconduct. Providing false information and/or identification to consume alcohol is subject to disciplinary action as outlined in the Student Conduct Code. The policy acknowledges the fact that persons age 21 years and over may purchase and consume alcoholic beverages. Those who fall in this category are responsible for setting a positive example to all minors by discouraging alcohol-related behavior that is abusive to oneself or to others.

The University expects all members of the campus community to conduct themselves in an appropriate manner and encourages the adoption of a mature attitude towards the use of alcohol. Alcohol consumption is permitted for those of legal age in designated areas on campus (The Hannon Loft, Crimson Lion, private living units in University Housing Facilities) and at certain University sponsored and/or approved events on campus. Open containers of alcohol outside of the aforementioned facilities and approved events on campus are not permitted. It is the position of the University that drunkenness and public intoxication are unacceptable and that those who violate the norm of temperate drinking will be subject to disciplinary sanctions. Accordingly, each person assumes full personal responsibility and will face disciplinary proceedings for any of their actions or the actions of their Guest(s) that violate any University policy.

A. Regulations Regarding Registered Student Organization Events on Campus

The following policy applies to all organizations wishing to provide alcoholic beverages at on-campus events.

1. Prior to the Event

- a. Student events involving alcohol must be approved by Student Leadership & Development and Sodexo.
- b. All event publicity must comply with all Student Leadership & Development policies including the [Alcohol Advertising Policy](#).
- c. Sodexo is the sole provider of alcohol for all Registered Student Organization events. Only beer and wine may be served. A Sodexo bartender must be hired for the event to serve alcohol and check IDs.

2. General Event Guidelines

- a. LMU Students wishing to consume alcohol must be 21 or over and present a valid state-issued ID or passport. All individuals consuming alcohol are required to wear wristbands during the event.
- b. Non-alcoholic beverages and food must be provided.
- c. Several factors will be considered to determine if a controlled area for those consuming alcohol is required. Factors include numbers of attendees, ages of attendees, location of event and type of event.
- d. There are two (2) options for providing alcohol at a Registered Student Organization event:
 - i. Cash Bar- A cash bar must be used if there is a charge to attend the event or alcohol is sold. Examples include charging an event fee, individual drink tickets or cash exchanged for drinks. An alcohol license is required and must be obtained through Sodexo a minimum of 14 days prior to the event;
 - ii. Hosted Bar- A hosted bar may be used if alcohol is donated. Alcohol must be provided to Sodexo three (3) working days in advance. Alcohol remaining at the end of the event will be returned within three (3) days following the event to the on campus advisor. Registered Student Organization funds may not be used to purchase alcohol.

e. Alcohol may not be served at events where new member recruitment is the primary focus.

3. Event Advisors and Security

a. Public Safety officers and/or Alcohol Moderators are required for events where alcohol is served. The sponsoring group is responsible for the cost, and Public Safety and Student Leadership & Development will determine the number of officers required.

B. Regulations within Student Housing Facilities

1. In accordance with California law, Students under the legal age are not allowed to consume or possess alcohol. In accordance with University policy, Students under the legal age and their Guests are not allowed to consume or be in the presence of alcohol.

2. Alcohol may be consumed or possessed by those Students of legal age (21 years of age) only inside private living units with the door closed and not with underage persons (other than a roommate/suitemate) present.

3. Delivery of alcohol by retail or wholesale distributors to a student housing facility is prohibited.

4. Kegs, party balls or other such containers not designed for individual consumption are strictly prohibited.

5. Playing drinking games or participating in activities that promote excessive or binge-style drinking are prohibited in Student Housing Facilities. Construction and/or use of drinking game playing surfaces (e.g. beer pong tables) is prohibited.

6. All alcoholic beverages transported on campus and within the living areas must be sealed and carried in a concealed fashion (in covered, nontransparent packages).

7. Students are responsible for any activity, including, but not limited to, underage possession and/or use of alcohol and possession and/or use of drugs and drug paraphernalia, that occurs in their University residence whether or not they are present at the time of the subject activity.

C. Social Gatherings in Living Areas

1. Social gatherings with more than eight people (including residents) in residence halls/suites or more than 16 people (including residents) in apartments/houses are prohibited.

2. In accordance with California law requiring Students to be 21 years of age to possess or consume alcohol, social gatherings with alcohol will not be permitted if they

involve anyone under the legal drinking age of 21.

3. The following regulations are applicable in social gatherings:

a. Social gatherings are prohibited on days preceding class days;

b. Social gatherings must end, with no Guests remaining, by 12:30 a.m.;

c. If alcohol is served or consumed, all Guests and containers must remain inside the room/apartment/suite with the door closed;

d. If alcohol is served or consumed, non-alcoholic beverages and substantial food must be provided;

e. A plan for monitoring and preventing over consumption of alcohol must be presented;

f. Any social gathering that is unauthorized or in violation of University policies will be shut down by a member of the Student Housing Staff and Public Safety. The hosts and Guests will also be subject to disciplinary action;

g. Social gatherings will not be permitted in off-campus housing facilities;

h. Alcohol is not permitted in rooms, apartments or suites where no residents are 21 years of age;

i. Underage Guests are not permitted at social gatherings where alcohol is served;

j. Students under the legal age are not permitted in the presence of alcohol.

D. Regulations Regarding Athletic Events

1. Alcoholic beverages may not be sold during intramural sports or club sport events sponsored on campus. Violators may lose the privilege of participating in or attending athletics events and will also be subject to disciplinary action.

2. The Senior Vice President for Student Affairs may approve pre-game events to be held in a designated area immediately preceding any home NCAA game. Students, faculty, staff and Guests who are age 21 and older may responsibly consume alcoholic beverages in the designated area only during the hours set for the event. This policy does not supersede federal, state and city laws and regulations governing sale, consumption and

dispensing of alcoholic beverages or any NCAA regulations.

- a. Once approved, certain event guidelines from Section II (A) of this policy may apply.

3. Student athletes traveling for the purpose of competition are expected to abide by all University policies including, without limitation, Athletics Department policies, federal, state and local regulations.

E. Policy Regarding Alcohol Shipped to the University

1. Students, including those of legal drinking age, are not permitted to receive alcohol at the University through the mail or parcel delivery service (e.g. UPS, FedEx).
2. The LMU Distribution Center will return any packages that indicate contents that include alcohol or various other alcohol-related products.

III. Illicit Drugs

A. Individuals involved in the sale, distribution or transfer of illegal drugs, are subject to suspension or dismissal from the University per the Student Conduct Code.

B. In cases involving use, possession, actions under the influence or in the presence of illicit drugs and/or drug related materials or misuse of prescription drugs, sanctions may include disciplinary and/or housing probation, monetary fines, parental notification, educational programs, removal from University housing and/or suspension from the University. Subsequent violations may result in dismissal from the University.

C. The University reserves the right to remove a Student from University housing if that Student is involved in the use or possession of a controlled substance or paraphernalia at anytime during the academic year.

D. In accordance with federal law and University regulations, possession and/or use of marijuana is prohibited on campus.

E. The distribution and/or trafficking of prescription drugs is prohibited. Both the distributor(s) and the distributee(s) will be subject to disciplinary action.

IV. Federal Laws

A. Possession of Illicit Drugs

1. Federal laws prohibit illegal possession of controlled substances (U.S. Department of Justice and Drug Enforcement Administration)
 - a. First offense: prison sentences up to one year and a minimum fine of \$1,000.

- b. Second offense: prison sentences up to two years and fined a minimum of \$2,500.

- c. Third offense: prison sentences up to three years and fined a minimum of \$5,000.

- d. Special sentencing provisions apply for possession of flunitrazepam, including imprisonment of three years as well as the fine schedule referenced above.

B. Trafficking of Illicit Drugs

1. Under federal law, the manufacture, distribution, dispensation or possession with intent to manufacture, distribute or dispense of all Schedule I and II illicit drugs (e.g., cocaine, ecgonine, methamphetamines, heroin, PCP, LSD and all mixtures containing such substances) is a felony.

- a. First offense: (dependent upon the amount and type of substance) prison sentences of ten years to life (20 years to life if death or serious bodily injury is involved) and fines of up to \$10,000,000 for offenses by individuals (\$50,000,000 for other than individuals).

2. Federal law also prohibits trafficking in marijuana, hashish, hashish oil and mixtures containing such substances.

- a. First offense: prison sentence up to five years and fines of up to \$250,000 for offenses by individuals (\$1,000,000 for other than individuals). Penalties vary depending upon the quantity of drugs involved.

- b. Second offense: prison sentence up to ten years and fines of up to \$500,000 for offenses by individuals (\$2,000,000 for other than individuals).

3. The trafficking of medically useful drugs (e.g., prescription and over-the counter drugs) is illegal. Outcomes for trafficking of such drugs is dependent upon which Schedule the substance falls under according to the Controlled Substances Act (CSA).

V. State of California Law

A. Alcohol

1. It is a crime to sell, furnish or give alcoholic beverages to a person under age 21 or to any obviously intoxicated person (California Business & Professions Code 25658 & 25602).

2. It is a crime for a person under the age of 21 to purchase or possess alcoholic beverages (California Business & Professions Code 25658 & 25662).

3. It is a crime to sell alcohol without a valid liquor license or permit (California Business & Professions Code 23301).

4. It is a crime for any person to drink any alcoholic beverage while driving a motor vehicle, to drink any alcoholic beverage while riding as a passenger in any motor vehicle or to drive under the influence of alcohol (California Vehicle Code 23220-23222 & 23152).

5. It is a crime to be intoxicated in a public place (California Penal Code 647(f)).

6. Intoxication is presumed at blood levels of .08% or higher (California Vehicle Code 23152).

B. Penalties for Drunk Driving Offenses

1. First offense: fines up to \$1,000, imprisonment up to six months, driver's license suspension up to six months and interlock ignition device required in some counties.

2. Second offense: fines up to \$1,000, imprisonment up to one year, driver's license suspension up to one year and interlock ignition device required.

3. Third offense: fines up to \$1,000, imprisonment up to one year driver's license suspension up to one year and interlock ignition device required.

4. Refusal to submit to a blood alcohol content test: driving privileges are suspended for one year, for two years if there is a prior offense within 10 years and for three years with three or more offenses within 10 years.

5. Drivers under the age of 21 found with any measurable amount of blood alcohol (.01% or more) will have their driver's license suspended for one year and will be required to attend DUI school. If the driver does not have a license, there will be a one-year delay in obtaining one.

C. Marijuana

1. It is a crime for any person to smoke or ingest marijuana or any marijuana product while driving a motor vehicle, to smoke or ingest marijuana or any marijuana product while riding as a passenger in any motor vehicle or be under the influence of any illegal drug while driving a motor vehicle (California Vehicle Code 23220, 23221 & 23152).

D. Illicit Drugs

1. Under California law, first offenses involving the sale or possession for sale of amphetamines, codeine, cocaine, heroin, LSD, mescaline, methadone, methamphetamine, morphine, PCP, peyote and psilocybin (among others) are felonies carrying prison terms of up to four years (California Health & Safety Code 11054, 11055 & 11351).

2. If the offense involved heroin, cocaine, cocaine base, or any analog of these substances and occurred upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, a child day care facility, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for one year (California Health & Safety Code 11353.1).

3. It is unlawful to possess any device, contrivance, instrument or paraphernalia used for unlawfully injecting or smoking a controlled substance from Section 11054 (California Health & Safety Code 11364).

4. Personal property may be subject to forfeiture if it contains drugs or was used in a drug manufacture, sale, possession for sale, offer for sale, offer to manufacture or conspiracy to commit one of these offenses or acquired in violation of this division (California Health & Safety Code 11470).

5. The illegal possession of most of the above-mentioned drugs may be felonies or misdemeanors depending upon amounts involved.

6. The California Legislature declares that the dispensing and furnishing of prescription drugs, controlled substances and dangerous drugs or dangerous devices without a license poses a significant threat to the health, safety and welfare of all persons residing in the state and shall be guilty of a crime (California Health & Safety Code 11352.1).

VI. Local Law

A. Intoxication

1. No person shall drink any malt, spirituous or vinous liquor containing more than one-half of one percent of alcohol by volume, upon any street, sidewalk or parkway, park, playground, Los Angeles Memorial Coliseum, or in any railroad depot or bus station, or in any public place or in any place open to the patronage of the public, which premises are not licensed for the consumption of such liquor on the premises (Los Angeles Municipal Code: Sec.41.27).

VII. Disciplinary Action For Alcohol

Violation of the Alcohol Policy will result in the initiation of disciplinary action for such violation(s) under the Student Conduct Code. Charges for violating the Alcohol Policy will be initiated against Students who violate other University rules and regulations while under the influence of alcohol,

along with all other applicable charges. The outcome of the disciplinary action will result in appropriate sanctions. Sanctions will vary depending on the nature of the offense.

A. The following examples of possible sanctions are not exclusive and may also include, but are not limited to, attending and/or sponsoring alcohol education programs, writing research papers, restitution, community service, fines, removal from University housing, limiting access to living areas, suspension or dismissal from the University. When warranted, Students will be referred for more intensive alcohol and/or substance abuse education.

B. The University's disposition of individual cases does not preclude criminal prosecution in accordance with federal and/or state law. The University reserves the right to refer cases to federal, state and/or local authorities.

The following are possible sanctions which may result from a failure to follow the Alcohol Policy.

1. Underage Students in the presence of alcohol.
 - a. First offense: disciplinary warning, parental notification, alcohol education program.
 - b. Second offense: parental notification, alcohol education program, monetary fine.
2. Underage possession and/or consumption of alcohol or open container of alcohol in public area or unconcealed transportation of alcohol.
 - a. First offense: disposal of alcohol, disciplinary warning, parental notification, alcohol education program, monetary fine.
 - b. Second offense: disposal of alcohol, parental notification, alcohol education program, monetary fine, probation.
3. Furnishing and transporting alcohol for a minor.
 - a. First offense: disposal of alcohol, disciplinary warning, alcohol education program, monetary fine.
 - b. Second offense: disposal of alcohol, monetary fine, probation, removal from University housing.
4. Possession of a common source of alcohol (including, but not limited to, keg, party ball, etc.).
 - a. First offense: confiscation of alcohol, parental notification, monetary fine per person involved,

probation, removal from University housing.

b. Second offense: disposal of alcohol, parental notification, monetary fine per person involved, removal from University housing, suspension from the University.

VIII. Disciplinary Action for Illicit Drugs

Violation of the Drug Policy will result in the initiation of disciplinary action for the subject violation in accordance with the Student Conduct Code. Charges of violating the Drug Policy will be initiated against Students who violate other University rules and regulations while under the influence of drugs, along with other charges. The outcome of the disciplinary action will result in appropriate sanctions. Sanctions will vary depending on the nature of the offense.

A. The following examples of possible sanctions are not exclusive and may also include, but are not limited to, attending and/or sponsoring drug education programs, writing research papers, restitution, community work projects, fines, removal from University housing, limiting access to living areas, suspension or dismissal from the University. When warranted, Students will be referred for more intensive drug and/or substance abuse education.

B. The University's disposition of individual cases does not preclude criminal prosecution in accordance with federal and/or state law. The University reserves the right to refer cases to federal, state and/or local authorities.

The following are possible sanctions which may result from a failure to follow the Drug Policy.

1. In the presence of illegal drugs.
 - a. First offense: disciplinary warning, parental notification, drug education program, probation, suspension from the University.
 - b. Second offense: parental notification, drug education program, monetary fine, probation, suspension or dismissal from the University.
2. Possession and/or consumption of marijuana.
 - a. First offense: disposal of marijuana, parental notification, drug education program, monetary fine, probation.
 - b. Second offense: disposal of marijuana, parental notification, drug education program, monetary fine, probation, removal from University housing, suspension from the University.

3. Possession and/or consumption of illegal drugs.
 - a. First offense: disposal of illegal drugs, parental notification, drug education program, monetary fine, probation, removal from University housing, suspension from the University.
 - b. Second offense: suspension or dismissal from the University.
4. Misuse of prescription drugs.
 - a. First offense: confiscation of prescription drugs, parental notification, drug education program, monetary fine, probation, removal from University housing, suspension from the University.
 - b. Second offense: parental notification, drug education program, monetary fine, probation, removal from University housing, suspension or dismissal from the University.
5. Trafficking marijuana and/or illegal or prescription drugs.
 - a. First offense: dismissal from the University.

IX. Health Effects

A. Drug Type: Acute Effects/Health Risks (as found on the National Institute on Drug Abuse website: drugabuse.gov)

1. **Alcohol:** affects every organ in the drinker's body, impairs brain function and motor skills and may cause fetal damage (in pregnant women), heavy use can damage the heart, liver and pancreas, increase risk of certain cancers, stroke and liver disease and weaken the immune system.
2. **Amphetamines/Methamphetamines:** increased heart rate, blood pressure, body temperature and breathing, reduced appetite, irregular heartbeat, anxiety, confusion, mood problems, paranoia, violent behavior, hallucinations, weight loss, insomnia, severe dental problems, intense itching leading to skin sores from scratching, risk of HIV, hepatitis and other infectious diseases from shared needles, addiction.
3. **Cocaine:** increased heart rate, blood pressure, body temperature, reduced appetite, headache, abdominal pain and nausea, restlessness, anxiety, panic attacks, paranoia, violent behavior, psychosis, nasal damage, weight loss, insomnia, heart rhythm problems, infection and death of bowel tissue, heart attack, stroke, seizures, coma, addiction.
4. **Dissociative Drugs (Ketamine, PCP, Salvia divinorum, DXM):** impaired motor function, anxiety, paranoia,

numbness, memory loss, nausea, vomiting, depression, violence, slurred speech, hallucinations, dizziness, distorted visual perceptions, suicidal thoughts, seizures, coma, death.

5. **GHB:** drowsiness, nausea, vomiting, confusion, hallucinations, aggressive behavior, memory loss, unconsciousness, seizures, slowed heart rate and breathing, lower body temperature, coma, death.

6. **Hallucinogens (LSD, mescaline, psilocybin):** hallucinations, increased body temperature, heart rate and blood pressure, loss of appetite, sweating, sleeplessness, numbness, dizziness, weakness, tremors, ongoing visual disturbances, disorganized thinking, rapid shifts in emotion, flashbacks, hallucinogen Persisting Perception Disorder, paranoia.

7. **Heroin/Opium:** itching, dry mouth, clouded thinking, nausea, vomiting, feelings of heaviness in the body, slowed heart rate and breathing, collapsed veins, abscesses, infection of the lining and valves of the heart, constipation and stomach cramps, liver or kidney disease, pneumonia, fatal overdose.

8. **Inhalants:** confusion, loss of inhibition, headache, nausea, slurred speech, loss of motor coordination, dizziness, drowsiness, lightheadedness, hallucinations delusions, liver and kidney damage, bone marrow damage, brain damage, convulsions, seizures, coma, sudden death from heart failure or asphyxiation.

9. **Marijuana/Hashish:** slowed reaction time, impaired balance and coordination, increased heart rate and appetite, impaired learning and memory, hallucinations, anxiety, panic attacks, psychosis, cough, frequent respiratory infections, possible mental health decline, addiction.

10. **MDMA:** lowered inhibition, confusion, anxiety, chills, sweating, increased heart rate and blood pressure, teeth clenching, muscle tension, sleep disturbances, depression, nausea, blurred vision, faintness, impaired memory, liver, kidney or heart failure, addiction, death.

11. **Nicotine:** increased blood pressure, breathing and heart rate, increased risk of cancer (both lung and oral), chronic bronchitis, emphysema, heart disease, leukemia, cataracts, pneumonia, adverse pregnancy outcomes, addiction.

X. Referral Information

The LMU Center for Student Collegiate Recovery is located in Malone Student Center 113 and is available to all students who seek information, resources and support regarding drug and alcohol use. Student Psychological Services can further

assist Students with issues regarding alcohol and other drugs. Therapists are able to refer students to community treatment centers and support groups.

The following resources are provided by the LMU Center for Student Collegiate Recovery and the University and available on campus to all Students.

1. Alcoholics Anonymous: During the academic year, a member of the recovery community in Los Angeles hosts a meeting open to all members of the LMU community. At times, Students have also conducted a weekly Alcoholics Anonymous meeting with the sponsorship of the Office of Student Conduct & Community Responsibility.
2. Al-Anon: During the academic year, Student Health Services and the OSCCR jointly sponsor a weekly meeting open to all LMU community members, which focuses on the fellowship of relatives and friends of alcoholics.
3. Recovery at LMU: A full-time professional staff member who supports Students and their families in the recovery process. For more information call 310.338.4481.
4. Choice Theory: A three-session meeting in which a CAADAC (California Association of Alcoholism & Drug Abuse Counselors) certified instructor discusses Reality Therapy, Choice Theory and the impact that choices/decisions can have on a Student's University experience.
5. Lions for Recovery: A Registered Student Organization whose purpose is to be of service to Students and the community at large while challenging the stigma of addiction.

For more information please visit: lmu.edu/LEO and search for Lions for Recovery.

XI. Redefinition

The University has the right to waive and/or redefine any of the above stipulations as they relate to a specific individual or organization.

Anti-Hazing Policy

I. Introduction

The University's Anti-Hazing Policy adheres to California state law (California Penal Code), sections of which are excerpted below, and is subject to change in order to maintain consistency with state law:

1. 245.6 (b) "Hazing" means any method of initiation or preinitiation into a Student Organization or Student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current or prospective Student of any school, community college, college, university or other educational institution in this state. The term "hazing" does not include customary athletic events or school-sanctioned events.
2. 245.6 (c) A violation of this section that does not result in serious bodily injury is a misdemeanor, punishable by a fine of not less than \$100, nor more than \$5,000, or imprisonment in the county jail for not more than one year, or both.
3. 245.6 (d) Any person who personally engages in hazing that results in death or serious bodily injury as defined in paragraph (4) of subdivision (f) of Section 243 of the Penal Code, is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.
4. 245.6 (e) The person against whom the hazing is directed may commence a civil action for injury or damages. The action may be brought against any participants in the hazing, or any organization to which the Student is seeking membership whose agents, directors, trustees, managers or officers authorized, requested, commanded, participated in or ratified the hazing.

II. Policy

All acts of hazing by a Student, Group or Registered Student Organization and/or any of its members, alumni or other associated individuals are prohibited. It is a violation of California law and LMU policy for Students to engage in any activity that falls within the legal or this policy definition of hazing. LMU further defines hazing as a broad term encompassing actions or activities often associated with initiations or Group associations which do not contribute to the positive development of a person; or which inflict

or intend to cause mental, physical or emotional harm or anxieties; or which demean, degrade or disgrace any person. This policy is applicable regardless of location, intent or consent of participants.

