

Marymount California University

Annual Security Report



Department of Campus
Safety and Security

Prepared by:
Michael Mac Menamie
Director of Campus Safety
and Security

30800 Palos Verdes Dr. East
Rancho Palos Verdes, CA
90725

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A message from Campus Safety and Security

Welcome to Marymount California University

We would like to welcome all new and returning faculty, staff and students to Marymount California University. Campus Safety's mission is to create a safe and secure community for all members of the Marymount community, including students, faculty, staff, and guests. Your safety while at Marymount California University is our primary concern.

The Department of Safety and Security operates 24 hours a day, 365 days a year. As members of the Marymount community our campus safety officers and staff are here to serve the University community with courtesy, dependability and professionalism.

We offer many services which include emergency and disaster management, crime prevention, parking enforcement and management, security escort services, property patrol, access control and management of the Safe Rides program.

If you have any questions or concerns, please contact the Department of Safety and Security at (310) 377-5501 ext. 7300.

Sincerely,

The Department of Campus Safety and Security

About Campus Safety

Contacting Campus Safety and Security

Address: Marymount California University Campus Safety and Security
30800 Palos Verdes Drive East
Rancho Palos Verdes, Ca 90275

Telephone: (310) 303-7300 Oceanview Campus
(during Business hours)

(310) 241-5488 San Pedro Residential Campus
(after hours)

Email: For general questions and concerns please email us at; Safety@marymountcalifornia.edu

The mission of Marymount California University Campus Safety and Security

The Mission of the Marymount California University Campus Safety and Security Department is to promote a safe and secure environment for the entire Marymount California University Community. We are committed to enforcing the University's policies in a professional manner, to empower and develop our personnel to achieve excellence, and to guide our actions based on integrity, honesty and fairness to support and facilitate an educational environment. Campus Safety, through its efforts to solve problems that impact the community's safety, also seeks to bridge the gaps and establish harmonious relations between the campus and our neighbors.

Overview of the Department of Campus Safety and Security

The Department of Campus Safety and Security is responsible for public safety, policy enforcement, parking management and emergency response/preparedness. The department also works closely with the local law enforcement agencies in order to provide a safe environment for the entire Marymount California University community. In addition to the Director of Campus Safety and Security the department is staffed by a Captain, two Sergeants, two Corporals and seventeen officers. The department also employs work study students to assist in administrative duties as well as parking enforcement.

Campus Safety Officers are required to go through security training with the Bureau of Security and Investigative Services (BSIS) and are certified through the state of California. In addition to

this training they are all trained in emergency response procedures, CPR/First-Aid/AED, escalation procedures and a variety of other related topics. They are certified in the use of Asp Baton, Oleoresin Capsicum Spray (pepper spray) and handcuffing. All these devices are deployed for the protection of students, staff, visitors and officers.

The Campus Safety and Security Department conducts administrative investigations involving university rules and regulations. These investigations may involve students, staff, and visitors on all Marymount properties. Appropriate referrals necessitating further review and action may be made to Student Development, Human Resources and other administrative staff.

Campus Safety & Security Department is charged with the development, implementation and enforcement of parking management for all Marymount California University properties. The parking plan is driven by the guidance of Transportation Committee and the Parking Manager who chairs the committee and is also a member of the Campus Safety administration team. Officers patrol all parking areas on all campuses to ensure parking policy is being followed which include but are not limited to parking permits being displayed, lot restrictions and municipal parking codes. When infractions of the policies are found a citation is issued, registered owner contacted and vehicle removals are left to discretion of the Parking Manager. Campus Safety also provides directed parking for special events which includes signage and personnel deployment. The Department analyses trends and data to provide an annual report which it presents to the Transportation Committee which includes recommendations and usage records.

Campus Safety and Security also provide control access at night and provide visitor information, parking permits, maps and other information during the day. Campus Safety and Security also has a security guardhouse at our SPRC Residence halls which is manned 24 hours a day, 365 days a year. In addition we work closely with General Services to provide key access to all electronic locks on campus to students, faculty and staff. In the evening hours we provide security rovers to the Waterfront campus to secure the 222 property and parking lots. Campus Safety and Security also maintains a good working relationship with the PBID Public Safety Ambassadors of San Pedro, who assist the city of San Pedro with crime prevention and offer our students, faculty and staff security escort services to and from parking lots from our 6th street properties. You can call PBID from 11am to 2am, Monday through Friday at (310) 303-4471.

Service concerns

In order to better serve the campus community, it is important that the Campus Safety and Security Department becomes aware of concerns regarding service issues. All concerns will be investigated thoroughly and corrective action will be taken when appropriate. We also encourage suggestions for improvement on policy and procedures. You can contact the

Campus Safety and Security Operations Coordinators Office during normal business hours Monday through Friday, at (310) 303-7266 or email us at: Safety@marymountcalifornia.edu

The Campus Security Act

The Clery Act

The Clery Act, originally enacted by the Congress and signed into law by President George Bush in 1990 as the **Crime Awareness and Campus Security Act of 1990**, was championed by Howard & Connie Clery after their daughter Jeanne was murdered at Lehigh University in 1986. They also founded the non-profit Security On Campus, Inc. in 1987. Amendments to the Act in 1998 renamed it in memory of Jeanne Clery.

The Clery Act requires all institutions of higher education to display —timely warnings of crimes that pose a threat to the campus community at large. The institutions must also publicize their security policies and crime statistics.

The Clery Act is designated to provide the campus community and potential students with campus crime statistics and information.

The Annual Security Report

The Campus Safety and Security Director prepares a report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This report is prepared with the input of Residence Life and Judicial Affairs and local law enforcement agencies. Statistics are gathered from incident reports filed with the Security Department and Judicial Affairs.

Campus crime, arrests and referral statistics include those reported to Campus Safety and Security and designated campus officials including, but not limited to, directors, deans, judicial affairs, advisors to students, student organizers, athletic coaches, and resident directors.

These statistics, which are reported annually to the U.S. Department of Education, cover a three year period, from 2013 – 2015.

Current students and employees will be notified via Marymount California University email of the Annual Security Report's publication. This Annual Report is also available to prospective students and prospective employees via the Campus Safety and Security website. To obtain a written copy of the report, please contact the Campus Safety and Security Office at (310) 303-7628.

Campus Security Authorities

The U.S. Department of Education defines Campus Security Authorities as:

- A campus Police Department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph 1 of this definition, such as an individual who is responsible for monitoring entrances into institutional property.
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

Reporting of Criminal Offenses

Crimes reported to Campus Security Authorities are included in the Colleges crime statistics. Marymount California University recognizes the following personnel as Campus Security Authorities:

- Campus Safety and Security personnel
(310) 303-7300
 - Any Security Officer
 - Director of Campus Safety and Security
- Student Affairs Personnel
(310) 303-7254
 - Vice President of Student Affairs and Dean of Students
 - Director of Service Learning (310) 303-7290
- Residence Life Personnel
(310) 303-7316
 - Director of Residential Life
(310) 303-7322
 - Assistant Director of Residential Life
(310) 303-7343

- Residential Directors
- RA's
- CA's
- Athletics Director and athletics coaches
(310) 303-7325
 - Athletic Director
 - Athletic Trainer
 - Sports Information Director & woman's Soccer Coach
 - Cross Country Coach
 - Asst. Soccer Coach
 - Men's Lacrosse Coach
 - Head Baseball Coach
 - Asst. Softball Coach
- Academic Affairs Personnel
 - Associate Provost of Academic Policy and Support Services
(310) 303-7252
 - Assoc. Provost (310) 303-7228
- General Services Personnel
(310) 303-7202
 - Director of General Services
 - General Service Assistant
- Faculty Advisors
- President
- Provost
- Vice Presidents
- Directors
- Deans

These Campus Security Authorities are required to report crimes to the Department of Campus Safety and Security. The designation of Campus Security Authority as defined by the Department of Education is for the purposes of reporting crimes only. It does not indicate any authority or responsibility to investigate crimes. It shall be the responsibility of the Department of Campus Safety and Security to investigate reports of criminal activity on campus.

Voluntary Confidential Reporting

If you are the victim of a crime and do not wish to pursue action with the Campus Safety and Security Department you may consider making a confidential report. Campus Safety and Security will file a report without revealing your identity. The purpose of the confidential

report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and other community members.