In addition, hazing is often generally defined as any action or situation which endangers the mental, physical or emotional health of a Student for the purpose of initiation or full admission or affiliation with any organization operating under the sanction of LMU. The University believes that any activity which promotes a class or caste system within organizations is inappropriate. Subservience in any form is unacceptable.

Subsequently, activities which facilitate inappropriate levels of authority over other Students may be deemed as hazing and will not be allowed.

III. Enforcement

It is the responsibility of all Students to be knowledgeable of this policy. It is also the responsibility of all Groups and Registered Student Organization officers and advisors to inform members, associates and alumni of this Anti-Hazing Policy and to ensure that all Groups and Registered Student Organizations adhere to this policy. Further, any Student found to be involved in any hazing activity will face disciplinary action and is subjected to a maximum sanction of dismissal from the University. In addition, any Registered Student Organization found to be involved in any hazing activity, will face disciplinary action and the University may withdraw its official registration. Students and their Groups and Registered Student Organizations are also subject to criminal and civil action as it relates to California law.

Community Relations Policy

I. Introduction

Loyola Marymount University expects its Students to conduct themselves as mature, responsible and law-abiding members of their local and University communities. As such, LMU Students shall abide by and uphold all federal, state and city laws and ordinances including, without limitation, all laws and ordinances relating to noise, trash and/or beautification, traffic, parking and consumption of alcohol. As responsible members of the University community, LMU Students are expected to demonstrate thoughtful citizenship, by their conduct and actions, to foster an atmosphere which nurtures positive community relations amongst LMU, their local municipality and the community surrounding LMU.

II. Policy

Loyola Marymount University may hold Students accountable for Student Conduct Code violations committed off campus which adversely affects LMU, its community standing and/or the pursuit of the mission, goals and objectives of the University.

Loyola Marymount University may also hold Student Organizations (including, but not limited to, Service Organizations, fraternities, sororities and sport club teams) as well as student athletic teams and affiliated groups accountable for Student Conduct Code violations committed off campus which adversely reflect upon or affect LMU, its community standing and/or the pursuit of the mission, goals and objectives of the University.

III. Student Conduct Code & Policies Applicable to Off Campus Activities

Student Conduct Code, Section II. B.—
Jurisdiction of the University

Jurisdiction extends to conduct which occurs on University premises, in Study Abroad programs or at University events, programs or activities, on and off campus, as well as to other off campus misconduct that adversely affects the University, Students, the University's reputation or good will and/or the pursuit of the University's mission, goals and objectives.

Student Conduct Code, Section II. C.—
Inherent Authority

The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the University and University community. The University also reserves the right to take necessary and appropriate action as a result of Student incidents off campus that may adversely affect the well-being, reputation or good will of

the University, University Community, University Community members and/or the pursuit of the University's mission, goals or objectives.

Student Conduct Code, Section II. G.—

Violation(s) of Law and this Community Relations Policy Students may be subject to criminal, civil and University proceedings for acts that constitute violations of federal, state or local law and of the Student Conduct Code. Because of the need to efficiently, effectively and promptly protect the academic environment, University life and operations. Student Conduct Code proceedings are independent and will normally proceed without regard to the pendency or potential pendency of criminal or civil proceedings.

Students subject to actual or potential criminal charges relating to conduct alleged in pending Student Conduct Code proceedings may assert their Fifth Amendment privilege against self-incrimination during Student Conduct Code proceedings. While no inference of responsibility for Student Conduct Code violations will be drawn because of the assertion of the Fifth Amendment privilege, the Conduct Officer(s) will nonetheless evaluate all the other evidence in making their determination.

Guest Policy—Students are responsible for the conduct of their Guests (including, without limitation, in their residence) and may be held accountable under applicable policies and the Student Conduct Code for the conduct of their Guests whether or not the Student is present when the actionable conduct occurs. The University reserves the right to summarily exclude and deny campus access and presence to any non-LMU student from or attendance at any University event or sponsored activity.

IV. Community Relations Responsibilities

Loyola Marymount University is located within an urban environment. The campus is surrounded by and adjacent to several municipalities and various residential neighborhoods. Responsibilities for off campus conduct have been established in order to uphold standards of behavior that should be demonstrated by Loyola Marymount University Students when off campus.

The following responsibilities are consistent with the educational role of the University, the rights and needs of all residents, city ordinances, standards of common courtesy and are directed toward encouraging and maintaining positive neighbor relationships.

The Community Relations Responsibilities include the following areas:

A. Dual Membership:

Students, Registered Student Organizations and affiliated groups are members of both the University and local communities. Accordingly, Students are responsible to all the communities of which they are a part. Students should uphold their joint responsibilities in a mature, lawful and appropriate manner. All off campus Students are responsible for verifying their off campus address with the University (Off Campus Living Orientation and Address Policy).

B. Upkeep and Beautification:

Students, Registered Student Organizations and affiliated groups are expected to maintain a safe and clean environment for the health and well-being of themselves, their members, Guests and neighbors. Specifically, Students should:

1. Maintain their residences and property in accordance with all fire, health, zoning, building and safety codes;
2. Maintain lawn and landscaping on a regular basis in accordance with lease or occupancy agreement;
3. Dispose of litter, trash and garbage on a regular basis and in an appropriate manner.

C. Traffic Safety:

Students, Registered Student Organizations and affiliated groups should:

1. Comply with the laws and regulations of their municipality and the State of California, and require their invited Guests and all who are consensually present at their residence or on their property to the same standards of conduct;
2. Advise household members, Guests and visitors to arrive and depart quietly, avoid disrupting neighbors and encourage safe driving;
3. Obey traffic signs as well as practice safe responsible driving.

D. Relevant Municipal Codes:

At a minimum, Students, Registered Student Organizations and affiliated groups should be aware of the Los Angeles Municipal Codes which govern individual, group and residential property within the City of Los Angeles. In this policy we have highlighted a few of the most frequently referenced and relevant codes.

Students living outside the City of Los Angeles are responsible for familiarizing themselves with the local laws and ordinances governing their place of residence.

E. Parking:

Please visit ladot.lacity.org/What-We-Do/Parking/Can-I-Park-There for a full list of traffic and parking violations.

The primary purpose for parking regulations is to proactively manage the City's scarce supply of on-street parking, promote the economic vitality of the city, to ease traffic congestion and to enhance the quality of life of City Residents.

1. No vehicle may be parked continuously at one location on any public roadway for more than 72 hours.
2. Parking is prohibited in alleys, except for the purpose of actively unloading goods or passengers.
3. Parking is prohibited in an intersection or a crosswalk, within 15 feet of a fire station driveway or fire hydrant, in front of a public or private driveway, on a sidewalk or parkway, on the roadway side of a parked vehicle (double parking), in a bus stop, in a tunnel, upon a bridge (unless otherwise posted) or in such a manner that obstructs the free use of the street.
4. Parking is prohibited in a center median strip, unless signs are posted permitting parking on the median.
5. Parking is prohibited in front of a public or private driveway (even your own driveway).
6. Be aware of signage when parking. Read all signs. They may include time frame restrictions and other parking guidelines.
7. Street sweeping signs are posted in areas of the City where there is a routine street sweeping schedule. Parking is prohibited on the designated days for the entire time posted on the sign.
8. Proactively educate all household members, Guests and visitors about neighborhood parking restrictions.

F. Noise:

Please visit planning.lacity.org/eir/CrossroadsHwd/deir/files/references/I06.pdf for a full list of noise ordinances and violations.

The Los Angeles Police Department is responsible for the enforcement of noise ordinance violations involving people-generated or controlled noises—which are considered

disturbances of the peace. The following is a list of Los Angeles Municipal Code (LAMC) sections of the Noise Ordinance and a summary of the elements that constitute a violation:

SEC. 41.57. LOUD AND RAUCOUS NOISE PROHIBITED.
(Added by Ord. No. 140,731, Eff. 8/24/70.)

1. It is unlawful for any person to cause, allow or permit the emission or transmission of any loud or raucous noise from any sound making or sound amplifying device in his possession or under his control.

- a. Upon any private property, or
- b. Upon any public street alley, sidewalk or thoroughfare, or
- c. In or upon any public park or other public place or property.

2. The words "loud and raucous noise" as used herein shall mean any sound or any recording thereof when amplified or increased by any electrical, mechanical or other device to such volume, intensity or carrying power as to unreasonably interfere with the peace and quiet of other persons within or upon any one or more of such places or areas, or as to unreasonably annoy, disturb, impair or endanger the comfort, repose, health or safety of other persons within or upon any one or more of such places or areas.

The word "unreasonably" as used herein shall include but not be limited to, consideration of the hour, place, nature and circumstances of the emission or transmission of any such loud and raucous noise.

SEC. 41.58.1 LOUD OR UNRULY GATHERINGS.
(Added by Ord. No. 185451, Eff. 4/15/18)

1. Definitions.

- a. **"Citation"** means an Administrative Citation issued pursuant to Article 1.2 of Chapter 1 of this Code, unless otherwise specified.
- b. **"Enforcement Officer"** shall have the same meaning as in Section 11.2.02 of this Code.
- c. **"Loud or Unruly Conduct;"** as used in this section, includes any of the following conduct if in violation of any provision of this Code or State law:
 - i. Loud noise;
 - ii. Obstruction of a street or public right-of-way,

- including a sidewalk;
- iii. Public intoxication or drinking in public;
- iv. The service of alcoholic beverages to minors;
- v. Possession and/or consumption of alcohol by minors;
- vi. Assault, battery, fights, domestic violence or other disturbances of the peace;
- vii. The sale or service of alcoholic beverages without a required State license;
- viii. Vandalism or destruction of property;
- ix. Litter;
- x. Urinating or defecating in public; or
- xi. Trespassing.

d. **"Loud or Unruly Gathering"** means a gathering of persons at any Residence where Loud or Unruly Conduct occurs at the Residence or within 500 feet of the Residence, and which threatens or interferes with the public health, safety or welfare, or the comfortable enjoyment of life and property.

e. **"Minor"** means any person under 21 years of age.

f. **"Owner"** means any person who owns the Residence where a Loud or Unruly Gathering occurs.

g. **"Person"** means an individual or any firm, association, organization, partnership, trust, business, corporation, company or entity.

h. **"Residence"** means any "residential building," as that term is defined in Section 12.03 of this Code, and includes any garage, carport, walkway, yard, patio, deck, or other structure or area on the lot on which the residential building is located.

i. **"Responsible Party"** means:

- i. Any person who rents, leases or otherwise is in charge of the Residence where a Loud or Unruly Gathering occurs; or
- ii. Any person who organizes or sponsors a Loud or Unruly Gathering at a Residence.

2. Loud or Unruly Gatherings Prohibited

Loud or Unruly Gatherings are prohibited and shall constitute a public nuisance subjecting the Owner and/or Responsible Party to fines and/or penalties under this section. The City may abate a Loud or Unruly Gathering by all available means, including, but not limited to, an order of a peace officer requiring persons at the Loud or Unruly Gathering to leave the Residence, the issuance of a Citation, and/or the arrest of any person committing a criminal violation under this section or any other applicable State or local law.

3. Posting of Notice Regarding a Loud or Unruly Gathering

An Enforcement Officer responding to a Loud or Unruly Gathering shall post or attach, on the front entrance of the Residence at which the Loud or Unruly Gathering occurs, a notice meeting the following requirements:

- a. The notice shall state, at a minimum:
 - i. The name and agency of the Enforcement Officer who responded to the Loud or Unruly Gathering;
 - ii. The address of the Residence and the date of the Loud or Unruly Gathering, along with a description of the Loud or Unruly conduct observed;
 - iii. That Loud or Unruly Gatherings may result in the imposition of fines and/or penalties against any Responsible Party and/or Owner; and
 - iv. It is unlawful to alter, tamper with or deface the notice, or remove it prior to 30 days from the date of the posting.
- b. The notice shall be a minimum of 8 1/2 " x 11" in size, have black letters on contrasting background white or colored paper, and be made of durable laminated or other weather resistant material.

3. Removal of Posted Notice Prohibited

- a. It shall be unlawful for any person to alter, tamper with or deface a posted notice described in Subdivision (c), or remove it prior to 30 days from the date of the posting.
- b. If a posted notice is altered, tampered with, defaced, or removed prior to 30 days from the date of posting, the notice shall be replaced and a new 30-day posting period shall commence on the date of replacement.

4. Notice to Owner

A copy of the notice posted pursuant to Subdivision (c) of this section shall be served on the Owner by personal service or by depositing in the mail for delivery by the

United States Postal Service, in a sealed envelope, postage prepaid, addressed to the Owner shown on the County's last equalized property tax assessment roll.

5. Citation Issued to Owner Absent during the Loud or Unruly Gathering

An Owner not present during the Loud or Unruly Gathering may be issued a Citation for any subsequent violation of Subsection (b) after personal service of the notice in Subsection (e) or, if the notice is only mailed, ten (10) calendar days after the mailing of the notice to the Owner pursuant to Subsection (e). The Citation to the Owner not present during the Loud or Unruly Gathering may be issued by personal service or by depositing in the mail for delivery by the United States Postal Service, in a sealed envelope, postage prepaid, addressed to the Owner shown on the County's last equalized property tax assessment roll.

6. Citation

An Enforcement Officer may issue a Citation to the Owner and/or Responsible Party for a violation of Subsection (b) or (d) of this section.

7. Fines and Penalties for Violations

1. An Owner and/or Responsible Party issued a Citation in violation of (b) of this section shall be subject to the following fines:
 - i. An fine of \$100 for a first violation ;
 - ii. An fine of \$500 for a second violation;
 - iii. An fine of \$1,000 for a third violation;
 - iv. An fine of \$2,000 for a fourth violation;
 - v. An fine of \$4,000 for a fifth violation; and
 - vi. An fine of \$8,000 for a sixth violation and \$8,000 for each subsequent violation.
 - vii. A violation occurring after a period of 12 consecutive months of no violations shall be considered a first violation.

a. A Responsible Party and/or Owner shall be subject to these escalating administrative fines for subsequent Loud or Unruly Gatherings even if at different Residences associated with the Responsible Party and or owned by the Owner.

b. Fine for Removal of Posted Notice. Any person in violation of Subsection (d) of this section may be issued a Citation subject to an administrative fine of \$500.

(i) Administrative Process Applicable to Citations. Unless otherwise specified herein, all Citations issued for violations of this section shall be subject to the provisions set forth in Article 1.2 of Chapter 1 of this Code, including, but not limited to, the administrative hearing and appeal process and the City's authority to use any civil remedy available to collect any unpaid administrative fine.

8. Criminal and Other Remedies Available

Any violation of Subsection (b) or (d) of this section may be prosecuted as a misdemeanor. In cases where the City Attorney elects to criminally prosecute a violation, the defendant shall be subject to all applicable penalties authorized by Section 11.00 (m) of this Code, and not the administrative fines authorized by this section.

9. Severability

If any provision of this section is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this section which can be implemented without the invalidated provisions, and to this end, the provisions of this section are declared to be severable.

Sec. 2. Subsection (b) of Section 11.2.04 of the Los Angeles Municipal Code is amended in its entirety to read as follows: For all other Administrative Violations, the Administrative Fine imposed shall be in the following amounts, unless otherwise specified in this Code.

1. Two hundred and fifty dollars (\$250) for a first violation; provided, however, that the amount shall be one hundred dollars (\$100) for a first violation of any provision of Chapter V, Article 3, Sections 53.00 and following, of this Code.
2. Five hundred dollars (\$500) for a second violation of the same code provision, statute, ordinance, order, condition or requirement; provided, however, that the amount shall be two hundred and fifty dollars (\$250) for a second violation of the same provision of Chapter V, Article 3, Sections 53.00 and following, of this Code.
3. One thousand dollars (\$1,000) for a third or any subsequent violation of the same code provision, statute, ordinance, order, condition or requirement; provided, however, that the amount shall be five hundred dollars (\$500) for a third, and one thousand dollars (\$1,000) for a fourth or any subsequent, violation of the same provision of Chapter V, Article 3, Sections 53.00 and following, of this Code.
4. Nothing in this section shall preclude or limit the

Administrative Hearing Officer's authority to impose a greater Administrative Fine, not to exceed one thousand dollars (\$1,000), in accordance with Subsection (b) of Section 11.2.09.

SEC. 112.01. RADIOS, TELEVISION SETS AND SIMILAR DEVICES. (Amended by Ord. No. 156,363, Eff.3/29/82.)

1. It shall be unlawful for any person within any zone of the City to use or operate any radio, musical instrument, phonograph, television receiver or other machine or device for the producing, reproducing or amplification of the human voice, music or any other sound, in such a manner, as to disturb the peace, quiet and comfort of neighbor occupants or any reasonable person residing or working in the area.
2. Any noise level caused by such use or operation which is audible to the human ear at a distance in excess of 150 feet from the property line of the noise source, within any residential zone of the City or within 500 feet thereof, shall be a violation of the provisions of this section.
3. Any noise level caused by such use or operation which exceeds the ambient noise level on the premises of any other occupied property, or if a condominium, apartment house, duplex or attached business, within any adjoining unit, by more than five (5) decibels shall be a violation of the provisions of this section.

SEC. 116.1. LOUD, UNNECESSARY AND UNUSUAL NOISE.

Notwithstanding any other provisions of this chapter and in addition thereto, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

1. The level of noise;
2. Whether the nature of the noise is usual or unusual;
3. Whether the origin of the noise is natural or unnatural;
4. The level and intensity of the background noise, if any;
5. The proximity of the noise to residential sleeping facilities;
6. The nature and zoning of the area within which the noise emanates;

7. The density of the inhabitation of the area within which the noise emanates;
8. The time of the day and night the noise occurs;
9. The duration of the noise;
10. Whether the noise is recurrent, intermittent or constant; and
11. Whether the noise is produced by a commercial or noncommercial activity.

G. Neighborhood Relations:

Students, Registered Student Organizations and affiliated groups are required to follow good neighbor policies and relations, including, but not limited to:

1. Fostering and maintaining good community relations and cooperation with neighbors and authorities. Students are encouraged to introduce themselves to their neighbors;
2. Being responsible for their conduct and that of their Guests by actively encouraging visitors to adhere to the same standard (reference: Guest Policy);
3. Being respectful of and to local community members. Prohibited behavior includes, but is not limited to, littering, loitering, public urination, public nudity, using rude or abusive language, causing excessive noise and illegal parking;
4. Respecting the rights of others and following all existing laws and ordinances. All Registered Student Organization members are to be knowledgeable about the Los Angeles Noise Ordinances;
5. Taking active steps to prevent damage to others' property;
6. Being responsible for damage to others' property;
7. Being responsible for making reasonable efforts to resolve neighborhood problems;
8. Using amplified sound in accordance with the law including, without limitation, the Los Angeles Noise Ordinances;
9. If Students witness or learn of dangerous or unlawful activities around their homes, they should promptly report it to the authorities. Dial 911 for an Emergency. The Los Angeles Police Department non-emergency dispatch

can be reached at 877.275.5273. LAPD has enforcement authority to issue tickets and citations if municipal ordinances are being violated;

10. Knowing Students' rights and responsibilities under California's Landlord Tenant Laws. This and other information for Students living off campus is available through the California Department of Consumer Affairs 800.952.5210 or dca.ca.gov).

H. Good Samaritan & Self-Reporting Policy:

Students living off campus should make themselves familiar with the Good Samaritan & Self-Reporting Policy.

V. Disciplinary Action For Off Campus Misconduct

Violation of the Community Relations Policy will result in the initiation of disciplinary action for such violation(s) under the Student Conduct Code. The outcome of the disciplinary action will result in appropriate sanctions. Sanctions will vary depending on the nature of the offense.

A. Possible sanctions are not exclusive and may also include, but are not limited to, attending educational programs, restitution, community service, fines, suspension or dismissal from the University.

B. The University's disposition of individual cases does not preclude criminal prosecution in accordance with federal and/or state law.

C. All administrative or conduct action is subject to appeal in accordance with the procedures outlined in the Student Conduct Code.

Confidentiality of Education Records Policy

The Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, is a Federal law which governs Student privacy and confidentiality of Student education records. Loyola Marymount University recognizes, abides by and enforces the confidentiality of Student records under FERPA.

Please see the University Bulletin for the full policy online at bulletin.lmu.edu.

Faculty/Staff-Student Dating Policy

Statement of Policy

As a University dedicated to fostering the dignity of each person, Loyola Marymount University strives to encourage learning and promote justice. The University seeks to create an environment that is free of exploitation and unlawful harassment or discrimination that undermines the integrity of the institution. The Faculty/Staff-Student Dating Policy does not alter, but is in addition to all federal and state laws regulating interpersonal conduct.

Definitions

Consensual Relationship—A dating and/or sexual relationship willingly undertaken by the parties.

Direct/Power Relationship—Faculty or Staff–Student relationships in which the Faculty or Staff member is in a position of actual or apparent authority in activities including without limitation, teaching, advising, mentoring, supervising, directing, evaluating and/or conducting research with the Student.

Faculty—An employee of the University that has instructional, advisory, evaluative, supervisory and/or other professional responsibilities. The category of Faculty includes: full-time, Instructor, Assistant Professor, Associate Professor, Professor, Emeritus Faculty, Visiting Professor, part-time, Lecturer, Adjunct Professor, Clinical Professor, Clinical Supervisor, Teaching Assistant or Administrative Faculty.

Staff—An employee of the University other than Faculty.

Student—An individual enrolled, or eligible to continue, in any full-time or part-time undergraduate or graduate program of Loyola Marymount University.

Policy/Procedures

Loyola Marymount University prohibits consensual relationships of a dating, intimate and/or sexual nature between Faculty or Staff and any Student with whom the Faculty or Staff member is in a direct/power relationship. Furthermore, the University strongly discourages these consensual relationships even when no power relationship exists.

This policy is rooted in the recognition that Faculty-or Staff-Student relationships may be inherently unequal and contain an element of superiority or power. Consensual relationships between Faculty or Staff and Students may give rise to the perception by others that there is favoritism or bias in educational decisions affecting Students. These perceptions undermine the spirit of trust and mutual respect that is important to the University environment. This policy further strives to provide an environment that is free from Sexual Harassment.

Freedom of Expression Policy

As a private, Catholic university based in the Ignatian tradition, free inquiry and free expression are core principles to the attainment of the mission and goals of Loyola Marymount University: the encouragement of learning, the education of the whole person, the service of faith and the promotion of justice. We are a community committed to the proposition that a Loyola Marymount University educated Student be equipped to develop and articulate a point of view and sustain it in the face of contrary opinions. Therefore, Students are encouraged to develop the capacity for critical thought and to engage in on-going civil discourse.

As members of the Loyola Marymount University community, Students will be exposed to varying points of view and it is inevitable that Students will encounter others who think differently or those whose views they believe wrong or offensive. The university setting is one that welcomes and promotes intellectual inquiry, vigorous and respectful civil discourse and the freedom of expression of diverse ideas and points of view. Students are expected to respect the expressions of others, even when it makes them feel challenged or uncomfortable. It is within a civil and respectful community, like this University, that freedom of expression, debate and the exploration of competing views can best thrive.

The University seeks to ensure a fair and reasonable balance and coordination between two sets of important, and sometimes competing, rights. The first is the right of the members of the University Community to pursue their academic and co-curricular objectives without unreasonable obstruction or hindrance. The second is the right of the members of the University Community to express and communicate alternative, contrary or unpopular positions and beliefs as part of intellectual exploration, debate and the pursuit of truth and justice. The University affirms both sets of rights and believes that each can be fully exercised without compromising the other.

The expression of viewpoints, including those that are strongly held, often invites or elicit responses from others, including those with opposing positions and viewpoints that are also strongly held. Organizers of any activity, demonstration or protest should be aware that others

with opposing views may choose to share them and that their right to personal expression must also be permitted as defined in this policy. The safe, civil and educational expression of opposing views, particularly deeply emotional views, is especially important and is the responsibility of everyone involved.

Individuals, Registered Student Organizations or groups who organize any activity, demonstration or protest are responsible for conveying to all participants the consequences for failing to comply with the University's expectations. All Students and their Guests are expected to comply with the Student Conduct Code and abide by all safety regulations and University policies. As such, individuals, organizations or groups who organize activities, demonstrations or protests are accountable for their conduct as well as the conduct of their Guests and may be subject to disciplinary action as the responsible party for violations of University policy caused by their Guests.

Freedom of expression includes all forms of speech including, but not limited to, debates, speeches, symposia, posting of signs, posting on social media, petitioning, information dissemination, the formation of groups, participation in activities and the invitation of guest speakers to address the University Community. It should also be understood and expressed that the positions or views espoused are those of the students or speakers and do not necessarily reflect the views or positions of the University.

While individuals, Registered Student Organizations and groups at Loyola Marymount University have the freedom to examine and discuss issues of interest to them and to express their opinions publicly and privately in the proper time, place and manner, the University has an obligation to, and will, maintain an environment where all are free to learn while protecting University and private property and processes from individual or collective actions that are, destructive, disruptive or interfere with activities of members of the community and its Guests.

Gambling Policy

Loyola Marymount University expects Students to abide by federal and state laws prohibiting illegal gambling. Such prohibited activity includes, but is not limited to:

- A.** Betting on, wagering on or selling pools on any athletic event;
- B.** Possessing on one's person or premises (e.g. room, residence, car) any card, book or other device for registering bets;
- C.** Knowingly permitting use of one's premises, one's telephone or other electronic communications devices for illegal gambling;

D. Knowingly receiving or delivering a letter, package or parcel related to illegal gambling;

E. Offering or accepting a bribe to influence the outcome of an athletic event;

F. Involvement in bookmaking or wagering pools with respect to sporting events. Students involved in illegal gambling, particularly bookmaking, risk suspension or dismissal from the University.

G. Student-Athletes, please refer to NCAA regulations.

Good Samaritan and Self-Reporting Policy

The welfare of Students is of the highest importance to Loyola Marymount University. Students who are intoxicated or under the influence of a controlled substance at a level requiring medical attention, or the friends of such Students, should always seek appropriate assistance from Public Safety, Residential Life Staff, EMTs, Student Health Services or other local emergency services.

The purpose of this policy is to promote safety and to encourage Students and third parties to promptly notify the appropriate staff or local emergency services in the event of such need. By this policy, LMU seeks to encourage and minimize any hesitation a Student may have to obtain help for themselves, a fellow Student, friend or any individual in need.

In situations where a Student self-reports a high level of intoxication or being under the influence of alcohol, marijuana or illegal drugs and requests medical assistance, Loyola Marymount University will support this self-reporting behavior by mitigating the resulting disciplinary actions. The Student will be referred to an educational program in an effort to learn and grow from the situation and the University may elect not to levy for certain Student Conduct Code violations.

Assisting Students who report sexual or interpersonal misconduct is of paramount importance to the University. In order to facilitate reporting, the University may choose not to charge Students who report sexual or interpersonal misconduct or any material witnesses thereto with Student Conduct Code violations for certain behavior that otherwise would be considered violations (e.g. underage consumption of alcohol and/or use of marijuana or other illegal drugs).

While the University reserves the right to refuse a grant of amnesty to reporters under certain extenuating circumstances, Student(s) requesting assistance on behalf of a Student who is intoxicated or under the influence or assisting a Student(s) in reporting sexual or interpersonal misconduct will generally be granted amnesty for being a Good Samaritan. This policy only applies to alcohol, marijuana and other drug violations and does not excuse behaviors which go beyond alcohol, marijuana and other drug intoxication (these may include, but are not limited to, disorderly conduct, failure to comply, physical assault, Sexual Assault, sexual violence, vandalism, property damage, etc.). Criminal investigations and other police action may still occur at the discretion of the law enforcement agency responding to the incident.

Guest Policy

Under this policy, the term “Guest” has the meaning ascribed to it under the Student Conduct Code: person(s) to whom a Student is extending or has extended hospitality, an invitation or permission to be present or remain in, on or at the campus, University facilities or to attend University events on or off campus. Students are responsible for the conduct of their Guests (including, without limitation, in their residence) and may be held accountable under applicable policies and the Student Conduct Code for the conduct of their Guests whether or not the Student is present when the actionable conduct occurs. The University reserves the right to summarily exclude and deny campus access and presence to any non-LMU student from or attendance at any University event or sponsored activity. In regards to both student and non-student guests behavior in the residence halls, as well as registering non-residential guests, please refer to the Student Housing Policies at [studentaffairs.lmu.edu/housing/studenthousing/community/housingpolicies](https://www.lmu.edu/housing/studenthousing/community/housingpolicies).

Involuntary Medical Leave of Absence Policy

Policy Statement

Loyola Marymount University strives to ensure that all Students can fully participate as members of the University Community. When a Student's behavior associated with a medical condition interferes with University operations, the University may require that the Student take a leave of absence to ensure the health and safety of the Student or others or to ensure the proper operation of the University. This policy sets forth the circumstances under which the University will require a medical leave of absence when all other processes to individually mitigate the situation have been exhausted. The policy creates two types of leave: Involuntary Medical Leave and Interim Emergency Leave. Interim Emergency Leave is temporary, but may be extended into Involuntary Medical Leave. This policy is independent and separate from the Student Conduct Code, and nothing in this policy precludes the University from taking appropriate disciplinary action under the Code for violations of University expectations.

Protocol

Involuntary Medical Leave

A. Consideration for Involuntary Medical Leave

The University may start the process for possible Involuntary Medical Leave if the Dean of Students or designee determines that a student's behavior:

1. Suggests that the Student might create a risk to the safety of the Student or others; or
2. Suggests a risk that the educational and other activities of the University may be substantially disrupted.

B. Process to Determine Whether Involuntary Medical Leave is required

1. If a University faculty or staff member believes that a Student's behavior might create a risk to the health and safety of the Student or others, or the behavior substantially disrupts the educational and other activities of the University, the faculty or staff member must, through their regular supervisory channels or directly, report the behavior to the Dean of Students or designee.
2. When an involuntary leave is under consideration, the Dean of Students or designee will confer as feasible and when appropriate with any of the following

individuals or their designees regarding the need for a leave of absence: the appropriate University Health Administrator, the Chief of the Department of Public Safety, the Senior Vice President for Student Affairs, the Dean of the Student's college or school or such other individuals as may be appropriate in a particular matter. The Dean of Students may require a mental or physical assessment from an appropriately trained health professional if the dean believes it will facilitate a more informed decision. The University will consider the Student's choice of an appropriately trained health professional but retains the right to require an independent assessment.

As soon as practicable and so long as the University does not believe doing so will increase any health or safety risk to the Student or others, the University will notify the Student that the University is considering requiring an assessment from an appropriately trained health professional. If the Student is required to undergo an assessment, the Dean of Students or designee will notify the Student that they must undergo an assessment and might be placed on Involuntary Medical Leave.

The Student may provide the Dean of Students or designee with any information that the Student believes is relevant to the possibility of required Involuntary Medical Leave. The Student must agree to authorize the health professional performing the assessment to release the assessment to the Dean of Students, or designee. The University will comply with laws and University policies concerning the confidentiality of this health information.

3. The health professional performing the individualized assessment of the Student must evaluate the following factors using reasonable, professional judgment based on the most current knowledge and the best available objective evidence:

- a. The nature, duration and severity of any risk posed by the Student to the health and safety of the Student or others;
- b. The probability that potential injury will actually occur;
- c. The nature, duration and severity of potentially

reoccurring behaviors that substantially disrupt the educational and other activities of the University;

d. The probability that substantially disruptive behaviors will occur; and

e. Whether any reasonable modifications of policies, practices or procedures or other reasonable accommodation, such as required counseling or other treatment, will sufficiently mitigate any risk or disruptive behavior.

The health professional performing the assessment, the Dean of Students, or designee and the University Health Administrator may consult with one another concerning potential reasonable modifications or accommodations.

4. The health professional performing the individualized assessment will provide a written report to the Dean of Students or designee addressing the factors in Section 2(c), and addressing any other information that the health professional believes is relevant to whether the Student creates a risk to the health and safety of the Student or others, or a risk of substantially disruptive behavior.

5. Within seven calendar days after receipt of the written report if an assessment is required, or notice to the Student of the possibility of involuntary leave if no assessment is required, the Dean of Students or designee will make a decision concerning whether the Student must take an Involuntary Medical Leave or if other mitigations of risk are required. The Dean of Students or designee may consult with the appropriate University Health Administrator, the Chief of the Department of Public Safety, the Senior Vice President for Student Affairs, the Dean of the Student's college or school or such other individuals as may be appropriate in a particular matter before making the decision. The Dean of Students or designee must consider the assessment report, if one was required, and any relevant information provided by the Student, and must evaluate the factors outlined in Section 2(c) in making the decision.

6. The Dean of Students, or designee will notify the Student in writing of the decision and, if an Involuntary Medical Leave is required, any conditions for return from leave. Conditions will be reasonable and based on an individualized assessment of the actual risk posed by the Student. The University may also require other neutral, nondiscriminatory return from leave requirements that are the same as they would be

for any other Student on a leave of absence. If the University requires Involuntary Medical Leave, the Dean of Students, or designee will notify the Registrar, the Dean, or designee in the Student's school or college, the Student Housing Office (if resident) and Financial Aid Office.

C. Effects of Involuntary Medical Leave and Conditions of Return from Leave

To return from leave, the Student must apply in writing to the Dean of Students no later than six weeks in advance of the semester in which the Student wishes to return. The Student must demonstrate compliance with any conditions for return from leave that were specified in the Student's letter under section 2(f) or otherwise required of nondisabled Students, and provide the Dean of Students with evidence that the Student has met the outlined conditions.

In addition, the return from leave request must include (a) a personal statement from the Student describing the Student's attempts to resolve the issues that led to the Involuntary Medical Leave; (b) evidence of the Student's readiness to return as documented by letters from individuals from whom the Student received care or from employers; and (c) permission for Student Psychological Services (SPS) or Student Health Services (SHS) to consult with health care providers from whom the Student received treatment, and the providers' contact information.

If the Student has been placed on Involuntary Medical Leave more than once, the request for return from leave and supporting information should also specifically address the Student's past history, including any evidence that the Student has taken steps to reduce the risk of reoccurrence of the behavior that led to the leave of absence and evidence, including medical evidence, that the Student is presently able to meet the University's requirements.

After the return from leave request has been provided to the University, the Student must meet with the Dean of Students before return from leave so the Dean of Students may assess the Student's compliance with any return from leave conditions and evaluate any issues arising out of the Student's submission.

The Dean of Students will assess a Student's request for return from leave in consultation with a University Health Administrator. The Dean of Students, or designee will notify the Student in writing of the decision regarding return from leave. If return from leave is permitted, the

Dean of Students will advise the Registrar, the Student's academic Dean, or designee and the Financial Aid Office.

D. Appeal from a Decision to Require Involuntary Medical Leave

A Student may appeal the University's decision to require Involuntary Medical Leave or to deny a return from leave if the Student believes the factual information on which the University relied was not accurate or does not support the decision. An appeal must be in writing, addressed to the Senior Vice President for Student Affairs, and be submitted within ten calendar days of the decision. The Senior Vice President for Student Affairs may take any steps deemed appropriate to decide the appeal and will issue a decision to the Student in writing within ten calendar days of receiving the appeal. The University may implement or enforce its decision even where an appeal is pending.

Interim Emergency Leave

A. Consideration for Interim Emergency Leave

If a University faculty or staff member reports a Student's behavior to the Dean of Students, or designee, and the Dean of Students, or designee determines that the Student's behavior poses an immediate risk of substantial disruption to the educational and other activities of the University or an immediate risk to the health and safety of others or to the Student, the Dean of Students, or designee may require an immediate Interim Emergency Leave pending completion of the Involuntary Medical Leave process.

The Dean of Students or designee will make an effort to meet with the Student before requiring Interim Emergency Leave pending evaluation for Involuntary Medical Leave. The Dean of Students or designee will provide the Student written notice of Interim Emergency Leave, although such notice may, when necessary, be provided after verbal notice of required Interim Emergency Leave.

The Dean of Students or designee may restrict the Student's access to any or all of the University's programs, services and facilities, pending a final decision concerning Involuntary Medical Leave, including academic programs, Student Housing and other nonacademic activities. Any such restrictions will be in the written notice.

B. Appeal of Interim Emergency Leave

If the process to determine whether to require Involuntary Medical Leave is not completed within three business days following imposition of Interim Emergency Leave, a

Student may appeal the University's decision to require Interim Emergency Leave by writing to the Senior Vice President for Student Affairs. The Senior Vice President of Student Affairs may take any steps deemed appropriate to decide the appeal and will issue a decision to the Student in writing within three business days following the Senior Vice President's receipt of the appeal.

Confidentiality

The University will comply with laws and University policies concerning the confidentiality of information related to this policy.

Missing Resident Student Procedures

While many missing resident Student reports at universities are the result of a Student changing their normal routine and neglecting to inform roommates, friends and/or family of their whereabouts, Loyola Marymount University takes reports of missing resident Students seriously. The University handles missing resident Student reports pursuant to the following procedures.

The University defines a missing resident Student as any currently enrolled resident Student who has not been in contact with roommates, friends, family, faculty or staff for a reasonable period of time (usually a period of 24-hours) and whose whereabouts have been questioned and brought to the attention of a University official.

Any member of the University community who has reason to believe a Student residing in on-campus housing has been missing for 24-hours should immediately contact the Department of Public Safety at 310.338.2893.

In addition to registering a general emergency contact, Students residing in on-campus housing have the option to confidentially identify one or more individuals to be contacted by the University in the event the Student has been determined to be missing for 24-hours or is otherwise determined to be missing ("Confidential Contact"). A Student who wishes to designate a Confidential Contact may do so at the same time they provide general emergency

contact information or by contacting Student Housing. The Confidential Contact will remain until revoked or changed by the Student. The Confidential Contact information will be kept confidential and will be accessible only to authorized University officials and law enforcement in furtherance of a missing person investigation.

When the Department of Public Safety receives a missing resident Student report, it will promptly initiate an investigation and notify the Dean of Students, or designee of the investigation. If a Student has designated a Confidential Contact(s), the Dean of Students, or designee will notify the Confidential Contact(s) within 24-hours of the determination that the Student is missing. In the event that the missing resident Student is a minor (under the age of 18 years) and is not emancipated, the parent or legal guardian, if different than the designated Confidential Contact, will also be notified within 24-hours of the determination that the Student is missing. The Department of Public Safety will notify the appropriate law enforcement agencies within 24-hours of the determination that the Student is missing.

In the event that the University is notified of a missing Student who resides off campus, the Department of Public Safety will refer the reporting party to the appropriate local law enforcement agency, or if necessary, refer the case directly to the appropriate local law enforcement agency.

Off-Campus Events with Alcohol and/or Provided Transportation Policy

I. Introduction

This policy applies to all off-campus events, as defined herein, where the sponsoring organization provides transportation (including, but not limited to, buses and limousines) and alcohol may or may not be sold, provided or consumed by attendees prior to and/or at the event. This policy applies regardless of where the transportation originates. Moderators/advisors are not required to attend these events. This policy does not apply to modes of transportation such as ride sharing apps, carpooling and taxis.

Organizations may not contract with third-party event promoters. Individuals are expressly prohibited from sponsoring such events.

In all cases involving Student misconduct on or off campus, Loyola Marymount University reserves the right to exercise conduct action. Sponsoring organizations, members, Guests or LMU community members found responsible for violating the Student Conduct Code will be subject to the same sanctions imposed for on-campus violations.

II. Policy

Loyola Marymount University may hold Registered Student Organizations and/or individual Students accountable for violations of registration and/or processes and protocols for any off-campus events with provided transportation.

III. Off-Campus Events with Provided Transportation and Alcohol

A. The following types of events are covered under this policy:

1. Closed Events are off-campus events open to a single sponsoring organization's members and no more than one invited guest per member. Examples of such events are formals and date nights. Closed Events may only occur on Friday or Saturday.
2. Ticketed Events are off-campus events open to all LMU Students, do not qualify as "Closed Events" and are sponsored by a single organization. The venue must be reserved exclusively for this event. All LMU Ticketed Events may only occur on Friday or Saturday.
3. Co-sponsored Events are off-campus events open to up to four (4) sponsoring organization's members and no additional invited guests. Co-sponsored events may only

occur on Friday or Saturday.

4. All other off-campus events where transportation is provided and alcohol is sold, provided or consumed by attendees prior to and/or at the event are prohibited. Sponsoring prohibited off-campus events shall result in referral to the Office of Student Conduct & Community Responsibility (OSCCR).

B. The following responsibilities apply to all off-campus events where alcohol is sold, provided or consumed by attendees prior to and/or at the event:

1. Sponsoring organizations must submit a completed Off Campus Event with Provided Transportation Form to Student Leadership & Development at least 15 business days before the requested event;
2. Alcohol and other drugs are not permitted during loading, unloading or transit;
3. Overnight off-campus events with alcohol are not permitted. Examples of such events are formals, camping trips, organization sponsored senior trips or member only events with Guests;
4. The sponsoring organization must follow the Transportation Loading Protocol published by Student Leadership & Development;
5. Transportation must be provided in the form of buses and/or limousines that are selected from the current University Risk Management approved list (published by Student Leadership & Development);
6. Buses and limousines must leave campus no later than 9 p.m. and return to campus no later than 1 a.m.;
7. A 10:1 ratio of Event Monitors is required. Training is required for all individuals serving as Event Monitors prior to the event.

IV. Off-Campus Events with Provided Transportation and no Alcohol

A. Off-campus events with provided transportation and no alcohol may include, but are not limited to, retreats, sporting events, excursions in Los Angeles and service projects.

B. The following responsibilities apply to all off-campus

events where transportation is provided by bus and/or limousine and alcohol is not sold, provided or consumed by attendees prior to and/or at the event:

1. Sponsoring organizations must submit a completed Off Campus Event with Provided Transportation Form to Student Leadership & Development at least 15 business days before the requested event;
2. Sponsoring organizations must follow the Transportation Loading Protocol published by Student Leadership & Development;
3. Buses and limousines used must be selected from the current University Risk Management approved list (published by Student Leadership & Development);
4. A 30:1 ratio of Event Monitors is required. Training is required for all individuals serving as Event Monitors prior to the event.

Off Campus Student Life Orientation and Address Policy

I. Introduction

In an effort to provide greater support and guidance, Off Campus Student Life offers an online orientation to off campus living for undergraduate students. The online orientation highlights Student rights and responsibilities and reiterates some of the University's expectations of Students living off campus.

Since many LMU Students live off campus in the neighborhoods surrounding or near the campus, the University is interested in and has a need for collecting accurate, current local address information for these Students. This information will, among other things, help with University planning, maintaining campus and University community safety and security, emergency communication and aid the University in effectively communicating with Students.

II. Definitions

For purposes of this policy, “**address**” is defined as the address at which the Student resides during the week while attending classes at the University. A post office box cannot be used for a local address.

III. Policy

The University requires all undergraduate Students living off campus to participate in an online orientation and to report, and update as necessary, current residence address information.

Failure to report, and update as necessary, accurate address information will constitute a violation of this policy and may result in a registration hold and/or disciplinary action.

IV. Implementation

A. Off Campus Living Orientation and Address Verification

Once each academic year, all Students living off campus will be prompted to complete the online Off Campus Living Orientation and Address Verification process.

B. Verifying Accuracy of Address Information

In order to complete the online orientation, the Student must provide the University with documentation that verifies their current address. This documentation must have the Student's name and address printed or clearly visible on it. These documents can include but are not limited to:

- Utility bills
- Lease agreements
- Shipping confirmation from online retailers

Note: Off Campus Student Life does not recognize state issued driver's licenses as official documentation.

Off Campus Student Life will routinely audit the accuracy of the local addresses for all Students living off campus.

More details about the Off Campus Living Orientation and Address Verification process can be found on the Off Campus Student Life webpage at lmu.edu/OCSL.

V. Disciplinary Action for Failing to Register Address

Violation of the Off Campus Student Life Orientation and Address Policy will result in the initiation of disciplinary action for such violation(s) under the Student Conduct Code. The outcome of the disciplinary action will result in appropriate sanctions. Sanctions will vary depending on the nature of the offense.

Personal Transportation Policy

I. Introduction

Subject to this policy and while exercising common sense and prudent judgment, Students, faculty, staff and visitors may use personal transportation, such as skateboards, bicycles, self-propelled scooters, motorized scooters and in-line skates on campus. Campus community members, visitors and personal transportation users (“riders”) must recognize and understand that the LMU campus is in an urban setting and those who choose to ride personal transportation always do so at their own risk. Riders are expected and required to adhere to the following policy and to exercise due care and caution at all times for their safety and the safety of others.