This information is used to keep accurate records of the number of incidents involving students, determine where there is a pattern of crime in a particular location, or assailant and alert the campus community to potential danger. These reports will be counted and the incident disclosed in the annual security report statistics.

Security and Access to Campus Facilities

MCU is accessible during business hours, the campus will be open to students, parents, employees, contractors, guests, and invitees. Normal business hours are defined as the regular hours of operation including scheduled classes and events. During the hours between midnight and 6:00 a.m., access to all MCU facilities is by approved access or by admittance via the Campus Safety and Security Department. In the case of periods of extended closing, such as an emergency, the University will admit only those with prior written approval to all facilities and emergency service personnel.

Access to SPRC (San Pedro Residence Halls) is only accessible to MCU Students and Employees 24 hours a day. Guests, visitors, non-residential students and Contractors need to check in with Security upon arrival and show a valid State ID or MCU ID and are allowed access between the hours of 7:00 AM to 11:00pm. This property has perimeter CCTV and is manned 24 hours a day by security staff.

PVA (Pacific View Apartments) is only accessible to MCU Students and Employees 24 hours a day. Guests, visitors, non-residential students and Contractors need to check in with Security or Residence Life Staff upon arrival and show a valid State ID or MCU ID and are allowed access between the hours of 7:00am to 11:00pm. This property is monitored by a CCTV system and is manned by security from the hours of 3:00pm to 6:00am seven days a week.

The Facilities Department maintains the general campus infrastructure which includes such things as lighting replacement/repair and walkway maintenance. Physical safety issues should be reported to Facilities but may also be reported to administrators, campus safety, faculty, or staff.

Timely Warnings

In some cases, the Director of Campus Safety and Security may be required to release a timely warning to the campus about a threat to the community. In such cases, an initial investigation or determination of the nature of the threat may be conducted, after which a warning will be issued immediately. Victims will not be identified in any warning that is released.

Individuals on campus or at the Residence halls should notify the Department of Safety and Security of crimes as soon as possible.

- The Department of Campus Safety and Security will gather all essential information about the nature of the crime from the reporting person and other available sources (these may include, but are not limited to: other witnesses, the Residence halls video camera systems, the card access system, and the City of San Pedro's Safety Ambassadors).
- Based on the information available, the Director of Campus Safety and Security or his designee shall determine whether the crime presents an ongoing threat to students or employees.
- Based on the information available, the Director of Campus Safety and Security or his designee shall determine the content of the timely warning and the method by which it shall be disseminated to the campus community. Timely warnings may be issued titled as Crime Alerts, Safety Alerts, or any other title as deemed appropriate by the Director of Campus Safety and Security or his designee based on the information available.
- The Director of Campus Safety and Security or his designee shall determine the means by which the timely warning will be distributed. Means of distribution may include but are not limited to:
 - announcements via the MCU Alert system
 - Emails
 - on the university's website
 - posters
 - online and in print
- The content of the timely warning may include but is not limited to the nature of the crime, the area where the crime occurred, a description of the suspect(s), or safety tips. It is the responsibility of the Director of Campus Safety and Security or his designee to determine whether a crime presents a serious or continuing threat to Marymount California University students or employees and issue a timely warning if necessary. The Director of Campus Safety and Security's designee may include, but is not limited to the following personnel: the Security Captain, Security Lieutenant, Director of General Services, or any other Campus Safety personnel.

Daily Crime Log

Campus Safety and Security keeps statistics and daily crime logs of all crimes reported to the Campus Safety and Security Department. This log includes the date the crime was reported,

the nature of the crime, the date and time the crime occurred, the general location of the crime, and if known the current disposition of the complaint. Updates to the log are made within two business days from when a crime is reported or a change in the disposition of a complaint, except when the disclosure is prohibited by law or would jeopardize the confidentiality of the victim. Information may be temporarily withheld from the log when it would jeopardize and ongoing investigation, jeopardize the safety of an individual or result in the destruction of evidence.

A written log of all crimes reported to the Campus Safety and Security Department as having occurred within the past 60 days on and around the university's properties is available to the public at the Campus Safety and Security office and on the Campus Safety and Security website.

Crime Alert Bulletins

If a Clery Act Crime occurs that poses an ongoing danger of victimization to members of the campus community, a crime alert will be issued using all appropriate means to notify the campus community. General information about the crime as well as tips to prevent future victimization will be provided.

Emergency Response and Evacuation Procedures

Marymount California University is dedicated to providing a safe and secure environment for its students, faculty, staff, visitors and guests. The University has an established emergency preparedness and response plan. It is the policy of the University to immediately respond to emergencies, notify the campus of the emergencies; including the use of both electronic and cellular communication; and the evacuation of the campus when appropriate.

Emergency notifications to the campus are made through an electronic notification system (MCU Alert) which includes e-mail, telephone (home and office), cell phone, and text messaging. In the event that the telephone or cell phone is not answered, a voice message is left. Messages advise of a campus emergency and provide instructions to the recipient. The emergency notification system is tested quarterly. The University encourages community members to maintain current emergency contact information, and list a primary cell phone number or local telephone in order to ensure that they are immediately notified of emergency information.

In the event that Security receives a report that there is a significant emergency or immediate threat on the campus, Security will immediately respond and investigate the report.

The on-duty Security Supervisor shall immediately attempt to notify the Director of Safety and Security or his designee. The Director of Safety and Security or designee will direct the on-duty Security Supervisor to request emergency services as required to the campus, such as police,

fire, or paramedics, if such a request has not already been made. The on-duty Security Supervisor has the discretion to make the request prior to notifying the Director of Safety and Security.

Upon confirming that a significant emergency or dangerous situation involving an immediate threat to the community exists, an emergency notification will be initiated to the campus, without delay, taking into account the safety of the community, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victim or to contain, respond to, or otherwise mitigate the emergency.

The content of the notification shall be determined based on the nature of the emergency. The content will include the nature of the emergency, such as a chemical spill, gas leak, dangerous threat, and instructions to the community such as to remain indoors or evacuate the building, remain out of the affected area, or remain away from the campus.

The Director of Safety and Security, or his designee in the Director of Safety and Security's absence, has the authority to initiate an emergency notification without other approvals.

The Director of Safety and Security will immediately attempt to contact and brief the Senior Vice President of Student Affairs and brief him on the existence of the significant emergency or dangerous situation.

The University has established policy for disseminating emergency information to the larger community. Information concerning a significant emergency situation is posted the MCU website <http://www.marymountcalifornia.edu/>.

The Institute conducts a campus-wide test of its emergency response and evacuation procedures on a bi-annual basis. These exercises are announced to the campus, at which time the nature of the exercise, date and time of the exercise, and information is provided to the community where emergency plans and evacuation procedures can be obtained. One such drill is the annual participation in the state-wide "California Shake-Out" which is occurs in October. The exercise is conducted campus-wide to MCU's emergency responders' abilities to respond to campus emergencies based on a major earthquake. All members of the MCU community, students, faculty, and staff, are encouraged to participate in the drill. The exercise is announced. All documentation of emergency drills are filed in the security office.

Emergency Notification

MCU has a policy to notify the university community of any immediate threats. Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, staff or faculty occurring on or adjacent to MCU's campus emergency notifications will be sent out via our MCU alert system.

MCU Alert- Emergency Alerting System (e2Campus)

To receive emergency text message notifications via the e2Campus Emergency Alerting System, please text mcustudent (for students), mcustaff (for employees) and/or mcuparent (for parents) to 79516 (e2campus) and reply Yes. Additionally, you can sign up via the web at <https://www.e2campus.net/my/marymountpv/>. Messages will only be sent in cases of an emergency and/or emergency drills. You must be subscribed to receive the mobile alerts. There is no cost to subscribe, however, standard message rates may apply. To learn more about this system visit <http://www.marymountcalifornia.edu/?q=campus-safety>.

Preventing and Responding to Domestic Violence, Dating Violence, Sexual Assault, and Stalking

Marymount California University (MCU) will not tolerate domestic violence, dating violence, sexual assault, stalking, or other forms of sexual misconduct. Offenders may be subject to appropriate campus adjudication processes, disciplinary action, and/or criminal proceedings. MCU utilizes procedures that provide prompt, fair and impartial investigation and resolution in cases involving domestic violence, dating violence, sexual assault and stalking. These procedures are carried out by officials who receive specific annual training.

Sexual violence is a form of sexual harassment and services are available to students, faculty and staff who experience sexual violence, domestic violence, dating violence, and instances of stalking.

In these situations, MCU is committed to providing crisis intervention measures for students, faculty, and staff as well as appropriate administrative response for the reporting party and responding party, referring individuals to criminal authorities, and educating and promoting discussion on interpersonal abuse and violence issues. The University's process does not preclude adjudication under state law.

The University prohibits retaliation by its officers, employees, students or agents against a person who exercises his or her rights or responsibilities under any provision of federal or state law, including Title IX and the Campus SaVE Act, or this policy.

Prevention Efforts

The MCU counseling services offers the following trainings throughout the year:

- Certified Peer Health Educators are trained on Title IX and that they need to report anything they hear.

- Ductus Exemplo does a “healthy relationships week,” where we have speakers, passive educational programming, tabling, and events that discuss healthy relationships, boundaries, signs/symptoms of abuse and sexual assault counseling resources.
- In counseling we counsel students on all of the above topics as well on a one on one session.

The MCU Student Life Department offers educational presentations and programs during the beginning of each semester and throughout the year on the following topics to all students:

- Consent
- Sexual Assault
- Misconduct
- Healthy relationships
- Sexual assault awareness month (April)
- Domestic Violence Awareness month (October)
- Handing out door hangers addressing sexual assault to residential students
- Handing out “What is Consent” informational Magnets
-

These classes are to inform students that sex without consent is sexual assault and provides students with an easy to understand definition of sexual consent. It also informs them on all reporting options if an assault has occurred.

How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 9-1-1 and campus safety (310-241-5488). This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are okay.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Risk Reduction Tips

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one's risk of sexual assault or harassment.

- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
- **Walk with purpose**. Even if you don't know where you are going, act like you do.
- **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have cab money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Trust your Instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately by dialing 9-1-1.
- **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, get a new one.
- **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- **Watch out for your friends, and vice versa**. If a friend seems out of it, is way to intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- **If you suspect you or a friend has been drugged, contact law enforcement immediately** (9-1-1). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

If you need to get out of an uncomfortable or scary situation here are some things that you can try:

- **Remember that being in this situation is not your fault**. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
- **Be true to yourself**. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.

- **Have a code word with your friends or family** so that if you don't feel comfortable, you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- **Lie.** If you don't want to hurt the persons feelings, it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: need to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you?
- **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Reporting

Who Reports?

Marymount California University defines all employees as mandatory reporters, unless exempted as confidential employees below. This includes student-employees who learn of reportable information while they are in the course of their duties for the University. Whether on or off duty, Community Assistants in Residential Life have a duty to report.

Confidential Employees

Licensed counselors, health service providers and clergy, when acting in that confidential capacity for the University, are considered exempt from mandatory reporting, unless a victim asks them to report or a duty to report exists under state law based on an imminently harmful situation. Confidential employees are expected to report aggregate data without any personally identifiable details to the Title IX Coordinator at the end of each semester (unless the confidential employee determines on a case-by-case basis that reporting would not be in the best interest of their client/patient/parishioner).

What Is to Be Reported?

- If a mandatory reporter learns about sex/gender discrimination, or any other form of discrimination or harassment based on a protected class, that employee is expected to immediately contact the campus Title IX Coordinator, Karen Thorderson, at kthordarson@marymountcalifornia.edu or 310-303-7225, or a Deputy Title IX Coordinator. The Title IX Coordinator will take responsibility for prompt notification to the Campus Safety and Security Department and other appropriate University officials as needed. (Sex/gender discrimination includes sexual harassment, sexual violence, intimate partner or relationship violence, and gender-based bullying, stalking, and hazing.)

- Other serious crimes covered by the Clery Act (see training guidelines) must be reported to the Campus Safety and Security Department. When a crime is also a form of sex/gender discrimination covered in the bullet above, the mandatory reporter should report it to Campus Safety and Security in any situation where the victim so requests, or there is a threat to the safety of the community, or any member of it. Otherwise, reports of sex/gender discrimination should be reported to the Title IX Coordinator, even if they may also be criminal in nature.
- All concerning and disruptive behaviors must be timely reported to the Behavioral Assessment and Response Team (BART) by contacting the Chair of BART, Ryan Alcántara at 310-303-7255 or ralcantara@marymountcalifornia.edu.
- Reporting of child sexual and/or child physical abuse should be made to the local police/sheriff's office or LA County Child Welfare (DCFS) via phone immediately and a written report on Form 8572 must be submitted to the Department of Child and Family Services (DCFS) within 36 hours via fax or email. Reporting parties should contact the county child welfare agency (DCFS) hotline (800) 540-4000 directly for specific reporting instructions.

Form 8572 can be found here: http://ag.ca.gov/childabuse/pdf/ss_8572.pdf

When reporting misconduct covered under Title IX (e.g., sexual harassment, sex or gender discrimination, sexual assault, dating violence, domestic violence, stalking, sexual orientation discrimination, gender identity discrimination, etc.), University employees must provide full details of the incident if known, including all names and personally identifying information. If a reporting party wishes for no action to be taken, the Title IX Coordinator must evaluate that request. The University is always guided by the goal of empowering the reporting party and allowing the reporting party to retain as much control over the process as possible. Typically, the University is compelled to act despite a reporting party's wishes when an incident evidences use of weapons, violence, threat, pattern, or predation. Otherwise, a request for confidentiality or no action may be honored, with remedies offered to the victim as appropriate.

Employees should not promise confidentiality unless their professional role is confidential, and they have received the report in that confidential capacity. If approached, it is appropriate to counsel, "I may be obligated to share what you tell me with administrative officials. If you would like, I can connect you with campus resources who can maintain the confidentiality or privacy of what you share with them." Where an incident involves off-campus conduct involving a member or members of the campus community, the reporting expectations of this policy still apply. If an employee is unsure of whether to report, consult with the Title IX Coordinator, the

Director of Campus Safety and Security and/or the Chair of BART, as appropriate. These officials will guide an employee on what is to be reported, when, and how.

Consider Filing a Police Report

A report to the police can empower the complainant by exercising her/his legal rights and can aid in the protection of others. MCU staff will provide the reporting party contact information to file a police report and will assist the complainant in notifying the police if requested. The police will then advise the complainant of the legal process.

There may be consequences to waiting to file a police report. Early reports may improve the preparation of a viable prosecution. Filing a police report immediately following the incident does not force the complainant to file charges and prosecute the respondent. However, it does aid in the preservation of valuable evidence if the complainant decides to pursue charges at a later date.

Alternatives to Immediately Filing a Police Report

1. Report the crime at a later date.
2. Make a complaint to a CSA, Title IX coordinator, or deputy Title IX coordinator. Such a complaint may be used for actions which include, but are not limited to, on-campus administrative proceedings.
3. Make an anonymous report to the police (a report that notifies the police that a domestic violence, dating violence, sexual assault, or stalking incident has occurred, but gives no names or identification).
4. Make a complaint to the Title IX coordinator. Such a complaint may be used for actions which include, but are not limited to, on-campus administrative proceedings.
5. Contact the Title IX coordinator or a deputy Title IX coordinator for more information concerning the administrative process. Students may reference the MCU Mandatory reporting policy and the MCU Policy and procedures for civil rights equity resolution. Faculty and staff may consult with Human Resources or the Title IX coordinator.

Crisis Intervention

Crisis intervention is a service offered to students who are in serious or immediate emotional distress. Counseling staff are trained professionals able to handle emergencies such as suicide attempts, suicidal ideation, reports of rape or attempted rape, physical assaults, and other types of crises. Students in a crisis can visit or call Counseling Services during regular business hours at (310) 303-7359. Students can also contact Campus Safety at (310) 261-6150. After hours Crisis Hotline for counseling emergencies only is (310) 303-7372 or call 911 for any life threatening emergency.

The University's Counseling Services Department has on Staff a Certified-Sexual Assault Advocate. The counseling Services also provides students with handouts on sexual assault.