II. Policy

General Use

- A.** Riding personal transportation is prohibited inside all campus buildings, parking structures and in designated dismount zones.
- B.** The use of personal transportation for tricks, jumps, rail slides, grinds, etc., is prohibited.
- C.** Riders must always give pedestrians the right of way.
- D.** Riders are expected to obey all campus traffic signs, including stop signs.
- E.** Riders are to remain in designated bike lanes whenever possible and refrain from riding in or traversing traffic lanes. Care must be taken at all intersections.
- F.** Hitching onto another moving vehicle is strictly prohibited.
- G.** Riders may not impede or interfere with pedestrian traffic or the flow of motorized vehicles throughout campus.
- H.** Riders are expected to exercise care and courtesy at all times.
- I.** Motorized scooters, skateboards or similar motorized modes of transportation are not permitted on Regent’s Terrace, sidewalks, stairs, pool areas, athletic fields, amphitheater seating, within parking structures and in designated dismount zones.
- J.** Modes of personal transportation designed specifically for persons with disabilities (e.g. motorized wheelchairs) are permitted in the dismount zones.

K. Use of hoverboards (self-balancing scooterboards) is not permitted on campus.

L. Third-party shared scooters, including, but not limited to, Bird and Lime units, are not permitted on campus.

Dismount Zones

In order to minimize risks to the safety of all community members, riders must dismount all forms of personal transportation in designated zones from 8:30 a.m. until 4:00 p.m., Monday through Friday. Please see a campus map for more details. There are four designated dismount zones:

Life Sciences Building (LSB) Arc of Time and LSB Courtyard – The entire area between Seaver Science Hall and the Life Sciences Building

Palm Walk – Ignatian Circle at Malone/Foley Annex to the William H. Hannon Library

Leavey Campus Promenade – William H. Hannon Library to the fourth-floor entrance to University Hall

LMU Drive Hill – (Bikes excepted) LMU Drive and sidewalk from the stop sign at the Southwest end of Rains Hall to the East end of University Hall

III. Enforcement

Violators of this policy may be subject to the following sanctions:

A. First Violation:

1. Citation and \$50 fine;
2. The mode of transportation may be confiscated;
3. Restitution for damages;

B. Second and subsequent violations:

1. Citation and \$50 fine;
2. The mode of transportation may be confiscated;
3. Rider may be referred to Office of Student Conduct & Community Responsibility for Student Conduct Code proceedings;

Sorority & Fraternity Policy

I. Statement on Sorority & Fraternity Policy

Loyola Marymount University requires compliance with all recognition criteria, chapter responsibilities, and membership requirements listed in the Sorority & Fraternity Life Policy, inter/national organization policies and University policies. Failure to comply will constitute a violation of this policy and may result in disciplinary action and/or interim responsive measures.

Sorority & Fraternity Life oversees and advises recognized Sorority & Fraternity Life chapters. When LMU and/or LMU Students are involved, the LMU Student Conduct Code and all other LMU policies supersede and preempt any and all inconsistent or contrary regulations, policies and/or decisions made by recognized Sorority & Fraternity Life chapters and/or their inter/national organizations and affiliates.

II. Philosophy

Sororities and fraternities have been an influential and important component of the undergraduate student experience at Loyola Marymount University since the first fraternity was chartered on campus in 1926. LMU has developed criteria for the recognition of Sorority & Fraternity Life chapters. The relationship between these recognized organizations and the University is based on trust, collaboration, cooperation and the resulting mutual benefits to the University and the Sorority & Fraternity Community. Sorority & Fraternity Life chapters foster participation in the cultural, academic, social, service, philanthropic and spiritual life of LMU. The individual and group performance of members of Sorority & Fraternity Life chapters should always uphold those values stated in the chapters' constitutions and/or by-laws.

By virtue of the University's recognition of each organization's stated principles and ideals, the University expects Sorority & Fraternity Life chapters to implement their goals in a manner that is compatible with the goals and mission of the LMU Community. It is the practice of LMU to recognize only Sorority & fraternity chapters chartered solely at the University. Accordingly, the University generally will not recognize or sanction events and activities/circumstances where Students are involved via affiliation with other fraternal organizations not recognized at LMU.

Consistent therewith, the University will hold each organization to the standards and policies set forth by their inter/national organizations in areas including, but not limited to, academics, programming, risk management, new member

and member education, service and values congruence.

The ultimate objective of the LMU experience, both in and outside of the classroom, is to educate and develop mature, responsible members of the community. Accordingly, it is important that each recognized chapter's values and founding principles are congruent with these goals. LMU grants recognized Sorority & Fraternity Life chapters certain privileges and, correspondingly, they must undertake certain responsibilities within this community.

III. Aspirational Statement

Sorority & Fraternity Life chapters at Loyola Marymount University are seen as a value-add to our vibrant campus community. Guided by ASPIRE – the framework for Fraternal Excellence at LMU – chapters create membership experiences where the organization and members are Accountable, Holistic, Engaged, Connected and Innovative.

A. The Accountable Chapter will infuse their ritual and the Loyola Marymount University values by holding the organization and members accountable to stated standards.

B. The Holistic Chapter will live the Loyola Marymount University mission by providing a holistic membership development experience targeting wellness and personal growth, beginning as a potential new member through graduation.

C. The Engaged Chapter will foster an environment where members engage in a diverse array of global experiences, leadership opportunities, mentorship, civic engagement and service.

D. The Connected Chapter will cultivate connections with on and off campus partners to enrich the communities of which they are a part and transform the members' ability to work within and across diverse landscapes.

E. The Innovative Chapter will commit to transcending the national narrative of Sororities and Fraternities through innovative approaches to the fraternal experience.

IV. Recognition Criteria

Loyola Marymount University requires all recognized sororities and fraternities to comply with the following recognition criteria:

A. Maintain proper tax-identification number under the Internal Revenue Code as a not-for-profit, social sorority or

fraternity. Organizations that have this IRS designation are legally entitled to single-sex membership based on Section 86.14 of the regulations announced under Title IX of the U.S. Education Act Amendments of 1972;

B. Submit and maintain a current certificate of insurance from 30 days before the current policies expire documenting comprehensive insurance coverage, naming LMU as an additional insured with limits approved by the University and including host liquor liability, hazing liability, transportation and sexual misconduct coverages;

C. Annually renew with Student Leadership & Development and maintain an active on-campus advisor at all times;

D. Submit requested chapter operation forms and reports by designated deadlines, including, but not limited to:

1. Chapter Membership Agreement Form

a. Signed each academic year by each individual member.

b. New members shall sign within seven (7) days of receiving and accepting an invitation to membership.

2. Chapter Standards Report

a. Provide aggregate activity reports on the fifteenth of each month during the academic year.

3. Membership Roster

a. Update on the first of each month during the academic year with all changes in membership status.

4. New Member Plan

a. Submit a full schedule of activities for all new member intake education processes for approval to the University at least 10 days prior to the start of recruitment/intake.

b. Submit anticipated date of initiation.

c. All new member/intake education processes may not exceed six (6) weeks, excluding Spring Break.

5. Officer Contact Information

a. Provide and update bi-annually not later than January 1 and June 1.

6. Chapter Semester Calendar

a. Submit at least seven days prior to the beginning of each semester including, but not limited to, meetings, philanthropic events, social events, chapter programming and anticipated service opportunities.

7. ASPIRE Bi-Annual Report

a. Submit bi-annually not later than January 1 and June 1.

8. Inter/National Risk Management Policy

a. Submit risk management policy not later than the first day of classes each academic year.

V. Chapter Responsibilities and Expectations

To maintain good standing, Sorority & Fraternity Life chapters must:

A. Be knowledgeable of and adhere to all applicable local, state and federal laws, University codes, policies and regulations, including, but not limited to, the:

1. Anti-Hazing Policy;

2. Alcohol and Drug Policy;

3. Community Relations Policy;

4. Good Samaritan and Self-Reporting Policy;

5. Off-Campus Events Policy;

6. Student Conduct Code;

7. Student-on-Student Sexual and Interpersonal Misconduct Policy and Protocol;

8. Technology & Social Media Policy.

B. Be knowledgeable of and adhere to their sponsoring inter/national organization policies, including, but not limited to, organization specific risk management policy, alcohol and other drug policy, sexual and interpersonal misconduct policy, technology & social media policy, alcohol-free housing policy (if applicable), off campus event policy and anti-hazing policy;

C. Remain in good standing with their sponsoring inter/national organization and the University;

D. Maintain good standing within any applicable umbrella council at LMU;

E. Participate in required programs sponsored by the

University, including but not limited to LMU Sorority & Fraternity Life (SFL) Educational Initiatives;

F. Maintain a chapter GPA equal to or above the respective All Male or All Female GPA each term;

G. Implement an appropriate internal conduct system within the chapter;

H. Prohibit opposite gender big brother/little sister, big sister/little brother or similar programs;

I. Complete any new member/intake education and initiation processes (no longer than six weeks) at least 10 days before the first day of finals each semester;

J. Submit member resignation/removal reporting form no later than 48 hours from the resignation or removal of any new or continuing member.

VI. Membership Requirements

A. All members of a Sorority & Fraternity Life chapters are required to:

1. Be currently enrolled Students of the University;
2. Earn a cumulative and term GPA of 2.00;
3. Remain in good academic standing with the University.

B. All chapter leaders of a Sorority or Fraternity Life chapter are required to:

1. Be currently enrolled Students of the University;
2. Maintain a minimum cumulative and term GPA of 2.50 or higher;
3. Remain in good academic and disciplinary standing with the University;
4. Attend required leadership trainings sponsored by the University including, but not limited to, SFL Educational Initiatives and Gavel Club meetings.

C. In order to join a Sorority or Fraternity Life chapter, all new members are required to:

1. Complete the applicable registration form;
2. Be currently enrolled Students of the University;
3. Be matriculated Students who have completed 12 graded academic units at Loyola Marymount University

and earned a minimum 2.50 cumulative GPA;

a. Transfer Students are eligible to participate in recruitment during their first term at LMU;

b. Spring first-time, first-year Students are eligible to participate in Spring recruitment.

4. Attend required new member educational programming sponsored by the University.

VII. Privileges

Recognized Sorority & Fraternity Life Chapters in good standing may:

A. In accordance with LMU's policies, respective umbrella council's recruitment rules, their inter/national organization and inter/national affiliates policies, recruit on campus and execute membership selection;

B. Receive all benefits afforded to Registered Student Organizations;

C. Participate as a unit in campus activities, programs and events;

D. Request Student activity fee funding through ASLMU;

E. Request education and leadership grants through the LMU Sorority & Fraternity Life Fund;

F. Request member dues grants through the LMU Sorority & Fraternity Life Fund;

G. Receive assistance from a University advisor who will assist them with chapter development and serve as a liaison among constituencies;

H. Participate in self-advocating activities through the respective umbrella council;

I. Participate in educational and developmental experiences;

J. Host one co-sponsored event with alcohol on or off campus per semester;

K. Select a 'chapter sweetheart' so long as it is in line with their inter/national organization policies.

VIII. Council Membership

The respective council(s) shall officially represent and govern all recognized Sorority & Fraternity Life chapters per their council Constitutions and/or Bylaws. The council(s) shall be composed of one voting representative from each

recognized Sorority & Fraternity Life chapter, as well as the executive officers.

IX. Expansion Philosophy

As a private institution, LMU chooses to intentionally and carefully manage the growth and expansion of Sorority & Fraternity Life chapters. LMU seeks organizations that promote ideals consistent with those of the University to educate and develop mature and responsible community members and that are willing to commit the financial and human resources necessary to assure achievement of those ideals. The University's overall objective is to recognize organizations that will positively contribute to the overall undergraduate experience and enhance the campus community.

The process to recognize additional sororities and fraternities at LMU will always be initiated and conducted by Student Leadership & Development. The University's determination of readiness for expansion will be based on size and viability of the current Greek community, the availability of campus resources and personnel to support additional chapters, and the interest of unaffiliated Students at LMU, in addition to interest from any national organizations.

X. Expansion Process

In accordance with the Expansion Philosophy, when the University determines that the campus can effectively support Sorority & Fraternity Life Chapter expansion, the process outlined below will be followed:

- A.** Potential organizations must demonstrate prior compliance with Section IV Recognition Criteria, Letters A and B and a willingness to comply with all LMU policies;
- B.** Appropriate organizations with official letters of interest on file with Student Leadership & Development will be notified that LMU is open for expansion. Additional organizations will be informed as needed;
- C.** Interested organizations will be invited to submit proposals;
- D.** All organizations submitting proposals that meet the criteria for recognition will be reviewed by an expansion committee established by Student Leadership & Development;
- E.** One or more prospective organizations may be selected to participate in a presentation process on campus;
- F.** Following the presentation process, the respective council, the expansion committee and the NPC, NIC, NPHC, NALFO, NAPA or Multicultural chapters when appropriate, may

submit their recommendations and/or endorsements to the Senior Vice President for Student Affairs;

- G.** An invitation for recognition may be granted at the discretion of the Senior Vice President for Student Affairs;
- H.** A plan shall be created for each expansion and expectations agreed upon by Loyola Marymount University and the inter/national organization;
- I.** LMU prohibits Greek-lettered organizations from operating at LMU without having successfully completed the University expansion process resulting in an invitation for recognition at LMU.

XI. Dormant Status

- A.** Any organization with zero members will no longer be considered an active chapter at Loyola Marymount University and be deemed a dormant chapter;
- B.** Should any organization deemed a dormant chapter wish to return to active status at LMU, this will be at the discretion of the University.

XII. Accountability

LMU Sorority & Fraternity Life is committed to fostering an environment conducive to the pursuit of excellence for chapters and their members. Such an environment is based upon respect, trust, integrity and accountability. The University will hold LMU Students and Sorority & Fraternity Life chapters accountable for their actions.

- A.** Alleged violations of University policies, including the Sorority & Fraternity Life Policy, as well as issues related to the climate and culture of a chapter may be referred to one or both of the following:
 - 1. Student Leadership & Development and/or Sorority & Fraternity Life for administrative review and response;
 - a. Student Leadership & Development and/or Sorority & Fraternity Life may institute interim responsive measures upon the discovery or reporting of an alleged violation, self-reporting of a violation, or the discovery of climate and culture issues within a chapter.
 - b. Interim responsive measures may be imposed until compliance with applicable provisions is achieved and/or the resulting effects are appropriately mitigated.
 - c. Interim responsive measures may include, but are not limited to:
 - i. Suspension of or modifications to chapter programs

and activities;

ii. Suspension of or modifications to new member recruitment;

iii. Other corrective actions including, but not limited to, participation in educational programs, conducting a membership review, attending required administrative meetings, providing requested information and completing required reports.

2. The Office of Student Conduct & Community Responsibility for adjudication by a Conduct Officer(s) or the Sorority & Fraternity Life Hearing Board using the processes outlined in the Student Conduct Code.

a. Sanctions for organizational misconduct found through the conduct process may include revocation or denial of recognition, as well as other appropriate sanctions, pursuant to Section IV of the Student Conduct Code.

B. Inter/national organizations and chapter advisors may be notified of:

1. New or on-going Department of Public Safety investigations;

2. Any alleged violations or findings of responsibility by the Council(s), Office of Student Conduct & Community Responsibility, Student Leadership and Development and Sorority & Fraternity Life;

3. Interim responsive measures instituted by Student Leadership & Development

Student Event and Activity Approval Policy

Draft Under Review for Approval – Expected Fall 2019

I. Introduction

As a private Catholic university, based in the Ignatian tradition, all Student events and activities should align with the mission and goals of Loyola Marymount University: the encouragement of learning, the education of the whole person, the service of faith and the promotion of justice. Understanding the University, its mission and how to best align with them, is a core requirement for planning activities (e.g. selecting films and performers, inviting speakers, planning campus entertainment events, etc.). Students are supported in hosting a variety of events and activities that enliven the campus, promote student learning, provide diverse perspectives and points of view, encourage critical thinking, stimulate intellectual thought and engage the University community with our mission and identity in mind. In planning events, students should be actively involved in expressing the five pillars of the co-curricular experience: Practice Ignatian Values, Integrate Mind, Body & Spirit, Commit to Service and Justice, Become a Global Citizen and Live a Life of Purpose.

II. Policy

Registered Student Organizations and Departmental Student Programs must seek approval for all events, activities and speakers by following the procedures outlined in Student Leadership & Development's Student Involvement Policy Guide, which includes more detailed information about event approval and planning, as well as links to applicable University policies. All applicable University policies, including those governing student events, safety, ticket sales, amplification, parking and transportation, facilities and grounds, catering, alcohol, media, political campaigning, etc. must be observed while planning and implementing the event or activity. Student organizers are expected to familiarize themselves with the Student Conduct Code, as well as the event planning guidelines and procedures published by Student Leadership & Development in the Student Involvement Policy Guide, prior to submitting event and activity requests.

All costs associated with an event or activity are the responsibility of the Registered Student Organization or Departmental Student Program. Registered Student Organization and Departmental Student Program sponsorship of an event, activity, speaker or performer does not imply University endorsement of the views presented.

III. Considerations for Approval

Approval of student events and activities, including those with invited speakers and performers, will be based on, but is not limited to:

- the title, goals and objectives of the event;
- the format of the event;
- the availability of campus resources and support services;
- the impact on human and/or fiscal resources;
- the impact on campus facilities.

When it comes to approving student events and activities involving speakers and performers, factors to also be considered in this determination include:

- whether the track record of the speaker or performer in other settings has been marked with any violence, direct and targeted safety threats, or other civil disruption incompatible with this policy;
- the University's ability to ensure the physical safety of those participating or attending an event.

Student Events and Activities Should Not:

- promote violations of the law;
- advocate for actions or positions that are deliberately intended to incite violence against any group;
- imminently threaten the physical safety of any community members;
- constitute a clear, present and significant risk to the orderly implementation of the University's activities and its obligation to maintain a physically safe environment for its community and its members.

The Division of Student Affairs is committed to supporting student events and activities that enliven the campus, promote student learning, provide diverse perspectives and points of view, encourage critical thinking, stimulate intellectual thought and engage the University community with our mission and identity in mind. However, there may be times when the Senior Vice President for Student Affairs, or designee, may request modification or not approve an event or activity based on the above considerations. A previously approved event or activity may be canceled or postponed by the Senior Vice President for Student Affairs, or designee, based on additional relevant information or significant developments relative to the above considerations that would warrant canceling or postponing the event.

Student Identification Policy

Students are required to carry a government-issued identification card and their LMU OneCard with them at all times. Their government-issued identification card and LMU OneCard shall be presented to LMU Department of Public Safety officers and University officials upon request.

Student Involvement Policy

I. Introduction

As a student-centered, Catholic university rooted in the Jesuit and Marymount traditions, Loyola Marymount University values the creation of a campus community in which all members are appreciated, respected and free to develop their personal gifts.

The University recognizes the importance of undergraduate and graduate Registered Student Organizations and Departmental Student Programs in fostering the educational mission of the University and provides support through the department of Student Leadership & Development and the Division of Student Affairs. Student involvement outside of the classroom provides significant personal and professional development opportunities for the Students involved, however, it should not be at the expense of academic success. As such, the following academic and discipline standards have been set forth in this policy to assist with Students' academic success.

II. Definitions

Registered Student Organizations

Registered Student Organizations contribute to the University's mission and culture by regularly hosting events for their members, their guests and the University Community. The complexity or scope of their events is generally moderate in nature. The activities, direction, leadership and decisions of Registered Student Organizations rest predominately in the hands of the student leaders and members of the organization. Oversight of Registered Student Organizations comes from Student Leadership & Development. Registered Student Organizations must apply annually to receive formal registration from the University.

Departmental Student Programs

Departmental Student Programs are designated annually by the Senior Vice President for Student Affairs and operate under the direct guidance and supervision of a University department. Their purpose, activities and functions are seen as key elements in carrying out the University's mission. They provide a service to the University and are integral to the function of the department and/or University. Student leaders of Departmental Student Programs are typically chosen or selected by the department, must adhere to the leadership position eligibility in this policy and in some cases may be compensated. Intercollegiate Athletics Department Teams are not considered Departmental Student Programs nor are they subject to this policy.

2019-2020 Departmental Student Programs	
Program	Department
The Loft	Campus Recreation & Student Facilities
Lion's Den	Campus Recreation & Student Facilities
Intramural Sports	Campus Recreation & Student Facilities
ESports	Campus Recreation & Student Facilities
FitWell	Campus Recreation & Student Facilities
Special Games	Center for Service & Action
Alternative Break Program	Center for Service & Action
Intercultural Facilitators	Ethnic & Intercultural Services
Student Worker Program	Student Employment Services
Emergency Medical Services	Student Health Services
Residence Hall Association & Building Councils	Student Housing
ASLMU	Student Leadership and Development
GSLMU	Student Leadership and Development
Mane Entertainment	Student Leadership and Development
The Los Angeles Loyolan	Student Media
The Tower Yearbook	Student Media
ROAR Studios	Student Media
Del Rey Players	Student Media
Wellness Educators	Student Psychological Services

III. Policy

A. Membership Eligibility

1. Academic Standing: Students must typically be currently enrolled undergraduate Students or matriculated graduate Students at Loyola Marymount University. Students must be in good academic standing and may not be on academic probation or subject to disqualification per the University Bulletin in order to be eligible to participate as a member of a Registered Student Organization or

Departmental Student Program. Undergraduate students must maintain a C average (2.0) term and cumulative GPA. Graduate students must maintain a B average (3.0) term and cumulative GPA. Registered Student Organizations and Departmental Student Programs may impose a higher standard. Members may be removed from the organization if they do not meet the eligibility requirements.

2. Registered Student Organizations and Departmental Student Programs that have and follow an established member academic improvement program approved by Student Leadership & Development or their respective departments may be given deference to handle membership GPA eligibility issues within their organization or program.

B. Leadership Position Eligibility

1. Academic Standing: Students must be in good academic standing and may not be on academic probation or subject to disqualification per the University Bulletin in order to be eligible to participate as a leader of a Departmental Student Program. Undergraduate students must maintain a minimum 2.5 term and cumulative GPA. Graduate students must maintain a minimum 3.0 term and cumulative GPA.

a. A higher academic standard may be imposed by Departmental Student Programs for their respective programs.

b. Departmental Student Programs that have and follow an established Student leader academic improvement program approved by their respective department may be given deference to handle leadership GPA eligibility issues within their program.

2. Disciplinary Standing: Students must be deemed in good disciplinary standing by the Office of Student Conduct & Community Responsibility in order to be eligible to serve in a leadership position for a Departmental Student Program.

Tailgate Policy

The Senior Vice President for Student Affairs may approve tailgate events to be held in a designated area immediately preceding any home NCAA game. Students, faculty, staff and Guests who are age 21 and older may responsibly consume alcoholic beverages in the designated area only during the hours set for the event.