Other services the University provides on campus are:

- Crisis Intervention/Support
- Counseling
- Case Management
- Community Referrals
- 24 hour Crisis Number (answered by licensed Staff) (310) 303-7372
- Sexual Assault Advocate

Off Campus Services include:

- Sexual Assault Crisis Services #: 1-877-943-5778
www.ywcagla.org
* Provides crisis support/counseling, 24 hr hotline number, community referrals, self-defense training
- Providence Little Co. of Mary Medical Center/San Pedro
1300 W. 7th St.
San Pedro, CA 90732
310-832-3311
*for the Sexual Assault Response Team (SART)/medical exam
- Victim-Witness Assistance Program
800-380-3811
- National Sexual Assault Hotline
800-656-4673
- Male Survivors Support
www.malesurvivor.org

THE MARYMOUNT CALIFORNIA UNIVERSITY POLICY AND PROCEDURE FOR CIVIL RIGHTS EQUITY RESOLUTION FOR ALL FACULTY, STUDENTS AND EMPLOYEES

POLICY AND PROCEDURES: Equal Opportunity, Harassment and Nondiscrimination

Marymount California University is committed to upholding standards that promote integrity, respect for human dignity, and commitment to justice in an environment fostering learning and professionalism. Therefore, Marymount California University affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise. All policies below are subject to resolution using the Marymount California University Equity Resolution Process, as detailed below. The Equity Resolution Process is applicable regardless of the status

of the parties involved, who may be members or non-members of the campus community, students, student organizations, faculty, administrators and/or staff. The University reserves the right to act on incidents occurring on-campus or off-campus, when the off-campus conduct could have an on-campus impact, or impact the educational mission of the University.

Karen Thordarson, Director of Human Resources, serves as the Title IX Coordinator and oversees implementation of the Marymount California University Equal Opportunity Plan and the University's policy on equal opportunity, harassment and nondiscrimination. Reports of discrimination, harassment and/or retaliation should be made promptly to the Title IX Coordinator or Deputy Coordinators. There is no time limitation on the filing of allegations, as long as the responding party remains subject to the University's jurisdiction. All reports are acted upon promptly, and every effort is made by the University to preserve the privacy of reports. Such reports may also be anonymous. Additionally, most employees of the University are mandated reporters and will share a report with the Title IX Coordinator promptly. Confidentiality and mandated reporting is addressed more specifically on Page 12. Complaints of a conflict of interest and/or reports of discrimination by the Title IX Coordinator or Deputy Coordinators should be reported to Jim Reeves, Sr. Vice President, Finance and Administration.

This policy applies to alleged incidents that take place on campus, at university-sponsored events and may also apply off-campus and to online activity, when the Title IX Coordinator determines that the off-campus and/or online conduct affects a substantial University interest. A substantial University interest is defined to include:

- a) Any action that constitutes criminal offense as defined by local, state or federal law. This includes, but is not limited to, single or repeat violations of law committed in the municipality where the University is located;
- b) Any situation where it appears that the responding party may present a danger or threat to the health or safety of self or others;
- c) Any situation that significantly impinges upon the rights, property or achievements of self or others, or significantly breaches the peace and/or causes social disorder; and/or
- d) Any situation that is detrimental to the educational interests of the University.

Off-campus discriminatory or harassing speech by employees may be regulated by the University only when such speech is made in an employee's official or work-related capacity.

Inquiries about this policy and procedure may be made internally to:

Title IX Coordinator/Coordinator of Equity and Compliance

Karen Thordarson

30800 Palos Verdes Dr. East

Oceanside 218

Rancho Palos Verdes, CA 90275

(310) 303-7225

Kthordarson@marymountcalifornia.edu

TitleIXCoord@marymountcalifornia.edu

University Deputy Coordinators:

Courtney Moseley Thomsen 310-303-7291, cmoseley@marymountcalifornia.edu

John Hoyt (Waterfront Campus), 310-303-7233, jhoyt@marymountcalifornia.edu

Inquiries may be made externally to:

Office for Civil Rights (OCR)

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202-1100

Customer Service Hotline #: (800) 421-3481

Facsimile: (202) 453-6012

TDD#: (877) 521-2172

Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

Regional OCR Contact:

San Francisco Office

Office for Civil Rights

U.S. Department of Education

50 Beale Street, Suite 7200

San Francisco, CA 94105-1813

Telephone: 415-486-5555

FAX: 415-486-5570; TDD: 800-877-8339

Email: ocr.sanfrancisco@ed.gov

Equal Employment Opportunity Commission (EEOC)
Regional Office
Edward Roybal Federal Building
255 E Temple St # 4
Los Angeles, CA 90012
(213) 894-1000
<http://www.eeoc.gov/contact/>

California Department of Fair Employment and Housing
1055 West 7th Street #1400
Los Angeles, CA 90017
(213) 439-6799
<http://www.dfeh.ca.gov/Contact.htm>

1. Marymount California University Policy on Nondiscrimination

Marymount California University adheres to all federal and state civil rights laws banning discrimination in private institutions of higher education. Marymount California University will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis Race, Color, Ancestry, National Origin, Sex, Sexual Orientation, Gender, Gender Identity, Gender Expression, Marital Status, Age (40 and older), Pregnancy, Religion, Disability (mental and/or physical), Medical Condition (Cancer or Genetic Conditions), Genetic Information, Military and Veteran Status, or any other category protected by law, including protections for those opposing discrimination or participating in any grievance process on campus or within another human rights agency.

This policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the campus community, guest or visitor who acts to deny, deprive or limit the educational, employment, residential and/or social access, benefits and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of the Marymount California University policy on nondiscrimination. When brought to the attention of the University, any such discrimination will be appropriately remedied by the University according to the procedures below.

2. Marymount California University Policy on Accommodation of Disabilities

Marymount California University is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal

and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking or caring for oneself.

Ruth Proctor, Coordinator of Disability Resources, has been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws, including investigation of any allegation of non-compliance. The Coordinator of Disability Resources is located in the Learning Center.

a. Students with Disabilities

Marymount California University is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the University.

All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the Coordinator of Disability Resources who coordinates services for students with disabilities. The coordinator reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate to the student's particular needs and academic programs.

b. Employees with Disabilities

Pursuant to the ADA, Marymount California University will provide reasonable accommodation(s) to all qualified employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive or would result in undue hardship for the University.

An employee with a disability is responsible for requesting an accommodation in writing to the Director of Human Resources and provide appropriate documentation. The Director of Human Resources will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations may enable the employee to perform those duties.

3. Marymount California University Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to a work and educational environment free of discriminatory harassment. Marymount California University's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom. The sections below describe the specific forms of harassment that are prohibited by law, as well as under University policy.

a. Discriminatory and Bias-Related Harassment

Harassment is a form of discrimination. Marymount California University condemns and will not tolerate harassment against any student, employee, visitor or guest on the basis of any status protected by University policy or state and federal law. The University will address all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. When harassment rises to the level of creating a hostile environment, Marymount California University may also impose sanctions on the harasser, pending an investigation into the claims of the reporting party. Marymount California University's harassment policy explicitly prohibits any form of harassment, defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any member or group of the community.

A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent or pervasive, and objectively offensive that it interferes with, limits, or denies the ability of an individual to participate in or benefit from educational programs or activities, or employment access, benefits or opportunities.¹

Anyone experiencing discriminatory or bias-related harassment in any University program is encouraged to report it immediately to the University's Title IX Coordinator or a Deputy Coordinator. Remedies, education and/or training will be provided in response.

The University reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of discrimination or 2) that is of a generic nature not on the basis of a protected status. Addressing such issues may not result in the imposition of discipline under University policy, but will be addressed through civil confrontation, remedial actions, education, and/or effective conflict resolution mechanisms.

¹ This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: Department Of Education Office For Civil Rights, Racial Incidents And Harassment Against Students At Educational Institutions Investigative Guidance. The document is available at <http://www.ed.gov/about/offices/list/ocr/docs/race394.html>.

b. Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC) and the State of California regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. Marymount California University has adopted the following definition of sexual harassment, in order to address the varied populations of an academic community, including employers and employees, students, as well as third parties.²

Sexual harassment is:

- unwelcome,
- sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct.

Anyone experiencing sexual harassment in any University program is encouraged to report it immediately to the University's Title IX Coordinator or a Deputy Coordinator. Remedies, education and/or training will be provided in response.

Sexual harassment may be disciplined when it takes the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.