This policy does not supersede federal, state and city laws and regulations governing sale, consumption and dispensing of alcoholic beverages or any NCAA regulations. Exceptions to this policy must be approved by the Senior Vice President for Student Affairs.

Technology and Social Media Policy

I. Introduction

In an environment where new and existing information technologies and related platforms, mediums, systems, devices and uses are continually being developed and evolving, Loyola Marymount University acknowledges the prevalence of technology, including specifically social media, as an exponentially growing and prominent form of commerce and social interaction. As responsible members of the LMU Community, Students are expected to use all forms of technology and social media lawfully and to interact respectfully with others through technology and social media. In other words, LMU will apply the same laws, codes and regulations irrespective of the communication platform (e.g. face-to-face, via phone, e-mail or social media).

LMU encourages all Students and community members to use caution when providing confidential or proprietary information to online entities, and discourages revealing the confidential or proprietary information of others without their full consent.

II. Policy

LMU students are personally responsible for any content they post on social media, the Internet or through any technological device. Generally speaking, with respect to technology and social media, LMU will not regularly monitor the language and/or actions on such devices or media. The University will defer to the user policies of the individual social medium. However, LMU will hold Students accountable for Student Conduct Code violations reported or learned from Student uses of technology and social media.

III. Policies Applicable to Technology and Social Networking Use

A. ITS Acceptable Use Policy: Students are required to follow the Individual Responsibilities that are listed in the Acceptable Use of Information Technology Resources guidelines, which can be found at its.lmu.edu/gethelp/itspolicies.

B. Federal, State and Local Laws: Students are required to adhere to all federal, state and local laws and codes.

C. Student Conduct Code: Section III of the Student Conduct Code outlines prohibited conduct. Such prohibited conduct includes behavior that occurs via technology or within the framework of social media. This includes:

1. Unauthorized use of any University mark, logo or

intellectual property, which includes usages for social media content.

2. Bullying, or as defined in Section II of the Student Conduct Code, an intentional course of conduct, individual act or series of acts that is intended to inappropriately impose one's will or desire and causes harm to others, and may include verbal or non-verbal threats, Assault, Stalking and/or other methods of attempted coercion such as manipulation, blackmail or extortion.

IV. Guidelines

The following guidelines are consistent with the educational role of the University. Potential misuses of technology and social media include, but are not limited to:

A. Medium: E-mail Potential Misuses:

1. Sending messages with harassing, threatening or inappropriate comments, images or videos;
2. Disseminating confidential e-mails without consent;
3. Sending unwanted messages repeatedly;
4. Hacking into another person's account.

B. Medium: Mobile Devices Potential Misuses:

1. Making harassing, threatening or inappropriate calls;
2. Sending harassing, threatening or inappropriate text messages;
3. Taking or sending inappropriate and/or unsolicited photos or videos;
4. Using another person's device without their permission.

C. Medium: Instant Messaging Potential Misuses:

1. Sending inappropriate and/or unsolicited photos or videos;
2. Sending harassing, threatening or inappropriate messages;
3. Hacking into another person's account or using their screen name to harass others.

D. Medium: Chat Rooms and Message Boards Potential Misuses:

1. Sending harassing, threatening or inappropriate messages, photos or videos;
2. Misleading people into sharing private information that leads to exploitation.

E. Medium: Video-Hosting Sites Potential Misuses

1. Posting inappropriate or humiliating videos of self or others;
2. Posting unwanted or unsolicited videos of others.

F. Medium: Webcam Potential Misuses:

1. Producing and/or sharing inappropriate or humiliating material;
2. Behaving inappropriately on a webcam;
3. Using a webcam to take photos or videos of someone without their consent.

G. Medium: Social Networking Sites Potential Misuses:

1. Posting harassing, threatening, humiliating or inappropriate material;

2. Hacking into another person's account and altering the content in an effort to negatively impact the person;

3. Hacking into another person's account to send inappropriate content to others;

4. Creating a fake profile using another person's name (or reasonably inferred likeness) in an effort to humiliate, threaten or harass.

H. Medium: Virtual Learning Environments Potential Misuses:

1. Posting harassing, threatening or inappropriate messages, images or video;

2. Copying or plagiarizing another person's work;

3. Hacking into another person's account and posting inappropriate material, deleting their work or copying or plagiarizing their work;

4. Hacking into another person's account and altering in any way their status as a Student, in Student housing or in a specific class.

Unmanned Aircraft Vehicles: Flying of Drones

I. Policy

Loyola Marymount University (“LMU” or University), and/or anyone operating on or from its campus, or on its behalf, any UAV (e.g. drone) will do so in the furtherance of its educational, research and service missions, as well as in compliance with applicable federal, state and local laws and regulations. This policy shall be effective immediately.

II. Purpose

To define the requirements for the use of UAVs, commonly called “drones”, on, over or from University owned or controlled property, or elsewhere, for academic, research or business purposes.

III. Definitions

Aircraft

Any contrivance invented, used, intended to be used or designed to navigate, or fly, in the air.

Unmanned Aerial Vehicle (UAV); Unmanned Aircraft System (UAS); Remotely Piloted Aircraft (RPA); Hobby Craft Airplanes; Copters; Collectively “Drones”

An aircraft that is operated without the possibility of direct human intervention from within or on the aircraft, but instead is operated by communication links and other components that allow the aircraft to be operated unmanned and from the ground or other fixed location.

The Federal Aviation Administration (FAA)

The Federal regulatory agency that has oversight and jurisdiction for the national navigable airspace and has promulgated drone regulations.

Title 14 of the Code of Federal Regulations (14 CFR) Part 107

The section in the Federal Aviation Administration regulations relating to the operation of UAVs.

Navigable Airspace

The airspace of the United States above the minimum altitudes of flight prescribed by the regulations of the FAA (currently 400 feet), including airspace needed to ensure safety in the takeoff and landing of aircraft.

Certification of Waiver (CoW)

A waiver granted by the FAA of certain portions of its regulations listed in Part 107. A UAV operator must apply for the CoW for each flight that requires a waiver.

Section 336 of the FAA Modernization and Reform Act (Public Law 112-95)

The section of the FAA regulations that pertains to students building or using drones as part of research or course work.

Los Angeles Municipal Code 183912, Section 56.31, Clause 6.b.1.

The section of the city code that specifies that drone operators must notify the LAX flight tower before every flight.

Remote Pilot in Command (PIC) certification

The certification that every PIC of a drone must receive from the FAA prior to operating a drone.

IV. Policy Details

There are public safety concerns and privacy issues surrounding the use and operation of drones. Also, the Federal Aviation Administration has issued regulations for the use and operation of drones (CFR 14 Part 107). The regulations prohibit the operation of drones within five miles of a commercial airport without permission from the airport control tower. The City of Los Angeles has also issued regulations regarding the flying of drones (Article 6.b.1 Chapter 5, Section 56.31 of the Los Angeles Municipal Code). Any person or persons who wish to operate or fly a drone or drones for commercial purposes, must first register the drone with the FAA, as per FAA regulations. They must also receive permission to fly from the LAX flight control tower for each and every flight on, over or from the LMU Westchester campus.

There are separate FAA regulations regarding students building or flying drones. Under Section 336 of the FAA regulations, student use of drones for educational purposes is considered recreational or hobbyist use. These drones do not have to be registered with the FAA, nor does the student need to obtain a pilot’s certification. However, when flying within five statute miles of an airport, the operator of the aircraft must provide the airport air traffic control tower (when an air traffic facility is located at the airport) with prior notice of the operation. If possible, model aircraft operators flying from a permanent location within five statute miles of an airport should establish a mutually agreed upon operating procedure with the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport).

Operators flying drones for academic or research purposes

on, over or from LMU property must first consult with the University Risk Manager to ensure that the drone activities are properly insured and pose no unreasonable risk to the safety of the university community or the privacy of its community members.

A. Non course-related, non-research or non-business use (i.e. recreational use) of drones on or over LMU property is expressly prohibited.

B. When drones are being flown for academic or research purposes on campus, or while being used for university business, in locations other than over or on university property, the following restrictions apply:

1. Drones cannot be flown over populated areas where injury, property damage or privacy issues can be affected;
2. Drones may not be operated above public open-air events, inside public venues or above thoroughfares;
3. Drones must be under the direct visual control of the operator at all times;
4. A person operating a drone must either hold a remote Pilot in Command (PIC) certificate or be under the supervision of someone with a remote PIC certificate. (Student use of drones as course work, as mentioned above, falls under the “hobbyist” category and does not require a PIC);
5. Drones cannot weigh more than 55 lbs., including fuel;
6. Drones cannot fly higher than 400 feet above ground level;
7. Drones cannot exceed speeds greater than 100 MPH (87kts);
8. Drones cannot be flown at night;
9. Drones cannot carry pyrotechnic devices that explode or burn, or any device with a projectile or an object that can be dropped or fired or that could create a hazard to persons or property;
10. Drones cannot be flown over areas or sites where emergency personnel, such as fire fighters, police or DPS personnel, are actively engaged;
11. Drones cannot be used to photograph private property without the property owner’s express written consent;

12. Drones must be operated in accordance with all required and appropriate safety precautions;

13. The drone use must be properly insured and the interests or risks to the university must be insured as well.

C. Drones cannot be flown near or above LMU Residence Halls.

D. If a university unit arranges for a contractor or a third party to use a drone for business purposes, such as filming the campus, or any university facility or event, the unit shall contact the Risk Management Office to ensure that the contracted drone owner and operator has met FAA and university requirements: aircraft liability insurance with limits of at least \$1MM; LMU is the certificate holder; and LMU is named as additional insured. The vendor must also take proper risk mitigation measures during the use of the drone.

E. Any drone operator that wants an exemption from any portion of the FAA regulations, such as a Section 333 exemption, must first obtain a Certificate of Waiver from the FAA and show proof that the exemption has been granted.

V. Procedures

A. All use and operation of drones undertaken by University faculty, staff and students, or by third parties (including, but not limited to, consultants or contractors) acting on behalf of the University, must adhere to FAA and City of Los Angeles regulations.

B. Permission to use or operate a drone for academic, research or business purposes must be obtained from the Risk Management Office. The University Risk Manager, in consultation with University Counsel, shall review any proposed use of drones by University faculty, staff, students or third parties acting on behalf of the University on, from or above campus, or any other location.

C. Appeals of the decision by the University Risk Manager and the University Counsel may be made, in writing, to the Chief Administrative Officer and the Provost. Only decisions regarding drones to be used for academic, research or business purposes can be appealed. Decisions regarding recreational drone use cannot be appealed. The CAO and the Provost’s decision is final. The CAO and the Provost may, at his or her sole discretion, suspend or terminate any previous approval for the use or operation of any drone or drones under this policy.

VI. Responsibilities

A. University Risk Manager:

1. Will review proposals to operate drones on, over or from University property;

2. Will verify FAA regulations have been met;
3. Will verify insurance provisions are met;
4. Will consult with University Counsel;
5. Will forward appeals to the CAO and Provost.

B. University CAO and Provost:

1. Will review appeals forwarded from the University Risk Manager;
2. Will have final approval or disapproval of any drone flight appeals.

VII. Resources

- www.faa.gov/uas
- clkrep.lacity.org/onlinedocs/2015/15-0927_misc_09-17-2015.pdf
- www.faa.gov/uas/request_waiver (for airspace permission)
- 310.342.4098: LAX flight tower for approval

VIII. Contacts

Doug Moore, University Risk Manager
310.338.3071
dmoore25@lmu.edu

Violence-Free Campus Policy

Introduction

Loyola Marymount University is committed to maintaining a safe and secure campus environment so that Students, faculty, staff and visitors are able to pursue their education, work and other activities in a safe, non-threatening environment.

Policy Statement

Violence, threats or implied threats of violence and intimidation (including verbal, written, electronic or physical acts intended to frighten or coerce) impede the goal of providing a safe environment. All Students, faculty, staff and visitors are covered by this policy as well as any other policies contained in the LMU Community Standards booklet. This policy applies to conduct on campus but includes off-campus conduct which adversely affects the University.

The University has adopted procedures for responding to and addressing conduct that violates this policy and urges LMU community members to be alert to the possibility of violence on campus. As responsible members of the University community, Students, faculty, staff and visitors are encouraged to report violence, threats of violence or intimidation that they experience or witness on campus.

Reporting

LMU community members should report campus emergencies and issues of concern to the Department of Public Safety (DPS) at 310.338.2893 or x222 (for internal University phones). In addition, the Department of Public Safety maintains an anonymous website for reporting suspicious incidents at publicsafety.lmu.edu/incidentreporting and e-mail address: public.safety@lmu.edu.

Threat Assessment

Once information is received by the University concerning violence, threats of violence or intimidation to any member of the campus community, the University will conduct a threat assessment to determine if an immediate or imminent

threat to the campus or any member of the campus community exists. All threat assessments are conducted by the Department of Public Safety pursuant to its threat assessment protocols. DPS may collaborate with other University entities to help determine the credibility and extent of the threat and whether any further notifications or referrals should be made. When appropriate, DPS may collaborate with local law enforcement entities upon the finding of possible criminal violations. DPS may also determine that no immediate threat exists and may refer Student incidents to the Office of Student Conduct & Community Responsibility (OSCCR).

Non-Retaliation and False Claims

The University prohibits retaliation against any person who in good faith reports violations of this policy or cooperates in an investigation. The University also prohibits the filing of knowingly false or misleading reports and providing knowingly false or misleading information in an investigation. Disciplinary or other action may result from either of these acts in violation of this policy.

Enforcement

The University may pursue disciplinary, civil or criminal action as appropriate against any person who violates this policy by engaging in such violence, threats of violence or intimidation.

Confidentiality

Confidentiality of complaints and parties will be preserved to the greatest extent possible, understanding that the University may have an obligation to take some action even if the Complainant is reluctant to proceed.

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

I. Introduction

Loyola Marymount University recognizes the significant, unacceptable and nationwide existence of sexual and interpersonal misconduct on college campuses. LMU is dedicated to the prevention of such misconduct and to providing a caring, supportive and effective response when such misconduct occurs. Accordingly, LMU encourages Students and University Community members to report such misconduct so that the University can take appropriate responsive action.

Title IX of the Education Amendments of 1972 (“Title IX”) is a federal civil rights law that prohibits discrimination on the basis of sex in education, programs and activities. Under Title IX, discrimination on the basis of sex can include student-on-student Sexual Harassment or Sexual Assault including sexual violence, rape, sexual battery, sexual coercion, Sexual Exploitation and unwelcome intrusion into another’s sexual seclusion or privacy, as well as interpersonal misconduct including Dating Violence, Domestic Violence and Stalking. The Division of Student Affairs has established this Student-on-Student Sexual & Interpersonal Misconduct Policy & Protocol to assist and respond to complaints of student-on-student sexual and interpersonal misconduct.

Students should report all forms of sexual misconduct (student-on-student; student and non-student; faculty/staff-on-student) and interpersonal misconduct to a Student Affairs professional staff member, the Senior Vice President for Student Affairs, the Title IX Coordinator or by filing a report with the LMU Department of Public Safety, 310.338.2893/222 emergency line on campus).

A Student Conduct Code case for alleged student-on-student sexual or interpersonal misconduct will be initiated and adjudicated.

Sexual or interpersonal misconduct involving a Student and any non-student in the University Community is handled under the LMU Discriminatory Harassment and Complaint Process.

All persons, including University faculty and staff, are prohibited from taking any retaliatory action against any other member of the University Community including, but not limited to, the Complainant, Respondent or witnesses to an alleged incident of sexual or interpersonal misconduct. Any Student engaging in any retaliatory action(s) will be subject to discipline under the Student Conduct Code and

appropriate sanctions for determined violations may include dismissal from the University.

Retaliation by non-students will be adjudicated and determined in accordance with the LMU Discriminatory Harassment and Complaint Process. Any Student who believes that they have been retaliated against for having filed, or being named in, a complaint for sexual or interpersonal misconduct or having participated in the investigation of such a complaint, should promptly notify the Department of Public Safety at 310.338.2893. Any person who believes that they have been retaliated against by a staff member should notify Human Resources at 310.338.2723. Any person who believes that they have been retaliated against for the above mentioned reasons by a faculty member on behalf of the University should notify Academic Affairs at 310.338.2733.

For additional information on sexual and interpersonal misconduct awareness, prevention and training, including bystander intervention, programming and events on campus intended to bring awareness to these issues and opportunities for you to get involved, please visit LMU CARES at lmu.edu/lmucares, or call 310. 258.4381.

II. Policy

A. Under Title IX, schools are mandated to respond to two forms of sex-based harassment: Sexual Harassment and gender-based harassment. According to Title IX, Sexual Harassment is broadly defined as unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature including sexual violence. This policy applies to all Students, regardless of sexual orientation or gender identity. Under this policy, sexual misconduct includes all forms of Sexual Harassment under Title IX including sexual violence, such as rape, Sexual Assault, sexual abuse, sexual battery and sexual coercion. Interpersonal misconduct includes Dating Violence, Domestic Violence and Stalking. All forms of sexual and interpersonal misconduct are unacceptable and will not be tolerated, including acts that occur off campus.

Any Student alleged to have participated in sexual or interpersonal misconduct will be referred to the Office of Student Conduct & Community Responsibility (OSCCR) and, if found responsible, will be subject to disciplinary action. Complainants of sexual and interpersonal misconduct are not required to be members of the LMU community; they may

be third parties or others unaffiliated with the University. If a Complainant chooses not to participate in the University conduct process, the University reserves the right to initiate the conduct process if, in the opinion of OSCCR, sufficient evidence exists without the participation of the Student Complainant to present the case to the Conduct Officers and obtain a determination of a violation by the putative Respondent utilizing the Preponderance of the Evidence standard. Outcomes related to sexual and interpersonal misconduct cases run the full spectrum as outlined in Section IV of the Student Conduct Code, and include disciplinary warning through suspension or dismissal from the University.

B. All alleged incidents of student-on-student sexual and interpersonal misconduct will be adjudicated in accordance with the Student Conduct Code utilizing the Preponderance of the Evidence standard and will involve a hearing with cross examination. Student Conduct Code proceedings shall be prompt, fair and impartial and adjudicated by officials that have received regular training regarding incidents of this nature.

C. In cases alleging sexual and interpersonal misconduct the Senior Vice President for Student Affairs, or designee, may take interim measures, including, but not limited to, academic, residential, transportation and/or employment accommodations, intended to ensure the well-being of the Complainant, the Respondent, the investigatory process and/or the University Community while the complaint is being investigated and prior to the determination on the charge. Any such interim measures shall not be referred to or offered as evidence at the hearing on the underlying charge. Any such interim measures shall be designed and implemented in a manner intended to achieve their purpose while at the same time limiting, to the extent practicable, any adverse effect to the Complainant's and/or Respondent's educational program. Any such interim measures shall remain confidential, to the extent practicable to achieve the measure. Both Complainant and Respondent will receive written notification of their access to interim measures.

D. Both Complainant and Respondent will receive written notification of their rights and options in regards to the Student conduct process. Both Complainant and Respondent will also receive written notification of available on and off campus counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services offered by the University and other local organizations.

E. No Contact Orders (NCO) will also be utilized by the Department of Public Safety both during the investigation and through the completion of the disciplinary process.

Both parties will be expected to sign a document stating their awareness of the NCO and the stipulations of no contact, however failure or refusal to sign an NCO by either party does not impact the enforcement of the NCO. Public Safety will provide information about available community resources.

F. In line with the Good Samaritan Policy found in this Community Standards Booklet, violations of the Student Conduct Code regarding underage or excessive consumption of alcohol and/or marijuana or use or possession of illegal substances will not be utilized to commence disciplinary proceedings against a Complainant if the information is divulged through the process of reporting sexual or interpersonal misconduct. The University does reserve the right to refuse to grant amnesty to reporters under certain extenuating circumstances. Criminal investigations and other police action may still occur at the discretion of the law enforcement agency responding to the incident.

G. Student Conduct Code proceedings respecting alleged incidents of sexual and interpersonal misconduct will in the first instance be adjudicated by a panel of not less than two staff Conduct Officers. These Conduct Officers will be regularly trained in the adjudication of these types of incidents. A pre-hearing meeting will be scheduled separately with both the Complainant and the Respondent, where both parties will be permitted to review the Department of Public Safety investigatory report and supporting evidence, identify additional Witnesses and ask questions about the conduct process. All Student Conduct Code proceedings involving allegations of sexual and interpersonal misconduct will include a hearing with cross examination. Complainants and Respondents will be permitted to ask questions of the opposing party and Witnesses.

All Conduct Officers receive training regarding the adjudication of sexual and interpersonal misconduct. For information regarding what training is conducted please contact OSCCR at 310.338.1821.

H. Prior sexual history of Complainant or Respondent with people outside of each other will not be utilized as evidence in these disciplinary proceedings.

I. Once a Student Conduct Code determination of the charges has been made, a determination notification letter will be concurrently sent to Complainant and Respondent.

J. Complainants are encouraged to report all instances of sexual or interpersonal misconduct regardless of the amount of time that has passed since the alleged misconduct occurred. The University reserves the right to take

disciplinary action regarding allegations involving current LMU Students irrespective of the length of time since the alleged misconduct occurred.

K. Student Conduct Code proceedings are independent from criminal or civil proceedings and will normally proceed without regard to the pendency or potential pendency of criminal or civil proceedings.

III. Definitions

A. For purposes of this policy, **Sexual Assault** is defined as engaging in sexual intercourse, or any of the sexual activities listed below, with another person without that person's consent. Sexual Assault includes, but is not limited to, rape, sexual battery, anal intercourse, oral copulation or penetration of a body cavity by a foreign object. Sexual intercourse includes the penetration, however slight, of the vagina or anus with any object or body part and of the mouth with a body part and/or object in a sexual manner.

B. For purposes of this policy, **Sexual Harassment** is defined as unwelcome conduct of a sexual nature including, but not limited to, unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal, nonverbal, auditory, visual, recording, transmission or display of sexual matters or materials or physical conduct of a sexual nature, such as making contact with an intimate body part (including, but not limited to: the mouth; the sex organs; the anus; the groin; the buttocks and/or the breasts) of another person without that person's consent, including as a result of sexual coercion. A sexually hostile environment exists when Sexual Harassment is so continuous and pervasive that it interferes with or limits a student's ability to participate in, or benefit from, the University's educational program.