A hostile environment is created when sexual harassment is:

- sufficiently severe,
- persistent or pervasive, and
- objectively offensive that it:
 - unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the university's educational, employment, social and/or residential program

Quid Pro Quo Sexual Harassment is:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, by a person having power or authority over another, constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational development or performance.

² Also of relevance is the Office of Civil Rights 2001 statement on sexual harassment, "Revised Sexual Harassment Guidance: Harassment Of Students By School Employees, Other Students, Or Third Parties, Title IX," which can be found at <http://www2.ed.gov/legislation/FedRegister/other/2001-1/011901b.html>, as well as the April, 2011 Dear Colleague Letter on Campus Sexual Violence, which can be found at: http://www.whitehouse.gov/sites/default/files/dear_colleague_sexual_violence.pdf

Policy Expectation with Respect to Consensual Relationships

Consent by two parties to the onset of romantic and/or sexual involvement does not preclude a charge of sexual harassment for subsequent unwelcome conduct of a sexual nature. The educational mission of the University is promoted by professionalism in management/employee/student relationships, which is fostered by an atmosphere of mutual trust and respect; these are diminished when those in positions of authority abuse or appear to abuse their power. Given the fundamentally asymmetrical nature of the supervisory or employee-student relationship, voluntary consent by the supervisee or student in a romantic and/or sexual relationship is suspect. In addition to the possible sexual exploitation of the student or supervisee involved, other students and employees may be affected by such unprofessional behavior.

- a. Supervisors may not have romantic and/or sexual relationships with employees who report to them. Supervisor is used here in both the narrow and broad senses. In a narrow sense, supervision refers to the direct supervisor-supervisee relationship. In a broad sense, supervision refers to any relationship in which one of the parties may be subject to a personnel decision by the other.
- b. Romantic and/or sexual relationships between University employees and students are inappropriate and a violation of University policy. University employees exercise power over students, whether in giving them praise or criticism, evaluating them by making recommendation for further studies or future employment, or conferring other benefits on them. Enrolled spouses are exempt from this policy.
- c. Other romantic and/or sexual relationships that might be appropriate in other contexts may, within the University community, create the appearance of an abuse of power or of undue advantage.

University employees or supervisors whose actions harm our professional environment violate their duty to the University's mission and community. Due to the potential for coercion in the relationships described above, the University shall view them as unethical and a violation of University policy. Disciplinary action up to and including termination will be taken against employees who violate this policy.

c. Sexual Misconduct

California state law defines various violent and/or non-consensual sexual acts as crimes. Additionally, Marymount California University has defined categories of sexual misconduct, as stated below, for which action under this policy may be imposed. Generally speaking, Marymount California University considers Non-Consensual Sexual Intercourse violations to be the most serious, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. However, Marymount

California University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sexual misconduct or other gender-based offenses, including intimate partner or relationship (dating and/or domestic) violence, non-consensual sexual contact and stalking based on the facts and circumstances of the particular allegation. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved. Violations include:

i. Sexual Harassment (as defined on page 32 and 58)

ii. Non-Consensual Sexual Intercourse

Defined as:

- any sexual penetration or intercourse (anal, oral or vaginal)
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force

Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

iii. Non-Consensual Sexual Contact

Defined as:

- any intentional sexual touching
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

iv. Sexual Exploitation

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and that behavior does not otherwise fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed)
- Invasion of sexual privacy
- Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent)
- Prostitution
- Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) or infection (STI) without informing the other person of the infection
- Administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent (assuming the act is not completed)
- Exposing one's genitals in non-consensual circumstances
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

v. Force and Consent

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent. ("Have sex with me or I'll hit you. Okay, don't hit me. I'll do whatever you want.")

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

NOTE: There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

California law and MCU policy use an affirmative consent standard in the determination of whether consent was given by both parties to sexual activity. Affirmative consent (hereby “consent”) is affirmative, conscious and voluntary agreement to engage in sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

It is not a valid excuse that the responding party believed they had the reporting party’s consent due to intoxication or recklessness of the responding party. It is not a valid excuse that the responding party did not take reasonable steps under the circumstances to ascertain whether the reporting party affirmatively consented. It is not a valid excuse that the responding party believed that the reporting party affirmatively consented to the sexual activity, if the responding party knew or reasonably should have known that the reporting party was unable to consent because s/he was asleep or unconscious, incapacitated due the influence of drugs, alcohol or medication, so that s/he could not understand the fact, nature or extent of the sexual activity, or that the complainant was unable to communicate due to a mental or physical condition.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating or sexual relationship between the persons involved is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

In CA, a minor (meaning a person under the age of 18 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 18 years old is a crime, as well as a violation of this policy, even if the minor wanted to engage in the act.

4. Other Civil Rights Offenses, When the Act is Based Upon the Status of a Protected Class

- Threatening or causing physical harm, extreme verbal abuse or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of any protected class;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity. Hazing is also illegal under CA State law and prohibited by University policy.
- Bullying, defined as
 - Repeated and/or severe
 - Aggressive behavior
 - Likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally
 - That is not speech or conduct otherwise protected by the 1st Amendment.
- Violence between those in an intimate relationship to each other
- Stalking
 - Stalking 1:
 - A course of conduct
 - Directed at a specific person
 - That is unwelcome, and
 - Would cause a reasonable person to feel fear
 - Stalking 2:
 - Repetitive and Menacing
 - Pursuit, following, harassing and/or interfering with the peace and/or safety of another
- Any other University rules, when a violation is motivated by the actual or perceived membership in any protected class of the reporting party.

Sanctions for the above-listed “Other Civil Rights Behaviors” behaviors range from reprimand up through and including expulsion (students) or termination of employment.

5. Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a party bringing an allegation or for assisting in providing information relevant to a claim of harassment is a serious violation of University policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator or Deputy Coordinator and will be promptly investigated. Marymount California University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

6. Remedial Action

Marymount California University will implement initial remedial and responsive and/or protective actions upon notice of alleged harassment, retaliation and/or discrimination. Such actions could include but are not limited to: no contact orders, providing counseling and/or medical services, academic support, living arrangement adjustments, transportation accommodations, visa and immigration assistance, student financial aid counseling, providing a campus escort, academic or work schedule and assignment accommodations, safety planning, referral to campus and community support resources.

Marymount California University will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest or visitor who has been found to engage in harassing or discriminatory behavior or retaliation.

The University will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair the institution's ability to provide accommodations or protective measures.

Procedures for handling reported incidents are fully described below.

7. Confidentiality and Reporting of Offenses Under This Policy

All Marymount California University employees are expected to report actual or suspected discrimination or harassment to appropriate officials, though there are some limited exceptions. In order to make informed choices, one should be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate university officials – thereby offering options and advice without any obligation to inform an outside agency or individual unless you have requested information to be shared. Other resources exist for you to report crimes and

policy violations formally. The following describes the two reporting options at Marymount California University:

a. Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with on-campus licensed professional counselors, campus health service providers, and the university Chaplain, who will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. Campus counselors are available to help free of charge and can be seen on an emergency basis. These employees will submit anonymous statistical information for Clery Act purposes, unless they believe it would be harmful to their client, patient or parishioner. These confidential campus resources can also refer you to confidential off-campus resources.

b. Formal Reporting Options

All University employees are Mandatory Reporters, unless they fall under the “Confidential Reporting” section above. Parties bringing a complaint may want to consider carefully whether to share personally identifiable details with non-confidential employees, as those details must be shared by the employee with the Title IX Coordinator and/or Deputy Coordinators. If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator or Deputy Coordinators, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. Note that the institution’s ability to remedy and respond to a reported incident may be limited if the reporting party does not want the institution to proceed with an investigation and/or the Equity Resolution Process.

In cases indicating pattern, predation, threat, weapons and/or violence, the University will likely be unable to honor a request for confidentiality. In cases where the Reporting Party requests confidentiality and the circumstances allow the University to honor that request, the University will offer interim supports and remedies to the victim and the community, but will not otherwise pursue formal action. A party making an allegation has the right, and can expect to have complaints taken seriously by the University when formally reported and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigators, witnesses

and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a party bringing a complaint's rights and privacy.

8. Federal Timely Warning Obligations

Victims of sexual misconduct should be aware that University administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The University will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

9. False Allegations

Deliberately false and/or malicious accusations of harassment, as opposed to allegations which, even if erroneous, are made in good faith, are just as serious an offense as harassment, and will be subject to appropriate disciplinary action.

EQUITY RESOLUTION PROCESS FOR RESOLVING GRIEVANCES OF HARASSMENT, SEXUAL MISCONDUCT AND OTHER FORMS OF DISCRIMINATION

Marymount California University will act on any formal or informal allegation or notice of violation of the policy on Equal Opportunity, Harassment and Nondiscrimination, that is received by the Title IX Coordinator, Deputy Coordinators, a member of the Equity Resolution Panel, or a member of the administration, faculty, or other employee, except for the confidential reporters.

The procedures described below will apply to all allegations involving students, staff or faculty members. Redress and requests for responsive actions for allegations brought involving non-members of the community are also covered by these procedures.

1. Equity Resolution Panel (ERP)

Members of the ERP are announced in an annual distribution of this policy to campus. Members of the ERP are trained in all aspects of the resolution process, and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- To provide sensitive intake and initial counseling of grievances
- To serve in a mediation or restorative justice role in conflict resolution

- To investigate grievances
- To act as process advisors to those involved in grievances
- To serve on appeal panels for grievances

ERP members also recommend proactive policies, and serve in an educative role for the community. The President, in consultation with the Title IX Coordinator, appoints the panel, which reports to the Title IX Coordinator. ERP members receive annual training organized by the Title IX Coordinator, including a review of University policies and procedures as well as applicable federal and state laws and regulations so that they are able to provide accurate information to members of the community. All ERP members are required to attend this annual training.

The Equity Resolution Panel includes:

Title IX Coordinator	Karen Thardarson
Deputy Coordinators	John Hoyt Courtney Moseley Thomsen
Vice President of Student Affairs	Ryan Alcántara
Director of Campus Safety & Security	Michael Mac Menamie
Certified sexual assault advocate	Osmara Reyes-Osorio
Student Conduct Officer (Assoc. Dir. Res Life)	Kevin Hansbury
Associate Provost for Academic Policies and Support Services	Virginia Wade
Faulty Representative	TBD

Panel members are usually appointed to three-year terms. Appointments to the ERP are made with attention to representation of groups protected by the harassment and non-discrimination policy. Individuals who are interested in serving on the ERP are encouraged to contact the Title IX Coordinator.

2. Reporting Misconduct

Any member of the community, guest or visitor who believes that the policy on Equal Opportunity, Harassment and Nondiscrimination has been violated should contact the Title IX Coordinator, a Deputy, or member of the ERP. It is also possible for employees to notify a supervisor and for students to notify an administrative advisor or faculty member. Additionally, member of the community, including visitors, may contact the Director of Campus Safety. These individuals will in turn notify the Title IX Coordinator.

All employees (excepting confidential resources) receiving reports of a potential violation of University policy are expected to immediately contact the Title IX Coordinator. All initial contacts will be treated with the maximum possible privacy: specific information on any allegations received by any party will be reported to the Title IX Coordinator, but, subject to the University's obligation to redress violations, every effort will be made to maintain the privacy of those initiating a report of an allegation. In all cases, Marymount California University will give consideration to the reporting party with respect to how the grievance is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution when alleged victim chooses not to initiate or participate in the resolution process.

3. Amnesty for Reporting Parties

To encourage reporting, MCU offers immunity from disciplinary action for alcohol or drug use violations committed by individuals reporting the sexual misconduct, either as a complainant or third-party witness. The University will provide referrals to counseling and may require educational options, rather than disciplinary sanctions, in such cases. Excluded from this grant of immunity are all responding parties who provided reporting party with alcohol or drugs to the point of incapacitation, and then engaged in sexual misconduct. Where the alcohol or drugs was used as a means of facilitating another violation, it is in and of itself, a violation.

4. Intake for Reported Misconduct

Following receipt of notice or a report of misconduct, the Title IX Coordinator will, notify the alleged victim of his or her ability to use an advisor of his or her choice (including attorneys) who can provide support during the resolution process (see Section 6: "Advisors" below). Normally, within two (2) business days, an initial determination is made whether a policy violation may have occurred and/or whether a conflict resolution might be appropriate. If the reported misconduct does not appear to allege a policy violation or if conflict resolution is desired by the reporting party, and appears appropriate given the nature of the alleged

behavior, then the report does not proceed to investigation, unless a pattern of misconduct is suspected or there is an actual or perceived threat of further harm, to the community or any of its members.

A full investigation will necessarily be pursued if there is evidence of a pattern of misconduct or a perceived threat of further harm to the community or any of its members. The University aims to complete all investigations within a sixty (60) business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties.

The Title IX Coordinator will provide written notification of an allegation to any member of the University community who is accused of an offense under this policy. All parties will also be allowed to have an advisor of their choice present with them for all ERP meetings and proceedings.

5. Interim Remedies

The Title IX Coordinator (or designee) may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the alleged victim and the community and to prevent further violations.

These remedies may include, but are not limited to:

- Referral to counseling and health services
- Educating the community
- Altering the housing situation of the responding party (resident student or resident employee (or the reporting party, if desired))
- Altering work arrangements for employees
- Providing campus escorts
- Providing transportation accommodations
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

The University may, in the interim, suspend a student, employee or organization pending the completing of the ERP investigation and procedures, particularly when in the judgment of the Title IX Coordinator, the safety or well-being of any member of the campus community may be

jeopardized by the presence on-campus of the responding party, or by the ongoing activity of a student organization whose behavior is in question. In all cases in which an interim suspension is imposed, the student, employee or student organization will be given the opportunity to meet with the Title IX Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX Coordinator has the sole discretion to implement or stay an interim suspension under the policy on Equal Opportunity, Harassment and Nondiscrimination, and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to University housing and/or the University campus/facilities/events. As determined by the Title IX Coordinator in consultation with appropriate university officials, this restriction can include classes and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Title IX Coordinator in consultation with appropriate university officials, alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding party.

The institution will maintain as confidential any accommodations or protective measures provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures.

6. Investigation

If a reporting party wishes to pursue a formal resolution or if the University, based on the alleged policy violation, wishes to pursue a formal resolution, then the Title IX Coordinator appoints trained investigators (typically using a team of two ERP investigators), to conduct the investigation, usually within (2) two business days of determining that a resolution should proceed. Investigations are completed expeditiously, normally within ten (10) business days of notice to the Title IX Coordinator. Investigations may take longer when, for example, initial reports fail to provide direct first-hand information or in complex situations. The University may undertake a short delay (several days to weeks, to allow evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The University's resolution will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. All investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.

At any point during the investigation, if it is determined there is no reasonable cause to believe the University policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

Witnesses are expected to cooperate with and participate in the university's investigation. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person.

7. Advisors

The reporting party and the responding party are allowed to have an advisor of their choice present with them for all ERP meetings and proceedings. The parties may select whomever they wish to serve as their advisor, from inside or outside of the campus community, including a friend, mentor, family member, attorney or any other supporter.

The Title IX Coordinator will also offer to assign an ERP panel member to work as an advisor for any party. The reporting party may also choose their advisor from the ERP pool, choose a non-trained advisor from outside the pool, if preferred, or proceed without an advisor.

The parties may be accompanied by their advisor in all meeting and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The University cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the University is not obligated to provide one.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting or interview unless invited to. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given an opportunity to meet in advance of any interview or meeting with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisors to clarify any questions they may have, and allows the University an opportunity to clarify the role the advisor is expected to take.

The advisor may not make a presentation or represent the reporting party or the responding party during any meeting or proceeding. The parties are expected to ask and respond to

questions on their own behalf, without representation by their advisor. The advisor may consult with the advisee quietly or in writing, or outside the meeting or proceeding during breaks, but may not speak on behalf of the advisee to the investigators.

Advisors are expected to refrain from interference with the University investigation and resolution. Any advisor who steps out of their role in any meeting under the campus resolution process will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator or a deputy will determine whether the advisor may be reinstated, may be replaced by a difference advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The University expects that the parties will wish to share documentation related to the allegations with their advisors. The University provides a consent form that authorizes such sharing. The parties must complete this form before the University is able to share records with an advisor. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with 3rd parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

The University expects an advisor to adjust their schedule to allow them to attend University meetings when scheduled. The University does not typically change scheduled meetings to accommodate an advisor's inability to attend. The University will, however, make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process, and is not locked into using the same advisor throughout, provided this change does not delay the progress of the investigation.