For purposes of this policy, Sexual Harassment includes, but is not limited to, invasion of sexual privacy, audio or video recording or photographing of a sexual nature utilizing webcam, camera, Internet exposure, etc., without knowledge and consent of all persons, going beyond the boundaries of consent (such as letting another person hide and watch you have consensual sex without the knowledge of the other party), engaging in unconsented voyeurism, exposing one's genitals in non-consensual circumstances, coercing another against their will to expose their genitals or breasts and prostituting another person.

C. For purposes of this policy, **Sexual Exploitation** is defined as sexual misconduct that occurs when a person takes unjust or abusive sexual advantage of another for their benefit or for the benefit of anyone other than the exploited party; and that behavior does not otherwise constitute Sexual Assault. Examples of Sexual Exploitation include, but are not limited to, invasion of sexual privacy, audio or video recording or

photographing of a sexual nature utilizing webcam, camera, Internet exposure, etc., without knowledge and consent of all persons, going beyond the boundaries of consent (such as letting another person hide and watch you have consensual sex without the knowledge of the other party), engaging in unconsented voyeurism, coercing another against their will to expose their genitals or breasts and prostituting another person.

D. Consent is defined as the unambiguous and willing participation or cooperation in act, behavior or attitude that is commonly understood to be consistent with the exercise of free will. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative Consent of the other(s) to engage in the sexual activity. Consent requires participants who are lawful adults, fully conscious, equally free and legally competent to act, have clearly communicated their willingness, cooperation or permission to participate in the specific sexual activity engaged in, are positive and clear about their desires and are able to cease ongoing consensual activity at any time. Refusal to Consent does not have to be verbal; it can be expressed with clear gestures, body language or attitude. Lack of protest or resistance does not mean Consent, nor does silence mean Consent. Prior sexual history between the Complainant and Respondent, by itself, does not constitute Consent, nor does consenting to sexual activity with one person imply Consent to sexual activity with another person.

1. Consent is not freely given if:

a. It is obtained through the use of force, through the fear of or the threat of force, through the abuse of a power position over another (such as employment status or position within an organization) or by kidnap; or

b. A reasonable person, in the position of the alleged perpetrator at the time the alleged conduct occurred, should have known that the other person was unable to give Consent for any of the following reasons:

i. The individual is unable to make an informed decision as a result of the use of alcohol, drugs or other substances (including, but not limited to, predatory drugs or prescribed medications); or

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

iii. The individual is under the age of 18 and therefore legally incapable of giving Consent; or

iv. The individual is known by reason of impairment, mental condition or developmental or physical disability to be reasonably unable to Consent.

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

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

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

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

E. For purposes of this policy, **Domestic Violence** is defined as a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under California law or by any other person against an adult or youth victim who is protected from that person's acts under California law.

F. For purposes of this policy, **Dating Violence** is defined as violence committed by a person:

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

2. Where the existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the following factors:

a. The length of the relationship;

b. The type of the relationship;

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

Dating Violence includes, but is not limited to, sexual or physical abuse or threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

G. For purposes of this policy, **Stalking** means engaging in a course of conduct directed at a specific person(s) that would cause a reasonable person under similar circumstances and

with similar identities to the Complainant to fear for their safety or the safety of others; or suffer substantial emotional distress.

For the purposes of this definition course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person or interferes with a person's property.

For the purposes of this definition substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

H. "Complainant" means the individual(s) who file(s) a Student Conduct Code complaint with the University.

I. "Hostile Environment" is defined as any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive that it limits, interferes with or denies educational benefits or opportunities, from both a subjective (the Complainant's) and an objective (reasonable person's) viewpoint.

J. "Respondent" means the individual(s) against whom a Student Conduct Code complaint is made.

K. "Retaliation" means adverse, non-permitted action taken by an individual or a third party against a person who reports a violation of this policy, assists someone with a report of a violation of this policy or participates in any manner in an investigation or resolution of a report of a violation of this policy. Retaliation may, among other non-permitted conduct or behaviors, include threats, intimidation, coercion, Harassment, spreading negative information about an individual, exclusions from academic and non-academic programs and/or adverse actions related to employment.

IV. California Law

The following excerpts are only partially explanatory of certain California laws pertaining to sexual and interpersonal misconduct. These excerpts are not intended to be an exhaustive description or list of California laws pertaining to sexual misconduct, inappropriate or criminal sexual behavior or interpersonal misconduct.

A. Excerpts from Sections 11165.1 and 261 of the California Penal Code: Sexual Assault includes rape, statutory rape, rape in concert, incest, sodomy, lewd or lascivious acts upon a child, oral copulation, sexual penetration, child molestation and the following:

1. Penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is emission of semen.
2. Sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.
3. Intrusion by one person into the genitals or anal opening of another person, including the use of an object for this purpose, except that, it does not include acts performed for a valid medical purpose.
4. The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs and buttocks or the clothing covering them, of a child, or of the perpetrator by a child, for purposes of sexual arousal or gratification, except that it does not include acts which may reasonably be construed to be normal caretaker responsibilities; interactions with, or demonstrations of affection for, the child; or acts performed for a valid medical purpose.
5. The intentional masturbation of the perpetrator's genitals in the presence of a child.

Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

1. Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal Consent, and this is known or reasonably should be known to the person committing the act.
2. Where it is accomplished against a person's will by means of force, violence, duress, menace or fear of immediate and unlawful bodily injury on the person or another.
3. Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
4. Where a person is at the time unconscious of the nature of the act, and this is known to the accused.

As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

- a. Was unconscious or asleep.
- b. Was not aware, knowing, perceiving or cognizant that

the act occurred.

c. Was not aware, knowing, perceiving or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

d. Was not aware, knowing, perceiving or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

5. Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense or concealment practiced by the accused, with the intent to induce the belief.

6. Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury or death.

7. Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. The perpetrator does not actually have to be a public official.

California law also states that "The essential guilt of rape consists in the outrage to the person and feelings of the victim of the rape. Any sexual penetration, however slight, is sufficient to complete the crime" (Penal Code section 263). California law further defines both marital rape (Penal Code section 262) and "statutory rape" (Penal Code section 261.5).

Though laws vary from state to state, intercourse in which Consent was not obtained or was obtained under coercive conditions will usually be considered rape.

B. Excerpt from Section 67386 of the California Education Code:

The governing boards of independent postsecondary institutions shall adopt a policy concerning Sexual Assault, Domestic Violence, Dating Violence and Stalking, as defined in the federal Higher Education Act of 1965 involving a Student, both on and off campus. This policy shall include an affirmative Consent standard in the determination of whether Consent was given by both parties to sexual activity.

“Affirmative Consent” means affirmative, conscious and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative Consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean Consent, nor does silence mean Consent. Affirmative Consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of Consent.

C. Excerpts from Section 261.6 and 261.7 of the California Penal Code:

In prosecutions under Section 261, 262, 286, 287 or 289, in which Consent is at issue, “Consent” shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

A current or previous dating or marital relationship shall not be sufficient to constitute Consent where Consent is at issue in a prosecution under Section 261, 262, 286, 287 or 289. Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of Consent. In prosecutions under Section 261, 262, 286, 287 or 289, in which Consent is at issue, evidence that the victim suggested, requested or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of Consent, is not sufficient to constitute Consent.

D. Excerpts from Section 646.9 of the California Penal Code:

Any person who willfully, maliciously and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for their safety, or the safety of their immediate family is guilty of the crime of Stalking, punishable by:

1. Imprisonment in a county jail for not more than one year, or
2. By a fine of not more than \$1,000, or
3. By both that fine and imprisonment, or by imprisonment in the state prison.

For the purposes of this section, “harasses” means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments or

terrorizes the person, and that serves no legitimate purpose. For the purposes of this section, “course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”

E. Excerpts from Section 13700 of the California Penal Code and 6211 of the California Family Code:

“Domestic Violence” means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant or person with whom the suspect has had a child or is having or has had a dating or engagement relationship, a child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected or any other person related by consanguinity or affinity within the second degree.

For purposes of this subdivision, “cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to:

1. Sexual relations between the parties while sharing the same living quarters;
2. Sharing of income or expenses;
3. Joint use or ownership of property;
4. Whether the parties hold themselves out as spouses;
5. The continuity of the relationship; and
6. The length of the relationship.

V. Complainant/Respondent Rights

A. Complainants and Respondents in a sexual or interpersonal misconduct case have the right to:

1. Access to an Advisor, if they do not have one of their own choosing, to assist with the conduct process. Complainants and Respondents may select the Advisor of their choice, regardless of family relationship or lack of affiliation to the University (see section IX for more details);
2. Receive a written notification of available on-and off-campus counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, Student financial aid and other services available as well as notification of the procedures for institutional

disciplinary action and their rights and options as defined in sexual and interpersonal misconduct cases;

3. Make a complaint to the Department of Public Safety;
4. File a police report and take legal action separate from and/or in addition to filing a Student Conduct Code complaint seeking disciplinary action;
5. Be informed of the disciplinary finding (responsible or not responsible) in writing;
6. Present material Witnesses to the alleged incident;
7. Appeal rights as outlined in the Student Conduct Code (Section VIII);
8. Opportunity to cross examine the opposing party and any Witnesses to determine credibility of information;
9. Refuse any/all of the above. If Complainant refuses to participate in a hearing with cross examination, the University will not proceed with the conduct process unless sufficient evidence exists without the participation of the Student Complainant. If Respondent refuses to participate in a hearing with cross examination, the University will nonetheless proceed with the conduct process and, if supported by the evidence presented, hold the Respondent accountable for proved violations of the subject Student Conduct Code charges.

VI. Title IX

A. Under Title IX, LMU has a responsibility to respond promptly and equitably to address Sexual Harassment, sexual violence and interpersonal misconduct. If LMU knows or reasonably should know about Sexual Harassment, sexual violence or interpersonal misconduct that creates a hostile environment, LMU must take action to eliminate the Sexual Harassment, sexual violence or relationship misconduct, prevent its recurrence and address its effects.

LMU encourages prompt reporting of crime to Public Safety and/or law enforcement. Even if a Student elects not to file a Student Conduct Code complaint, does not request that LMU take any action on the Student's behalf or is unable to make a report to LMU and/or law enforcement, if LMU knows or reasonably should know about possible Sexual Harassment, sexual violence or interpersonal misconduct, LMU must promptly investigate to determine what occurred and then take appropriate steps to resolve the situation. In appropriate circumstances, LMU may report crimes to law enforcement when a victim decides not to report or cannot report the crime.

A criminal investigation into allegations of Sexual Harassment or sexual violence does not relieve LMU of its duty under Title IX to resolve complaints promptly and equitably.

Questions about Title IX or this policy may be directed to the Title IX Coordinator, Sara Trivedi, in Human Resources, who can be reached at 310. 568.6105 or strivedi@lmu.edu. The Title IX Coordinator is notified of reported incidents of sexual and interpersonal misconduct and monitors the University's response to such misconduct. Deputy Title IX Coordinators include:

1. Lisa Grant, Human Resources Specialist—Investigations: Lisa.Grant@lmu.edu
2. Francesca Piumetti, Associate Dean of Students: Francesca.Piumetti@lmu.edu
3. Maria Behm, Senior Associate Athletics Director Business Affairs: Maria.Behm@lmu.edu

B. How do I file a complaint with the U.S. Department of Education, Office for Civil Rights?

If you believe that Loyola Marymount University does not respond appropriately to your allegations of Sexual Assault, harassment or misconduct after you have filed a report with Public Safety, Residence Life or gone through the conduct process, you have the option to file a complaint with the Office for Civil Rights.

1. You may file a complaint:
 - a. In person: via telephone 800.421.3481; or
 - b. Online: via e-mail: OCR@ed.gov; or
 - c. By mail, write letter to:
U.S. Department of Education Office for Civil Rights
Lyndon Baines Johnson Department of
Education Building
400 Maryland Avenue, S.W.
Washington, D.C. 20202-1100
2. For more information about filing a complaint please visit: www2.ed.gov/about/offices/list/ocr/complaintintro.html

VII. Confidentiality

A. Title IX requires all universities to identify "responsible employees" as those who are obligated to report all details of an incident, including the identities of those involved, to the Department of Public Safety whenever that information is

brought forward to the employee. The Department of Public Safety will notify the Title IX Coordinator when a report has been filed.

Students reporting an incident of sexual or interpersonal misconduct to a responsible employee may request confidentiality. Students should be aware that if they request confidentiality, then the University's ability to effectively investigate and adjudicate the instance(s) of sexual or interpersonal misconduct may be impaired. The University cannot guarantee confidentiality in this instance, and the following factors will be considered by the Title IX Coordinator in consultation with the Senior Vice President for Student Affairs, or designee, in determining whether the confidentiality request can be honored or if an investigation is necessary:

1. The Respondent has known prior allegations of sexual or interpersonal misconduct and a potential for a campus safety risk exists; or
2. The location in which the alleged incident occurred is a location where previous complaints of sexual or interpersonal misconduct occurred creating the potential for an unsafe environment for the LMU community; or
3. A threat to the campus community at large has been identified; or
4. A frequency or pattern is detected that suggests an unsafe environment exists for the LMU Community or an LMU community member; or
5. The sexual or interpersonal misconduct was perpetrated with a weapon; or
6. The victim is a minor; or
7. Some combination of the above factors exists.

If the decision is made that confidentiality cannot be honored, then the University will only inform the necessary individuals and entities on campus required to perform a thorough investigation and adjudication of the complaint.

B. Responsible employees include faculty, administrative staff and some student staff. Responsible employees do not include the following:

1. Professional, licensed counselors, such as the psychologists at Student Psychological Services (SPS), 310.338.2868, are not required to report any information regarding an alleged sexual or interpersonal misconduct, to the Department of Public Safety, the Title IX

Coordinator or any other reporting body, without consent from the Student.

Pastoral counselors, such as Catholic priests and women religious, are not required to report any information regarding an alleged sexual or interpersonal misconduct, to the Department of Public Safety, the Title IX Coordinator or any other reporting body, without Consent from the Student provided they receive the information in performance of their pastoral duties.

2. Student Health Services (SHS) Staff, such as doctors and nurse practitioners at SHS 310.338.2881, are not required to report any information regarding an alleged sexual or interpersonal misconduct, to the Department of Public Safety, the Title IX Coordinator or any other reporting body on campus, without Consent from the Student. The SHS Staff will be required to report signs of physical or sexual abuse to law enforcement.

3. LMU Community Resource Advisors (LMU CRAs), whose names can be found on the LMU CARES website (lmu.edu/lmucares), may speak with Students regarding incidents of sexual and interpersonal misconduct without automatically triggering a University investigation into the matter. These individuals do have time and place reporting responsibilities under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), but are not obligated to report identifying information of the Complainant. If the Respondent's name is presented to an LMU CRA, they will be obligated to report that information to the Title IX Coordinator. Reports by the LMU CRA will not trigger a University investigation unless the Title IX Coordinator, in consultation with the Senior Vice President for Student Affairs, or designee, determines that an investigation is necessary because of the existence of one or more of the factors described in Section VII (A).

VIII. Student Affairs Resource Administrators

When an allegation of sexual or interpersonal misconduct is brought to the attention of LMU, the Associate Dean of Students, or designee, will assign a Student Affairs Resource Administrator (SARA) to both the Complainant and Respondent (if a Respondent has been identified). The SARAs will make themselves available, separately, to assist both the Complainant and Respondent in identifying University and external resources that are available to them in the context of alleged sexual or interpersonal misconduct. SARAs will also review with Complainants what interim measures may be available to them (as outlined in Section II(C) of this policy). Complainants will be assigned a SARA regardless of whether they provide LMU with the name of the Respondent or willingly participate in the conduct

process. The SARAs are members of the Division of Student Affairs who are trained to assist the parties in identifying University and external resources and explaining the University's conduct process in cases of alleged Student Conduct Code violations relating to sexual and interpersonal misconduct. The role of the SARA is to:

- A.** Provide information, in writing, regarding resources on and off campus such as SPS, SHS, Student Housing, Department of Public Safety, proper law enforcement authorities, Rape Treatment Center at Santa Monica-UCLA Medical Center, Campus Ministry and the OSCCR;
- B.** Explain all stages of the LMU Student Conduct Code process, including potential outcomes for both Complainant and Respondent;
- C.** Provide information, explanation and review so that the parties can make an informed decision about the options available to them, including reporting to law enforcement, filing and responding to Student Conduct Code complaints, documenting their decisions and requesting interim measures;
- D.** Follow up with the Student throughout the Student Conduct Code process and thereafter to ensure that no Retaliation is taking place and to continue to provide the Student access to the resources that the Student requires.

IX. Advisor

In cases of sexual and/or interpersonal misconduct, Complainants and Respondents may choose an Advisor of their choice. If Complainants or Respondents want a trained Advisor from the University community, they may obtain a referral from their assigned SARA. Advisors will assist Students in understanding the conduct process but will not serve as representation for Students in Student Conduct Code proceedings.

If the Student chooses an Advisor for incidents involving sexual and/or interpersonal misconduct, that Advisor is still subject to the requirements set forth in Section VI(D) (3) of the Student Conduct Code.

LMU and Community Sexual and Interpersonal Misconduct Resource Contact List

The following resources are available to students and other members of the LMU community for information and support concerning sexual and interpersonal misconduct:

LMU Resources

LMU CARES

Malone Student Center 403
310.258.4381

lmu.edu/lmucares/

Student Affairs Resource Administrators

310.338.2856

Community Resource Advisors

studentaffairs.lmu.edu/CRA

Department of Public Safety

Foley Annex
310.338.2894
222 On-Campus Emergency Line

Student Psychological Services

Burns Recreation Center, North Side,
Second Floor
310.338.2868
Psychological support, information and
resource referral

Student Health Services

Burns Recreation Center, North Side,
First Floor
310.338.2881
Medical and information resource

Campus Ministry

Malone Student Center 210
310.338.2860
Pastoral counseling

Office of Student Conduct & Community Responsibility

Malone Student Center 355
310.338.1821
Information about LMU's conduct
process

Community of Care

Malone Student Center 301
310.338.3756
Case manager support

Office for International Students & Scholars

Malone Student Center 201
310.338.2937
Information about immigration and
government documentation

LGBT Student Services

Malone 201
310.258.5482

Financial Aid

Von der Ahe 270
310.338.2753

Disability Support Services

Daum Hall, second floor
310.338.4216

Callisto

lmu.callistocampus.org

Secure and private method to create
a record of unwanted sexual or
interpersonal misconduct

Title IX Coordinator

Sara Trivedi
University Hall 1900
310.568.6105

Community Resources

Rape Treatment Center at Santa Monica-UCLA Medical Center

1250 16th Street
Santa Monica, CA
424.259.7208
uclahealth.org/santa-monica/rape-treatment

Cedars-Sinai Marina Del Rey Hospital

4650 Lincoln Blvd.
Marina del Rey, CA 90291
310.823.8911
marinahospital.com

Los Angeles Police Department Pacific Community Police Station

12312 Culver Blvd.
Los Angeles, CA 90066
310.482.6334 (station phone)
9-1-1 (life threatening emergencies);
626.793.3385 (LAPD Rape Hotline)

Legal Aid Foundation of Los Angeles

1640 5th St., Suite 124
Santa Monica, CA 90401
310.899.6200

Superior Court of Los Angeles

Temporary Restraining Order:
lacourt.org/selfhelp/abuseandharassment/SH_AH001.aspx

ACE Travel Assistance Program (Study Abroad)

Domestic: 855.327.1414
International: 630.694.9764

Peace Over Violence

1015 Wilshire Blvd., Suite 200
Los Angeles, CA 90017
310.392.8381 (24 hour hotline)

Office for Civil Rights

U.S. Department of Education Office for
Civil Rights
Lyndon Baines Johnson Dept of
Education Building
400 Maryland Ave., S.W.
Washington, D.C. 20202-1100
800.421.3481
OCR@ed.gov

What Should You Do If You Experience Sexual Assault, Sexual Violence, Domestic Violence, Dating Violence or Stalking?

If you experience Sexual Assault, sexual violence, Domestic Violence, Dating Violence or Stalking, it is important to remember that it is not your fault!

The most important thing you can do is to get the assistance that you need by taking the following steps:

A. Go to a safe place as soon as you can.

B. Preserve all physical evidence.

Do not wash your face or hands, bathe, brush your teeth, drink or eat, douche or change clothes. If you do change your clothes, put all clothing you were wearing at the time of the assault in individual paper bags (not plastic). It is important to preserve as much evidence as possible for investigation and processing of criminal and/or disciplinary charges.

C. Contact LMU Department of Public Safety — 310.338.2893 or 222 (Emergency Line on campus)

LMU Public Safety can also be reached through the Public Safety App. Visit publicsafety.lmu.edu/campussafety/lmualert to download the app. Public Safety can assist you in reporting a crime that occurred off campus to the appropriate authorities. You may decline to report your experience to such authorities.

D. Seek immediate or prompt medical treatment (typically within 72 hours).

It is important to seek immediate or prompt and necessary follow-up medical attention for several reasons:

1. To assess and treat any physical injuries you may have sustained;
2. To determine the risk of sexually transmitted diseases or pregnancy and take appropriate medical measures;
3. If you choose, you may have evidence collected and preserved to aid in the investigation and processing of criminal prosecution and/or disciplinary action.
It is best for any physical evidence to be collected within the first 24 hours following the incident (the quality and quantity of evidence collected later than this may be substantially diminished).

E. Visit the Rape Treatment Center at Santa Monica-UCLA Medical Center — 424.319.4000

The Rape Treatment Center can provide general medical treatment and, if you choose, collection of evidence. A medical exam could include treatment of any physical problems; evaluation of risks; various lab tests for sexually transmitted diseases and pregnancy; appropriate treatment; identification and collection of physical evidence of any Sexual Assault. A specially trained nurse will perform the evidence collection exam.

A Sexual Assault advocate or a support person of your choice may be present throughout the procedure.

The Rape Treatment Center hospital emergency department follows national standards for victim care, Sexual Assault exams and evidence collection procedures. If the decision is made to conduct an evidence collection exam, the anonymous evidence may be held for six months or longer. This means you do not have to decide immediately whether or not you want to press charges.

The Rape Treatment Center also provides long term counseling support for victims of Sexual Assault and sexual violence, as well as advocacy and accompanying services.

F. Meet with your assigned Student Affairs Resource Administrator (SARA).

LMU will assign you a SARA following a report being submitted to Public Safety. Your SARA is a Student Affairs professional trained to provide you with information about resources available to you both on and off campus. The SARA can receive requests for interim measures and review your options with you. SARAs will also review with you the University's conduct process and LMU's policy against Retaliation.

G. Schedule non-emergency medical treatment — 310.338.2881

Even if you choose not to go to the hospital or to seek immediate medical attention, it is still important to get medical attention to treat any physical problems and to conduct various lab tests for sexually transmitted diseases and pregnancy. To arrange non-emergency treatment, contact Student Health Services via telephone, visit lmu.edu/health to schedule an appointment online or walk-in to their office in the Burns Recreation Center, Monday-Friday, 8 a.m. to 5 p.m. If you say that you have been a victim of Sexual Assault, sexual violence, Domestic Violence, Dating

Violence or Stalking, you will be offered a general medical examination by a licensed health care provider. You will also be offered a referral to Student Psychological Services (SPS) for counseling and support.

H. Utilize counseling services — 310.338.2868

SPS has mental health professionals available for students in crisis. During regular office hours you can call SPS or come to the office located in the Burns Recreational Center, Monday-Wednesday, 8 a.m. to 7 p.m., and Thursday-Friday, 8 a.m. to 5 p.m. To schedule an appointment online, visit [lmu.edu/counseling](https://www.lmu.edu/counseling). After hours, please call 310.338.2868 and follow the prompt to access a therapist.

Statement of Non-Discrimination

I. Statement of Policy

Loyola Marymount University is dedicated to fostering the education of the whole person and strives to provide an environment that encourages the search for truth and freedom of inquiry. The University recognizes the important contribution a diverse community of students, faculty, and staff makes towards the advancement of its goals and ideals. The University is committed to providing an environment that is free of discrimination and harassment as defined by federal, state, and local law, as well as under this policy. Any violations of this policy will be treated as serious misconduct and result in appropriate disciplinary action up to and including dismissal from the University.

This policy applies to all students, faculty, and staff, including but not limited to trainees, unpaid interns, volunteers, non-supervisory staff, supervisors, managers, directors, and leadership. It is also the policy of the University to protect its students, faculty and staff from unlawful harassment by vendors, guests, and other visitors to the University. It is the responsibility of every student, faculty, and staff member to follow this policy conscientiously.

Equal Opportunity & Non-Discrimination

The University seeks to ensure a positive living, learning and working environment for all LMU community members. Specifically, this policy prohibits unwelcome, harassing conduct on the basis of race, religious creed (including religious dress and grooming practices), color, national origin (including language and language use restrictions), ancestry, disability (mental and physical) including HIV and AIDS, legally protected medical condition (cancer-related or genetic characteristics), denial of Family and Medical Care Leave, marital status, sex (including pregnancy, childbirth, breastfeeding or related medical condition), gender, gender identity, gender expression, age 40 or over, military or veteran status, sexual orientation, genetic information or any other bases protected by federal (including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990), state or local law. The University does not discriminate on these bases, or any other basis protected by law, in the administration of any of its education or admissions policies, scholarship or loan programs, athletics, and other school-administered policies and programs, or in its employment policies and practices. All University policies, practices, and procedures are administered in a manner consistent with LMU's Jesuit identity and character.

Non-Discrimination on the Basis of Disability

Section 504 of the Rehabilitation Act of 1973 of the U.S. Department of Health and Human Services regulations implementing the act states that, "no otherwise qualified disabled individual shall, solely by reason of his [or her] disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance," such as Financial Aid. Section 504 administration and compliance are coordinated through Academic Affairs, Disability Support Services for students, and through Human Resources for faculty and staff.

The University provides reasonable accommodation of qualified individuals with mental and/or physical disabilities whose needs are made known. A student seeking an accommodation should contact his or her academic advisor or Disability Support Services. Faculty and staff seeking an accommodation should contact his or her supervisor or Human Resources.

Hate Crimes and Bias-Motivated Incidents

The University will not tolerate hate crimes or bias-motivated incidents and will respond to them with appropriate sanctions which may include for students expulsion, suspension, or exclusion from the campus and for faculty and staff disciplinary action up to and including termination. Students, faculty, or staff who experience or witness any form of hate crime or bias-motivated incident should immediately report the incident to the Department of Public Safety.

II. Definitions

"Hate Crimes" are acts of physical force, threats, or intimidation that are willfully or knowingly committed because of the victim's actual or perceived disability, gender, nationality, race or ethnicity, religion or sexual orientation. Hate crimes are expressed in several ways, sometimes physical violence and sometimes violence against property. (California Penal Code, §§422.55 and 422.6).

"Bias-Motivated Incidents" are acts, including but not limited to disseminating racist flyers or defacing a student organization flyer, which do not violate the State Penal Code, but originate in bias against someone's actual or perceived disability, gender, nationality, race or ethnicity, religion or sexual orientation.

These policy definitions are not intended to and do not limit the University's ability to discipline or otherwise respond to

conduct which does not necessarily violate the law, but which the University determines is a violation of this policy.

III. Policies/Procedures

Students, faculty and staff who have questions regarding the University's policy of equal opportunity and non-discrimination should contact the University EEO Specialist, who is the designated Title IX Coordinator for the University, at Human Resources, 1 LMU Drive, Suite 1900, Los Angeles, CA 90045, phone: 310.568.6105. Students, faculty and staff who have questions regarding Section 504 administration and compliance should contact the Vice President of Human Resources, who is the University's designated ADA Coordinator, at Human Resources, 1 LMU Drive, Suite 1900, Los Angeles, CA 90045, phone: 310.338.5118.

Discriminatory Harassment and Complaint Process

I. Statement of Policy

Loyola Marymount University is dedicated to fostering the education of the whole person and strives to provide an environment that encourages the search for truth and freedom of inquiry. The University recognizes the important contribution a diverse community of students, faculty and staff makes towards the advancement of its goals and ideals. The University is committed to providing an environment that is free of discrimination and harassment as defined by federal, state and local law, as well as under this policy. Any violations of this policy will be treated as serious misconduct and result in appropriate disciplinary action up to and including dismissal from the University.

This policy applies to all students, faculty, and staff including, but not limited to: trainees, unpaid interns, volunteers, non-supervisory staff, supervisors, managers, directors and leadership. It is also the policy of the University to protect its students, faculty and staff from unlawful harassment by vendors, guests and other visitors to the University. It is the responsibility of every student, faculty and staff member to follow this policy conscientiously.

Nothing in this policy should be construed to infringe on the academic freedom of members of the University community and their right to use the academic forum provided by the University either to discuss controversial subjects or to express ideas with which some or most members of the University community strongly disagree.

II. Definitions

“Harassment” is unwelcome verbal, non-verbal, physical or visual conduct based on any legally protected characteristic, outlined below in Section 3, that has the purpose or effect of unreasonably interfering with academic or work performance or creating an intimidating, hostile or offensive, living, academic or work environment.

“Sexual Harassment” is unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, physical or visual conduct by a person of either the same or opposite sex where:

1. submission to or rejection of the conduct is made either an explicit or implicit condition of academic achievement and/or employment;

2. submission to or rejection of the conduct is used as the basis for an academic and/or employment decision; or

3. the conduct has the purpose or effect of unreasonably interfering with academic, or work performance or creating an intimidating, hostile, or offensive, living, academic, or work environment.

“Hostile Environment” is defined as any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive that it limits, interferes with or denies educational or employment benefits or opportunities from both a subjective (the complainant) and objective (reasonable person’s) viewpoint.

“Consent” is defined as the unambiguous and willing participation or cooperation in act, behavior or attitude that is commonly understood to be consistent with the exercise of free will. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other(s) to engage in the sexual activity. Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. Consent requires participants who are lawful adults, fully conscious, equally free and legally competent to act, have clearly communicated their willingness, cooperation, or permission to participate in the specific sexual activity engaged in, are positive and clear about their desires, and are able to cease ongoing consensual activity at any time. Refusal to consent does not have to be verbal; it can be expressed with clear gestures, body language or attitude. Lack of protest or resistance does not mean consent, nor does silence mean consent. Prior sexual history between the complainant and respondent, by itself, does not constitute consent.

Consent is not freely given if:

1. It is obtained through the use of force, through the fear of or the threat of force, through the abuse of a power positions over another (such as employment status or position within an organization) or by kidnap; or

2. A reasonable person in the position of the alleged perpetrator at the time the alleged conduct occurred should have known that the other person was unable to give consent for any of the following reasons:

- a. The individual is unable to make an informed decision as a result of the use of alcohol, drugs

or other substances (including but not limited to predatory drugs or prescribed medications);

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

c. The individual is under the age of eighteen and therefore legally incapable of giving consent; or

d. The individual is known by reason of impairment, mental condition or developmental or physical disability to be reasonably unable to consent.

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

The following are invalid excuses for failing to obtain affirmative consent from the Complainant:

1. The responding party's belief in affirmative consent arose from the intoxication or recklessness of the responding party; or

2. The responding party did not take reasonable steps, in the circumstances known to the responding party at the time, to ascertain whether the complaining party affirmatively consented.

“Sexual Misconduct” is defined as Sexual Assault, Sexual Exploitation, Interpersonal Misconduct, or the act of making sexual contact with the intimate body part of another person without that person's consent including as the result of sexual coercion. Intimate body parts include the sexual organs, the anus, the groin or buttocks of any person, and/or the breasts.

“Sexual Assault” is defined as engaging in sexual intercourse or any of the sexual activities listed below with another person without that person's consent. Sexual Assault includes, but is not limited to, rape, sexual battery, anal intercourse, oral copulation or penetration of a body cavity by a foreign object. Sexual intercourse includes the penetration, however slight, of the vagina or anus with any object or body part and of the mouth with a body part or object in a sexual manner.

“Sexual Exploitation” is sexual misconduct that occurs when a person takes unjust or abusive sexual advantage of another for his or her benefit or for the benefit of anyone other than the exploited party; and that behavior does not otherwise constitute sexual assault. Examples of sexual exploitation include, but are not limited to, invasion of sexual privacy, audio or video recording or

photographing of a sexual nature utilizing webcam, camera, Internet exposure, etc. without knowledge and consent of all persons; going beyond the boundaries of consent (such as letting another person hide and watch you have consensual sex without the knowledge of the other party), engaging in unconsented voyeurism, coercing another against their will to expose their genitals or breasts, and prostituting another person.

“Interpersonal Misconduct” includes Dating Violence, Domestic Violence and Stalking, as defined below.

“Dating Violence” is defined as violence committed by a person:

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

2. Where the existence of such a relationship shall be determined based on the complaining party's statement with consideration of the following factors:

a. The length of the relationship;

b. The type of the relationship;

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

3. Dating Violence includes, but is not limited to, sexual or physical abuse or threat of such abuse. Dating violence does not include acts covered by the definition of domestic violence.

“Domestic Violence” is defined as a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under California law, or by any other person against an adult or youth victim who is protected from that person's acts under California law.

“Stalking” is defined as engaging in a course of conduct directed at a specific person(s) that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

For the purposes of this definition “course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means,

follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property.

For the purposes of this definition "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

"Retaliation" means adverse, non-permitted action taken against a person who reports a violation of this policy, assists someone with a report of a violation of this policy, or participates in any manner in an investigation or resolution of a report of a violation of this policy. Retaliation can include but is not limited to: threats, intimidation, coercion, harassment, reprisals, spreading negative information about an individual, exclusions from academic and non-academic programs, and/or adverse actions related to employment.

"Hate Crimes" are acts of physical force, threats, or intimidation that are willfully or knowingly committed because of the victim's actual or perceived disability, gender, nationality, race or ethnicity, religion or sexual orientation. Hate crimes are expressed in several ways, sometimes physical violence and sometimes violence against property. (California Penal Code, §§422.55 and 422.6).

"Bias-Motivated Incidents" are acts, including but not limited to disseminating racist flyers or defacing a student organization flyer, which do not violate the State Penal Code, but originate in bias against someone's actual or perceived disability, gender, nationality, race or ethnicity, religion or sexual orientation. These policy definitions are not intended to and do not limit the University's ability to discipline or otherwise respond to conduct which does not necessarily violate the law, but which the University determines is a violation of this policy.

III. Policies & Procedures

The University seeks to ensure a positive living, learning and working environment for all LMU community members. Specifically, this policy prohibits unwelcome, harassing conduct on the basis of race, religious creed (including religious dress and grooming practices), color, national origin (including language and language use restrictions), ancestry, disability (mental and physical) including HIV and AIDS, legally protected medical condition (cancer-related or genetic characteristic), denial of Family and Medical Care Leave, marital status, sex (including pregnancy, childbirth, breastfeeding, and related medical condition), gender, gender identity, gender expression, age 40 or over, military

or veteran status, sexual orientation, genetic information or any other bases protected by federal (including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990), state or local law. Students, faculty and staff should be aware of and avoid actions that others may construe as unwelcome and/or harassing. [click here for Student Conduct Code] [click here for Human Resources Policies & Procedures] [click here for the Faculty Handbook].

Processes for Enforcing this Policy

Complaints of Student-on-Student Sexual Misconduct and/or Discriminatory Harassment

Complaints of Sexual Misconduct

Complaints of student-on-student sexual misconduct, including student-on-student sexual harassment, are handled through the Student Conduct Code. A student found to have violated this policy will be subject to the sanctions set forth in the Student Conduct Code up to, and including, dismissal from the University. Violation of this policy may also be subject the offender to criminal prosecution or third party civil litigation.

Complaints of Discriminatory Harassment

Complaints of student-on-student discriminatory harassment are handled through the Student Conduct Code. A student found to have violated this policy will be subject to the sanctions set forth in the Student Conduct Code up to, and including, dismissal from the University.

Other Complaints of Sexual Misconduct/and or Discriminatory Harassment

Complaints of Sexual Misconduct

Complaints of sexual misconduct made against a faculty or staff member are subject to the processes described in "Step 1: Intake" and "Step 3: Formal Resolution" set forth in this policy, below. For complaints of sexual misconduct, DPS is charged with the "Intake" procedures set forth below.

Complaints of sexual misconduct by a faculty member, staff member or contract-service provider against a student will be subject to the processes outlined in the Student-on-Student Sexual and Interpersonal Misconduct Policy & Protocol.

A faculty or staff member found to have violated this policy will be subject to disciplinary action up to, and including, dismissal from the University, regarding allegations involving current students, faculty or staff irrespective of the length of time since the alleged

misconduct occurred. A student found to have violated this policy will be subject to the sanctions set forth in the Student Conduct Code. Violation of this policy by a student, faculty or staff member may also subject the offender to criminal prosecution or third party civil litigation.

Complaints of sexual misconduct made against an individual who is not a student, faculty or staff member are subject to this policy, but will not proceed through the Formal Resolution processes.

Complaints of Discriminatory Harassment

Complaints of discriminatory harassment made by or against a student, faculty or staff member are subject to the processes described in “Step 1: Intake,” “Step 2: Informal Process,” and “Step 3: Formal Resolution” set forth in this policy, below. A faculty or staff member found to have violated this policy will be subject to disciplinary action up to, and including, dismissal from the University. A student found to have violated this policy will be subject to the sanctions set forth in the Student Conduct Code.

Complaints of discriminatory harassment made against an individual who is not a student, faculty or staff member are subject to this policy, but will not proceed through the Formal Resolution processes.

Reporting Allegations of Discriminatory or Harassing Conduct

The objective of this policy is to prevent an environment from developing which unreasonably interferes with a student’s academic endeavors, student work and/or a faculty/staff member’s work or has the effect of creating an intimidating, hostile or offensive environment because of such prohibited conduct. It is essential that students, faculty and staff immediately report conduct that is believed to be in violation of this policy. Prompt reporting is necessary in order that timely fact-finding can be conducted about complaints, a problem can be remedied before the situation escalates, and the potential for the spread of harmful rumors can be reduced. Unless the law requires a longer period of limitation, a complaint must be filed within one calendar year of the conduct alleged to be a violation. [Click here for Complaint of Allegation of Discriminatory Harassment Form.] Prompt reporting will enable the University to investigate the facts, determine the issues and provide an appropriate remedy for any violation of University policies.

All supervisory faculty, administrators and staff are required to report inappropriate conduct against another faculty, administrator or staff member in violation of the University’s policies against discrimination and harassment.

All members of the University community, including students, faculty and staff, are encouraged, when appropriate and desirable, to try to resolve issues relating to conduct they believe to be discriminatory or harassing by directly addressing any person(s) engaged(ing) in inappropriate or unwelcome behavior and requesting that the behavior stop or be modified in some mutually satisfactory way.

However, we recognize that not everyone will feel comfortable engaging in such direct conflict resolution and/or that a direct approach will not always result in an acceptable resolution to all persons involved. In those instances where direct resolution is either not desirable or inadequate to resolve the inappropriate or unwelcome discriminatory or harassing behavior, any member of the University community is strongly encouraged to file a complaint of discrimination or harassment with any of the persons or departments listed below.

Reporting Complaints of Sexual Misconduct

Pursuant to the University’s “Reporting Sexual Misconduct” policy, all reports of sexual misconduct, as defined above, should be made to the Department of Public Safety at 310.338.2893 [x82893 on campus]/ (Westchester)/Campus Safety & Security at 213.736.1121 (Law School).

Reporting Complaints of Discriminatory Harassment

Students Westchester

Students may report discriminatory or harassing conduct, as defined in this policy, to any of the following:

- Student Affairs at 310.338.2885 [x82885 on campus];
- Associate Vice President Student Affairs at 310.338.7745 [x87745 on campus];
- University Title IX Coordinator/EEO Specialist at 310.568.6105 [x86105 on campus];
- Deputy Title IX Coordinator (Human Resources) 310.338.4204 [x84204 on campus];
- Deputy Title IX Coordinator (Student Affairs) 310.338.1821 [x81821 on campus]; or
- Deputy Title IX Coordinator (Athletics) 310.338.7645 [x87645 on campus].

Law School

- Director of Student Affairs at 213.736.8152 [x8152 on campus]
- Associate Dean of Student Services at 213.726.1028 [x1028 on campus].

Faculty Westchester

Faculty may report discriminatory or harassing conduct, as defined in this policy, to any of the following:

- Academic Affairs at 310.338.2733 [x82733 on campus];
- Human Resources at 310.338.2723 [x82723 on campus];
- Vice President for Intercultural Affairs at 310.338.7598 [x87598 on campus];
- University Title IX Coordinator/EEO Specialist at 310.568.6105 [x86105 on campus]; or
- Deputy Title IX Coordinator (Human Resources) at 310.338.4204 [x84204 on campus.]

Law School

- Associate Dean for Faculty at 213.726.1038 [x1038 on campus]
- University Title IX Coordinator/EEO Specialist at 310.568.6105.

Staff

Westchester

Staff may report discriminatory or harassing conduct, as defined in this policy, to any of the following:

- Appropriate University Senior Vice President
- Human Resources at 310.338.2723 [x82723 on campus];
- University Title IX Coordinator/EEO Specialist 310.568.6105 [x86105 on campus] or
- Deputy Title IX Coordinator (Human Resources) 310.338.4204 [x84204 on campus.]

Law School

- Appropriate Associate Dean at 213.726.1038 [x1038 on campus]
- University Title IX Coordinator/EEO Specialist at 310.568.6105.

External Reporting Options

In addition to internal reporting options, students, faculty and staff may file reports with external agencies.

Students may contact the U.S. Department of Education Office for Civil Rights to file a complaint of discrimination or harassment or sexual misconduct:

- In person: via telephone 800.421-3481
- Online: via email at OCR@ed.gov
- By mail: write letter to

U.S. Department of Education, Office for Civil Rights
Lyndon Baines Johnson Department of Education
Building 400 Maryland Avenue, S.W.
Washington, D.C. 20202-1100.

Faculty and staff may file a complaint of discrimination or harassment with the U.S. Equal Employment Opportunity Commission or the California Department of Fair

Employment and Housing.

Faculty and staff may also file complaints related to Title VI of the Civil Rights Act of 1964 (race, color, and national origin), Title IX of the Education Amendments of 1972 (sex discrimination); Section 504 of the Rehabilitation Act of 1973 (discrimination on the basis of disability); the Age Discrimination Act of 1975 (age discrimination), and/or Title II of the Americans with Disabilities Act of 1990 (discrimination on the basis of disability) with the Office for Civil Rights, as described above.

A complaint filed with any outside government agency will not suspend the investigation or resolution of a complaint filed pursuant to the University's internal Discriminatory Harassment Complaint Process.

Confidentiality & Non-Retaliation

Confidentiality will be maintained to the greatest extent possible in view of the method of complaint resolution chosen.

All persons are prohibited from taking any retaliatory action against any other member of the University Community, including the complainant, respondent, or witnesses involved in the complaint. Retaliation may be subject to a separate complaint under this policy and/or appropriate disciplinary action up to and including dismissal from the University. Any person who believes that retaliation for having filed or participated in the investigation of a complaint of discrimination or harassment has occurred should immediately notify the EEO Specialist or designee of the retaliatory conduct.

False or Harassing Complaints Prohibited

It is a violation of this policy to file a false complaint against anyone for the purpose of injuring the reputation of or harassing another. Any person found to have filed a false complaint against another in bad faith or for the purpose of injuring the reputation of or harassing another will be subject to appropriate discipline. This proscription is in no way intended to discourage the filing of good faith complaints of discrimination or harassment, even if those complaints do not result in a finding of misconduct or sanction under the University's policies.

Interim/Remedial Measures

The University may take interim/remedial measures, including, but not limited to, no contact orders, or academic, residential, transportation and/or employment accommodations, intended to ensure the well-being of the complainant, the respondent, the investigatory process and/or the University community while the complaint is being investigated and prior to the determination on the complaint.

Any such interim measures shall not be referred to or offered as evidence at a hearing on the underlying charge. Any such interim measures shall be designed and implemented in a manner intended to achieve their purpose while at the same time limiting, to the extent practicable, any adverse effect to the complainant's and/or respondent's educational program or employment. Any such interim measures shall remain confidential, to the extent possible, to achieve the measure. Both the complainant and respondent will receive written notification of their access to interim measures.

The University reserves the right to deny access to campus to former students, alumni, and/or visitors alleged to have engaged in, or who have been found to have engaged in discriminatory harassment, regardless of their status at the time of the alleged misconduct. The University reserves the right to continue interim/remedial measures following determination on the complaint.

Advisors

Complaints of Sexual Misconduct

All persons involved in a complaint of sexual misconduct may, at any time in the process, request the assistance of an advisor to be appointed by the University or select an advisor of their choice. The advisor may accompany the complainant and/or respondent during the complaint process. The advisor may assist in the presentation of the case to the EEO Hearing Panel (during any Formal Resolution.)

Complaints of Discriminatory Harassment

All persons involved in a complaint of discriminatory harassment may, at any time during the process, request the assistance of an advisor selected from the University community. An advisor is defined as any current student, faculty or staff or religious community member. Off-campus individuals, parents, family members, alumni/ae, and those persons who have no affiliation with the University are expressly excluded from the definition of "Advisor" and cannot serve as Advisors. Current faculty or staff cannot act as an Advisor to their own family members.

The advisor may accompany either the complainant and/or respondent during the complaint process. The advisor may provide support to the complainant or respondent throughout the process. The use of an advisor is not intended as legal representation, and no one acting in the capacity of an attorney will be present during the grievance procedures, except as may be permitted pursuant to the Faculty Grievance Process on appeal.

Resources for Complainants and Respondents – Complaint of Sexual Misconduct

When an allegation of sexual misconduct has been brought to the attention of the University, the University will provide

resources to separately assist complainants and respondents in identifying University and external resources that are available to them in the context of alleged sexual misconduct. For student-on-student complaints, the parties are assigned Student Affairs Resource Administrator's (SARA) pursuant to the Student-on-Student Sexual & Interpersonal Misconduct Policy and Protocol.

For all other complaints of sexual misconduct, the EEO Specialist, or designee, assists the parties. The EEO Specialist or designee is trained to assist the parties in identifying University and external resources and explaining the University's investigation, complaint and appeal process; however, the EEO Specialist, or designee, is not an advocate. The EEO Specialist, or designee, will provide the parties written notification of their rights and options in regards to the formal resolution process set forth in the University's Discriminatory Harassment and Complaint Process policy or Student-on-Student Sexual and Interpersonal Misconduct policy when there is a student respondent. The EEO Specialist, or designee, will provide written notification of available on and off campus counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid (where applicable) and other services offered by the University and other local organizations.

A. Provide information, as applicable, regarding on and off campus resources, such as: Student Psychological Services (SPS), Student Health Services (SHS), Office of Student Conduct and Community Responsibility (OSCCR), Employee Assistance Program, Human Resources, Department of Public Safety / Campus Safety & Security (Law School), Los Angeles Police Department, Rape Treatment Center at Santa Monica-UCLA Medical Center, and Campus Ministry.

B. Explain all stages of the applicable complaint process, including the right to present material witness(es) to the incident, potential outcomes for complainants and respondents, and the right to be informed in writing of the outcome of the complaint process.

C. Provide information, explanation and review so that the parties can make an informed decision about the options available to them, including reporting to law enforcement, filing a complaint with the Department of Public Safety / Campus Safety & Security (Law School), filing and responding to complaints of sexual misconduct, taking legal action separate and apart from and/or in addition to filing a complaint with the University of sexual misconduct seeking disciplinary action, and documenting their decisions.

D. Explain that the complaining/responding party can refuse any/all of the above.

E. Follow up with the complainant and respondent throughout the formal resolution process and thereafter to ensure that no retaliation is taking place and to continue to provide the complainant and respondent access to resources the complainant or respondent require

Complaining/Responding Party Rights – Complaint of Sexual Misconduct

The complaining and responding parties involved in a complaint of sexual misconduct have the right to:

1. Receive a written notification of available on and off campus existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid (where applicable), and other services available as well as notification of the procedures for institutional disciplinary action and their rights and options as defined in sexual misconduct cases.
2. Make a complaint to the Department of Public Safety / Campus Safety & Security (Law School).
3. File a police report and take legal action separate from and/or in addition to filing a Student Conduct Code complaint seeking disciplinary action.
4. Be informed of the disciplinary finding (responsible or not responsible) in writing.
5. Present material witnesses to the alleged incident.
6. Refuse any/all of the above.

Discrimination and Harassment Complaint Process

For those persons who believe they have been the victim of, or have witnessed, discrimination, harassment, or sexual misconduct by or against any member of the University community, including sexual harassment, this Complaint Process is the exclusive means by which complaints of discrimination and harassment may be investigated and resolved, unless the complaint involves student-on-student discrimination, harassment, or sexual misconduct conduct. This Complaint Process is not intended to, and does not, preclude any member of the University community from addressing and resolving issues of inappropriate or unwelcome conduct directly with any other member of the University community.

Step 1: Intake

All complaints of discrimination or harassment, regardless of how reported, if not resolved directly, will be referred by the person receiving the complaint to the EEO Specialist

or designee for Intake and Resolution pursuant to this Complaint Process.

All complaints of sexual misconduct will be made or referred to the Department of Public Safety / Campus Safety & Security (Law School.) In such cases, the Department of Public Safety / Campus Safety & Security (Law School) will perform “Intake” processes, as set forth below.

The EEO Specialist or designee/Department of Public Safety / Campus Safety & Security (Law School) will first meet with the complainant (i.e. the person making the complaint) to either make a complaint, if not already made, or, if a written complaint has been made, to verify the accuracy of the allegations contained in the written complaint. The complaint will include, but not be limited to:

1. The name of the complainant;
2. the name(s) of the respondent(s) (i.e. the person(s) accused of violating the University’s policies against discrimination or harassment or sexual misconduct);
3. the date(s) and nature of all alleged discriminatory or harassing conduct or sexual misconduct;
4. the name(s) of any witness(es) to the alleged discriminatory or harassing conduct or sexual misconduct or person(s) that might otherwise have information relevant to the alleged discriminatory or harassing conduct or sexual misconduct by the respondent; and
5. if appropriate, whether the complainant is amenable to informal resolution of the complaint.

The EEO Specialist or designee/Department of Public Safety / Campus Safety & Security (Law School) will meet with the respondent to notify the respondent of the complaint and the allegations against her/him. During this meeting, the EEO Specialist or designee/Department of Public Safety / Campus Safety & Security (Law School) will also document the response to the allegations of the complaint, including but not limited to:

1. the respondent’s version of each of the event(s) of alleged discriminatory or harassing conduct or sexual misconduct identified by the complainant;
2. the name(s) of any witness(es) to the alleged discriminatory or harassing conduct or sexual misconduct or person(s) that might otherwise have information relevant to the alleged discriminatory

or harassing conduct or sexual misconduct by the respondent;

3. any additional information that the respondent believes is relevant to a determination of the complaint; and

4. if appropriate, whether the respondent is amenable to informal resolution of the complaint.

Complaints of Discrimination or Harassment

The EEO Specialist or designee will evaluate the allegations of the complaint and the response to determine the following:

1. whether the allegations constitute a claim of discrimination or harassment subject to the University's Complaint Process;

2. whether the claim and the parties are amenable to informal resolution. [Note: Claims that may not be suitable for informal resolution include but are not limited to those that may involve the interests of persons other than the claimant, claims of physical assault or violence or claims that involve other potentially criminal conduct]; and

3. whether there are any immediate actions that should be taken to redress the alleged inappropriate conduct pending further resolution of the complaint.

If the EEO Specialist or designee determines that the complaint does not constitute a claim of discrimination or harassment subject to the Complaint Process, the matter will be referred to the appropriate University personnel or University department for resolution.

If the EEO Specialist or designee determines that the complaint does constitute a claim of discrimination or harassment subject to the Complaint Process, then:

1. If the claims and parties are amenable to informal resolution, the matter will proceed as set forth below in Step 2: Informal Resolution. [Note: Both parties must consent to informal resolution, otherwise the matter must proceed to Step 3: Formal Resolution.]

2. If the claims and/or parties are not amenable to informal resolution, the matter will proceed as set forth below in Step 3: Formal Resolution.

Complaints of Sexual Misconduct

In complaints of sexual misconduct, the Department of

Public Safety / Campus Safety & Security (Law School), in consultation with the Title IX Coordinator/EEO Specialist, will evaluate the allegations of the complaint and the response to determine whether there are any immediate actions that should be taken to redress the alleged inappropriate conduct pending further resolution of the complaint.

The Department of Public Safety will provide its reports to the Office of Student Conduct & Responsibility / Campus Safety & Security (Law School) will provide its reports to Student Affairs (Law School), in cases involving complaints of student-on-student sexual misconduct, or will provide its report to the Title IX Coordinator/EEO Specialist or designee, for all other claims of sexual misconduct.

1. If the claims involve student-on-student sexual misconduct, the matter will proceed as set forth in the Student-on-Student Sexual Misconduct Policy and Protocol / Student-on-Student Sexual Misconduct Policy & Protocol (Law School).

2. If a claim of sexual misconduct is made by a faculty, staff or contract-service provider against a student, the matter will proceed as set forth in the Student-on-Student Sexual Misconduct Policy and Protocol / Student-on-Student Sexual Misconduct Policy & Protocol (Law School).

3. All other claims of sexual misconduct against a faculty or staff member will proceed as set forth below in the "Step 3: Formal Resolution" process. A Formal Resolution process initiated in response to an allegation of sexual misconduct is independent from criminal or civil proceedings and will normally proceed without regard to the pendency or potential pendency of criminal or civil proceedings.

Step 2: Informal Resolution

Informal Resolution is a process whereby the University attempts to resolve complaints quickly and effectively to the satisfaction of all parties without engaging in a formal fact-finding process or issuing any formal findings, while also providing the greatest protection of confidentiality possible to the parties. At any time during the informal resolution process, either party may elect to terminate the process and proceed with a formal resolution pursuant to Step 3 below.

Informal Resolution may take the form of an interactive resolution by the EEO Specialist or designee. The EEO Specialist or designee will meet with both the complainant and respondent, and any other persons or witnesses determined to be necessary to a full resolution of the complaint, to review the allegations and any response, and assist the parties in reaching a mutually satisfactory resolution.

If resolution is reached by these informal means, the resolution will be documented by the EEO Specialist or designee and the matter will be closed. If resolution is not reached by these informal means, and the EEO Specialist or designee determines that the complaint remains subject and amenable to resolution under the Complaint Process, the complaint will be referred to Step 3 below for Formal Resolution. The University reserves the right to terminate the informal resolution process and to deny formal processing of a complaint if at any time during the informal resolution it is determined that the allegations of the complaint are not subject or amenable to resolution under the Complaint Process.

If resolution is not reached by these informal means, the complainant or respondent may request that the matter be referred to Step 3 below for Formal Resolution. Requests to proceed with Formal Resolution by a complainant or respondent must be submitted in writing to the EEO Specialist within thirty (30) calendar days from the conclusion of the informal process.

Step 3: Formal Resolution

If a complaint is not suitable for informal resolution (the complainant, respondent or both do not agree to resolution of the complaint by informal means, or if informal resolution is not successful in resolving the matter, or if the complaint involves allegations of sexual misconduct) an EEO Hearing Panel will be constituted to hear and resolve the complaint. The University reserves the right to initiate an EEO Hearing if a complainant in a sexual misconduct matter chooses not to participate in the Formal Resolution process.

Hearing Panel Composition

Each EEO Hearing Panel will consist of 4 EEO Hearing Panel members and one EEO Hearing Panel Chair who will preside over the hearing and – on the Panel’s behalf – issue findings and a recommended remedy, if any, on each EEO complaint. The EEO Hearing Panel will be constituted as follows:

The complaining party and responding party will each nominate four panelists from an approved list of trained EEO Hearing Panelists. EEO Hearing Panelists receive training regarding the adjudication of complaints made under this policy.

Each individual nominated by the complaining and responding parties must:

- Have satisfactorily completed University required training,
- Not be acting in the capacity of an attorney,
- Not have a personal interest in the EEO complaint or its resolution, and
- If a staff member, have completed his/her introductory period.

The Vice President of Human Resources will make the final selection of the panel members from the nominees by selecting two of the complaining party’s nominees and two of the responding party’s nominees.

The fifth panel member will be an HR Representative who will preside over the hearing as the EEO Hearing Panel Chair. The Vice President of Human Resources will designate the HR Representative who will act as the EEO Hearing Panel Chair. The HR Representative will only act as a voting panelist if there is a split decision between the EEO Hearing Panel members.

Notice of Hearing

Once selected, the EEO Hearing Panel Chair will provide at least ten (10) business days notice to the complaining and responding parties of the date of the hearing. All EEO Hearing Panel members will receive training on the University’s anti-discrimination/harassment and sexual misconduct policies and on the administration of this Complaint Process prior to the hearing.

Formal EEO Hearing Process

The function of the EEO Hearing Panel will be to: (1) determine whether any University policy against discrimination, harassment or sexual misconduct has been violated, including any lesser offense than that charged in the complaint; and (2) if so, recommend an appropriate remedy to redress the violation. At the EEO Hearing Panel proceedings, each party will have the right to present testimony and evidence in support of his/her claims or defenses. The EEO Hearing Panel will be empowered to hear and receive evidence and testimony relating to the complaint, including compelling either party to produce a witness or evidence deemed relevant to the determination of the complaint, and question any witnesses, including the complainant or respondent.

The EEO Hearing Panel Chair will be responsible for presiding over the EEO Hearing Panel proceedings and ensuring the orderly presentation of the evidence and testimony, as well as ensuring that the parties are accorded a fair and full opportunity to present their claims and defenses. The EEO Hearing Panel proceedings will not be governed in accordance with any rules of evidence or procedure, but will be administered in the sole discretion of the EEO Hearing Panel, under the direction of the EEO Hearing Panel Chair. All EEO Hearing Panel proceedings will be closed to general members of the University community. Attendance at EEO Hearing Panel proceedings will be limited to the complainant, respondent, an advisor to either party, witnesses called to testify by either party, and the designated EEO Hearing Panel members.

After the presentation of all testimony and evidence by both parties, the EEO Hearing Panel will convene privately to deliberate on the facts and evidence. Within fifteen (15) calendar days¹ from the adjournment of the hearing, the EEO Hearing Panel will issue a written decision reflecting the panel's finding of whether any of the University's policies against discrimination, harassment or sexual misconduct have been violated, the factual basis for such finding, and the recommended remedy for any violation. The written decision will be made using the preponderance of evidence standard. The findings and recommendation will be based solely on the presentation of evidence and testimony during the hearing and will include sufficient detail in support of the decision to allow adequate review on appeal.

If the decision contains a recommended remedy, the EEO Hearing Panel will forward its written decision to the EEO Specialist or designee and the appropriate University Senior Vice President responsible for enforcing any remedy for review and approval. If the recommended remedy is not approved, the written decision must be supplemented to reflect the reasons for any modification. [Note: A recommended remedy may be modified, for example, on the basis of prior disciplinary action against the respondent to which the EEO Hearing Panel is not privy.] Within five (5) business days from the date of the written decision the EEO Specialist or designee will issue written notice to both the complainant and respondent of the findings of the EEO Hearing Panel, including the determination of whether any University policy against discrimination or harassment has been violated, the factual basis for the finding, and any remedy. In the case where the remedy involves discipline against the respondent, the complainant will be notified only that the respondent will be appropriately disciplined for the violation, but will not receive notice of the specific nature of any discipline, unless required by law. Notice to the respondent will include specific reference to the discipline to be enforced against her/him. The decision of the EEO Hearing Panel is final unless appealed, pursuant to Step 4 below, within ten (10) business days from the date of the written notice to the parties. If additional time is needed to prepare the written decision, the fifteen (15) calendar day deadline may be extended by the University. If additional time is needed, the EEO Specialist, or designee, will inform the parties of the deadline extension.

Step 4: Appeal

Either party may appeal the decision of the EEO Hearing Panel by providing written notice of appeal as follows:

University Campuses (Not Including the Law School Campus)

Appeal by Complainant

The complainant may appeal the decision of the EEO

Hearing Panel to the University Executive Vice President and Provost. A written notice of appeal must be filed in writing with the Office of the University Executive Vice President and Provost. Upon receipt of the written notice of appeal, the Office of the University Executive Vice President and Provost will provide notice of the appeal in writing to the EEO Specialist, the appropriate University Senior Vice President, if any, and the respondent. The University Executive Vice President and Provost will review the record of the case, including but not limited to the written decision of the EEO Hearing Panel and any evidence or other documentation contained in the case file, to determine whether the decision, including the findings and recommended remedy, if any, of the EEO Hearing Panel should be affirmed, reversed, or modified. Within ten (10) business days from the date of the written notice of appeal, the University Executive Vice President and Provost will notify the parties in writing of the decision on appeal.

In the event the decision of the EEO Hearing Panel is reversed or modified, the notice by the University Executive Vice President and Provost will include an explanation of the grounds on which the decision has been reversed or modified. The decision of the University Executive Vice President and Provost will be final.

Appeal by Respondent

The respondent may appeal the decision of the EEO Hearing Panel as follows:

1. A student respondent may appeal the decision of the EEO Hearing Panel by sending written notice of appeal to OSCCR within ten (10) business days from the date of the notice of the decision. The appeal of the decision of the EEO Hearing Panel will proceed in accordance with the procedures for appeal found in the Student Conduct Code.
2. A faculty respondent may appeal the decision of the EEO Hearing Panel by sending written notice of appeal to the Faculty Grievance Committee within ten (10) business days from the date of the notice of the decision. The appeal of the decision of the EEO Hearing Panel will proceed in accordance with the procedures for review of a faculty grievance of "dismissal or other severe sanction" found in the Faculty Handbook.
3. A staff member may appeal the decision of the EEO Hearing Panel by sending written notice of appeal to the University Executive Vice President and Provost within ten (10) business days from the date of the notice of the decision. The appeal of the decision of the EEO Hearing Panel will proceed in accordance with the procedure set forth above for appeals by complainants. If additional time is needed to prepare the written decision

on appeal, the ten (10) business day deadline may be extended by the University. If additional time is needed, the EEO Specialist, or designee, will inform the parties of the deadline extension.

Scope of Review on Appeal

All appeals will be based on a review of the record of the case, including but not limited to the written decision of the EEO Hearing Panel and any evidence or other documentation contained in the case file. The scope of review on appeal will be solely to determine if the findings and recommended remedy, if any, are supported by a preponderance of the evidence in the record of the case. No appealing party will be permitted to offer new evidence for consideration on appeal unless the party can demonstrate that the evidence did not exist or the party was reasonably unaware of the evidence at the time of the EEO Hearing. If new evidence is permitted for consideration on appeal, the reviewer will only be permitted to determine whether the additional evidence might reasonably have resulted in a different finding or remedy. If the reviewer determines that the additional evidence might reasonably have resulted in a different finding or remedy, the case will be remanded to the EEO Hearing Panel for reconsideration of the case in light of the new evidence.

Decision on Appeal

Within ten (10) business days from the date of the written notice of appeal, the reviewer will issue a written decision on appeal to both the complainant and respondent, which will state whether the decision of the EEO Hearing Panel, including the findings and remedy, if any, are affirmed, reversed, modified, or in the case of new evidence remanded.³ In the event the decision or remedy of the EEO Hearing Panel is reversed or modified, the notice will include an explanation of the grounds for reversal or modification. Notice to the complainant will not include reference to the specific nature of any discipline to be enforced against the respondent, unless required by law. Copy of the written notice will also be forwarded to the EEO Specialist and the appropriate University Senior Vice President, if any. All appeal decisions are final.

Law School Campus

The complainant and/or respondent may appeal the decision of the EEO Hearing Panel to the Law School Dean. A formal notice of appeal must be filed in writing with the Office of the Dean within thirty (30) days from the date of the decision of the EEO Hearing Panel. Upon receipt of the written notice of appeal, the Law School Dean will provide notice of the appeal in writing to the EEO Specialist, the appropriate Associate Dean, if any, and the respondent. The Law School Dean will review the record of the case, including but not limited to the written decision of the EEO Hearing Panel and any

evidence or other documentation contained in the case file, to determine whether the decision, including the findings and recommended remedy, if any, of the EEO Hearing Panel should be affirmed, reversed, or modified.

Scope of Review on Appeal

All appeals will be based on a review of the record of the case, including but not limited to the written decision of the EEO Hearing Panel and any evidence or other documentation contained in the case file. The scope of review on appeal will be solely to determine if the findings and recommended remedy, if any, are supported by a preponderance of the evidence in the record of the case. No appealing party will be permitted to offer new evidence for consideration on appeal unless the party can demonstrate that the evidence did not exist or the party was reasonably unaware of the evidence at the time of the EEO Hearing. If new evidence is permitted for consideration on appeal, the reviewer will only be permitted to

³ If additional time is needed to prepare the written decision, the ten (10) business day deadline may be extended by the University. If additional time is needed, the EEO Specialist, or designee, will inform the parties of the deadline extension. determine whether the additional evidence might reasonably have resulted in a different finding or remedy. If the reviewer determines that the additional evidence might reasonably have resulted in a different finding or remedy, the case will be remanded to the EEO Hearing Panel for reconsideration of the case in light of the new evidence.

Decision on Appeal

Within ten (10) business days from the date of the written notice of appeal, the Law School Dean will issue a written decision on appeal to both the complainant and respondent, which will state whether the decision of the EEO Hearing Panel, including the findings and remedy, if any, are affirmed, reversed, modified, or in the case of new evidence remanded. In the event the decision or remedy of the EEO Hearing Panel is reversed or modified, the notice will include an explanation of the grounds for reversal or modification. Notice to the complainant will not include reference to the specific nature of any discipline to be enforced against the respondent, unless required by law. Copy of the written notice will also be forwarded to the EEO Specialist and the appropriate Associate Dean, if any. All appeal decisions are final.

Record Keeping

The University will maintain records of all complaints of discrimination, harassment and sexual misconduct filed pursuant to the Discrimination and Harassment Complaint Process for a period of not less than four (4) years. All records will be maintained by the EEO Specialist. Complaint records will not be maintained with the academic or

employment records of any student, faculty, or staff, except that some notation of disciplinary action taken against any student, faculty, or staff pursuant to the Complaint Process may be made in the academic or employment record(s) of that individual if required as a condition of the discipline itself or pursuant to administrative record-keeping requirements. Annually, the University will publish a record of the number of complaints filed pursuant to the Discrimination and Harassment Complaint Process and the basis of each complaint. No information will be published about the identity of persons involved in or the specific nature of any discriminatory harassment complaint.

Training

Pursuant to California law, all supervisory faculty and staff personnel will receive two (2) hours of training on sexual harassment, including specifically the University's policy against discriminatory harassment, once every two years. This training will be coordinated and administered by the University Title IX Coordinator/EEO Specialist in conjunction with the Department of Human Resources. Any individual who has a question regarding this training should contact the Title IX Coordinator/EEO Specialist at the Human Resources Office, x86105.

Questions about this Policy

Students, faculty and staff who have questions regarding the University's Discriminatory Harassment and Complaint Process policy or Title IX should contact the University EEO Specialist, who is the designated Title IX Coordinator for the University, at Human Resources, 1 LMU Drive, Suite 1900, Los Angeles, CA 90045, phone: 310.568.6105.

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