8. Resolution of Reported Misconduct

During and upon the completion of investigation, the Title IX Coordinator will review the investigation, which may include meeting with the investigators. Based on that review, the Title IX Coordinator will make a decision on whether there is reasonable cause to proceed with the resolution process.

If there is reasonable cause, the Title IX Coordinator will direct the investigation to continue and the complaint will be resolved through one of three processes discussed briefly here and in greater detail below:

- Conflict Resolution – typically used for less serious offenses (not for sexual misconduct or violence of any kind, or in other cases of serious violations of policy), and only when both parties agree to conflict resolution
- Administrative Resolution – resolution by a trained administrator

The process followed is dictated by the preference of the parties. Conflict Resolution will only occur if selected by both parties, otherwise the Administrative Resolution Process applies.

If, following a review of the investigation, the Title IX Coordinator decides by the preponderance of evidence that no policy violation has occurred, the process will end unless the reporting party requests that the Title IX Coordinator makes an extraordinary determination to re-open the investigation. This decision lies at the sole discretion of the Title IX Coordinator.

a. Conflict Resolution

Conflict resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to an Administrative Resolution. The Title IX Coordinator will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and whether the conduct would be receptive to conflict resolution. In a conflict resolution meeting, an ERP member will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions.

Conflict resolution will not be the primary resolution mechanism used to address reports of sexual misconduct or violent behavior of any kind, or in other cases of serious violations of policy, though it may be made available after the formal process is completed, should the parties and the Title IX Coordinator believe that it could be beneficial. It is not necessary to pursue conflict resolution first in order to make a formal ERP report, and anyone participating in conflict resolution can stop that process at any time and request a shift to the administrative resolution.

Both parties will be notified of the outcome of Conflict Resolution, without undue delay between the notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official University records; or emailed the parties' University-issued email accounts. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

b. Administrative Resolution

Administrative Resolution can be pursued for any behavior that falls within the policy on Equal Opportunity, Harassment and Nondiscrimination, at any time during the process. The Title IX Coordinator will provide written notification to the reporting party and the responding party, of the allegations of harassment, discrimination or retaliation. Prior to meeting with University investigators, the parties will be provided with a written description of the alleged violation(s), a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result. This notice will include the time, date and location of the interview and a reminder that attendance is mandatory, superseding all other campus activities. If the responding party does not appear at the scheduled meeting, the meeting will be held in their absence.

The Administrative Resolution process consists of a prompt, thorough and impartial investigation, a finding on each of the alleged policy violations, and sanctions for findings of responsibility. Once the investigation described above is complete, the Title IX Coordinator will meet with the responding party to review the findings and the investigation report. The responding party may bring an advisor of their choosing to the meeting. The responding party may elect not to attend or participate, but the Administrative Resolution will proceed regardless.

During the meeting, the Title IX Coordinator will review the investigation report with the responding party and will render a finding utilizing the preponderance of the evidence standard, based on the information provided by the investigation. The Title IX Coordinator in consultation, as appropriate, will also determine appropriate sanctions or remedial actions.

The Title IX Coordinator will prepare a written report detailing the finding, the information supporting that finding and any information excluded from consideration and why. This report typically does not exceed two pages in length.

The Title IX Coordinator will inform the responding party and the reporting party of the final determination in writing within three (3) business days of the Administrative Resolution, without significant delay between notifications. The final determination letter, incorporating the report described above, will be made in writing and will be delivered either:

- i. In person, or
- ii. Mailed to the local address of the respective party as indicated in official University records. If there is no local address on file, mail will be sent to the party's permanent address.

c. Sanctions

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

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous grievances or allegations involving similar conduct
- Any other information deemed relevant in the Administrative Resolution.
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the reporting party and the community

i. Student Sanctions

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- *Warning:* A formal statement that the behavior was unacceptable and a warning that further infractions of any University policy, procedure or directive will result in more severe sanctions/responsive actions.
- *Probation:* A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any University policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders and/or other measures deemed appropriate.

- *Suspension*: Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at Marymount California University. This sanction will be noted as a Conduct Suspension on the student's official transcript.
- *Expulsion*: Permanent termination of student status, revocation of rights to be on campus for any reason or attend University-sponsored events. This sanction will be noted as a Conduct Expulsion on the student's official transcript.
- *Withholding Diploma*. The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has a grievance pending, or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree*. The University reserves the right to revoke a degree awarded from the University for fraud, misrepresentation or other violation of University policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions*. Deactivation, de-recognition, loss of all privileges (including University registration), for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

ii. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination and/or retaliation include:

- *Warning - Verbal or Written*
- *Performance Improvement/Management Process*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions*: In addition to or in place of the above sanctions, the University may assign other sanctions as deemed appropriate.

d. Withdrawal or Resignation While Charges Pending

Students: The University does not permit a student to withdraw if that student has an allegation pending for violation of the policy on Equal Opportunity, Harassment and Nondiscrimination, or for charges under the Code of Student Conduct. Should a student decide to leave and not participate in the investigation, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to Marymount California University unless all sanctions have been satisfied.

Employees: Should an employee resign while charges are pending, the records of the Title IX Coordinator will reflect that status, as will University responses to any future inquiries regarding employment references for that individual. The Title IX Coordinator will act to promptly and effectively remedy the effects of the conduct upon the victim and the community.

e. Appeals

All requests for appeal considerations must be submitted in writing to the Title IX Coordinator within three (3) business days of the delivery of the written finding of the ERP.

A three-member panel of the ERP designated by the Title IX Coordinator who was not involved in the grievance previously will consider all appeal requests. Any party may appeal, but appeals are limited to the following:

- A procedural error or omission occurred that significantly impacted the outcome of the investigation (e.g. substantiated bias, material deviation from established procedures, etc.).
- To consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed are substantially disproportionate to the severity of the violation.

The ERP Appeals Panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. When any party requests an appeal, the other party (parties) will be notified and joined in the appeal. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The

original finding and sanction are presumed to have been decided reasonably and appropriately.

Where the ERP Appeals Panel finds that at least one of the grounds is met, and proceeds, additional principles governing the hearing of appeals include the following:

- Appeals decisions by the ERP Appeals Panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings of the grievance. In most cases, appeals are confined to a review of the written documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original investigator for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator, or in limited circumstances, heard by the three-member panel of the ERP Appeals Panel.
- Sanctions imposed are implemented immediately unless the Title IX Coordinator or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The Title IX Coordinator will normally, after conferring with the ERP Appeals Panel, render a written decision on the appeal to all parties within three (3) business days from hearing of the appeal.
- All parties should be informed of whether the grounds for an appeal are accepted and the results of the appeal decision.
- Once an appeal is decided, the outcome is final: further appeals are not permitted.
- All parties will be informed in writing within three (3) business days of the outcome of the ERP Appeals Panel, without significant time delay between notifications.

f. Failure to Complete Sanctions/Comply with Interim and Long-term Responsive Actions

All responding parties are expected to comply with conduct sanctions, responsive actions, and corrective actions within the time frame specified by the Title IX Coordinator. Failure to follow through on conduct sanctions, responsive actions, and corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from the University and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

g. Records

In implementing this policy, records of all allegations, investigations, and resolutions will be kept by the Title IX Coordinator.

h. Statement of the Rights of the Parties

Statement of the Reporting Party's rights:

- The right to investigation and appropriate resolution of all credible reports or notice of sexual misconduct or discrimination made in good faith to university officials;
- The right to be informed in advance of any public release of information regarding the incident;
- The right of the reporting party not to have any personally identifiable information released to the public, without his or her consent.
- The right to be treated with respect by university officials;
- The right to have university policies and procedures followed without material deviation;
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by university officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.
- The right to be informed by university officials of options to notify proper law enforcement authorities and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire;
- The right to have reports of sexual misconduct responded to promptly and with sensitivity by Campus Safety & Security and other campus officials.
- The right to be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services for victims of sexual assault, both on campus and in the community;
- The right to a campus no contact order (or no trespass order) when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the reporting party or others;
- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual misconduct incident, if so

requested by the victim and if such changes are reasonably available (no formal report, or investigation, campus or criminal, need occur before this option is available). Accommodations may include:

- Change of on-campus student's housing to a different on-campus location;
 - Assistance from university support staff in completing the relocation;
 - Transportation accommodations;
 - Arranging to dissolve a housing contract and pro-rating a refund;
 - Exam (paper, assignment) rescheduling;
 - Taking an incomplete in a class;
 - Transferring class sections;
 - Temporary withdrawal;
 - Alternative course completion options
- The right to have the institution maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures.
 - The right to be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report;
 - The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
 - The right to review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law;
 - The right to be informed of the names of all witnesses who will be called to give testimony, except in cases where a witness' identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the alleged victim/reporting party, which will always be revealed);
 - The right not to have irrelevant prior sexual history admitted as evidence in the resolution process;
 - The right to regular updates on the status of the investigation and/or resolution.
 - The right to have reports heard by trained investigators and appeals officers;
 - The right to preservation of privacy, to the extent possible and permitted by law;
 - The right to meetings, interviews that are closed to the public;
 - The right to petition that any investigator be recused on the basis of demonstrated bias;
 - The right to bring a victim advocate or advisor of the reporting party's choosing to all phases of the investigation and resolution proceeding;

- The right to provide evidence by means other than being in the same room with the responding party;
- The right to have the university compel the participation of student, faculty and staff witnesses, and the opportunity (if desired) to have the investigators ask questions of witnesses, [including the responding party], and the right to challenge documentary evidence. Sanctions will be imposed, at the discretion of university officials depending upon the import of the information withheld, for failure to comply. Sanctions may rise to the level of probation and suspension for students and termination for employees.
- The right to make or provide an impact statement in person or in writing to the investigators following determination of responsibility, but prior to sanctioning;
- The right to be informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties, and usually within one (1) business day of the end of the process;
- The right to be informed in writing of when a decision of the university is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the university;

Statement of the Responding Party's rights:

- The right to investigation and appropriate resolution of all credible reports of sexual misconduct made in good faith to university administrators;
- The right to be informed in advance, when possible, of any public release of information regarding the report.
- The right to be treated with respect by university officials;
- The right to have university policies and procedures followed without material deviation;
- The right to be informed of and have access to campus resources for medical, health, counseling, and advisory services;
- The right to be fully informed of the nature, policies and procedures of the campus resolution process and to timely written notice of all alleged violations within the report, including the nature of the violation and possible sanctions;
- The right to review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law;
- The right to be informed of the names of all witnesses who will be interviewed, except in cases where a witness' identity will not be revealed to the responding party for

compelling safety reasons (this does not include the name of the reporting party, which will always be revealed);

- The right not to have irrelevant prior sexual history admitted as evidence in a campus resolution process;
- The right to have reports addressed by trained investigators and appeals officers;
- The right to petition that any investigator be recused on the basis of demonstrated bias;
- The right to meetings and interviews that are closed to the public;
- The right to have the university compel the participation of student, faculty and staff witnesses, and the opportunity (if desired) to have the investigators ask questions of witnesses, [including the reporting party], and the right to challenge documentary evidence. Sanctions will be imposed, at the discretion of university officials depending upon the import of the information withheld, for failure to comply. Sanctions may rise to the level of probation and suspension for students and termination for employees.
- The right to have an advisor of their choice to accompany and assist in the campus resolution process.
- The right to a fundamentally fair resolution, as defined in these procedures;
- The right to make or provide an impact statement in person or in writing to the investigators following any determination of responsibility, but prior to sanctioning;
- The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- The right to be informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties, and usually within one (1) business day of the end of the process;
- The right to be informed in writing of when a decision of the university is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the university.

9. Disabilities Accommodation in the Equity Resolution Process

Marymount California University is committed to providing qualified students, employees or others with disabilities with reasonable accommodations and support needed to ensure equal access to the Equity Resolution Process at the University. Anyone requesting such accommodations or support should contact Ruth Proctor, the Coordinator of Disability Resources, who will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator, will determine which accommodations are

appropriate and necessary for full participation.

10. Revision

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. The Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. However, the Title IX Coordinator may also vary procedures materially with notice (with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of its implementation will apply. Policy in effect at the time of the offense will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy.

Definitions and Terms used in Acts of Sexual Offenses

Harassment

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion to their race, religious creed, color, gender, sexual orientation, age, marital status, religion, national origin, ancestry, disability, Vietnam or disabled veteran status or such other characteristic recognized by law as unacceptable by an individual or by that individual's relatives, friends, or associates based on if the conduct also includes one or more of the following:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance;
3. Otherwise adversely affects an individual's employment opportunities;
4. Has the purpose or effect of creating an intimidating, hostile, or offensive study or learning environment;
5. Has the purpose or effect of unreasonably interfering with an individual's study or learning experience; or
6. Otherwise adversely affects an individual's educational opportunities.

Sexual harassment occurs in a variety of circumstances that tend to share a common element, which is the introduction of sexual conduct or comments in the work or educational setting. Often, sexual harassment involves relationships of unequal power and contains elements of coercion, as when compliance with requests for sexual favors or sexual attention becomes a condition of employment, work, education, study or benefits. Sexual harassment may also involve relationships among equals, as when repeated sexual advances or demeaning verbal or physical behavior has a detrimental effect on a person's ability to study or work at the University. Examples of sexual harassment include, but are not limited to the following actions:

1. Physical assault, indecent exposure, physical contact of a sexual nature, or realized sexual encounters;
2. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
3. Direct propositions of a sexual nature;
4. A subtle pressure for sexual activity or a pattern of conduct intended to disconcert, distress, or humiliate through sexual comments or sexually explicit statements, questions, jokes, anecdotes, or sexually explicit visual/auditory material;
5. A pattern of conduct that would disconcert, distress, or humiliate a reasonable person of the same gender as the person to whom the conduct was directed. The pattern of conduct could include one or more of the following actions: unnecessary touching, unwanted staring, patting, hugging, or brushing against a person's body; remarks of a sexual nature about a person's clothing or body; remarks about sexual activity, or speculations about previous sexual experience.

Domestic Violence

Domestic violence is defined as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Physical Abuse: Hitting, slapping, shoving, grabbing, pinching, biting, hair pulling, etc are types of physical abuse. This type of abuse also includes denying a partner medical care or forcing alcohol and/or drug use upon him or her.

Sexual Abuse: Coercing or attempting to coerce any sexual contact or behavior without consent. Sexual abuse includes, but is certainly not limited to, marital rape, attacks on sexual parts of the body, forcing sex after physical violence has occurred, or treating one in a sexually demeaning manner.

Emotional Abuse: Undermining an individual's sense of self-worth and/or self-esteem is abusive. This may include, but is not limited to constant criticism, diminishing one's abilities, name-calling, or damaging one's relationship with his or her children.

Economic Abuse: Is defined as making or attempting to make an individual financially dependent by maintaining total control over financial resources, withholding one's access to money, or forbidding one's attendance at school or employment.

Psychological Abuse: Elements of psychological abuse include - but are not limited to - causing fear by intimidation; threatening physical harm to self, partner, children, or partner's family or

friends; destruction of pets and property; and forcing isolation from family, friends, or school and/or work.

Domestic violence can happen to anyone regardless of race, age, sexual orientation, religion, or gender. Domestic violence affects people of all socioeconomic backgrounds and education levels. Domestic violence occurs in both opposite-sex and same-sex relationships and can happen to intimate partners who are married, living together, or dating.

Domestic violence not only affects those who are abused, but also has a substantial effect on family members, friends, co-workers, other witnesses, and the community at large. Children, who grow up witnessing domestic violence, are among those seriously affected by this crime. Frequent exposure to violence in the home not only predisposes children to numerous social and physical problems, but also teaches them that violence is a normal way of life - therefore, increasing their risk of becoming society's next generation of victims and abusers.

Dating violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim is dating violence. The existence of such a relationship shall be determined based on a consideration of the following factors:

- the length of the relationship
- the type of relationship
- the frequency of interaction between the persons involved in the relationship

Sexual Assault

Sexual assault is any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Falling under the definition of sexual assault are sexual activities as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape.

Sexual assault is a general term which covers a range of crimes, including rape. As defined under California law, rape is non-consensual sexual intercourse that involves the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress.

Sexual intercourse is considered non-consensual and, therefore, rape when the person is incapable of giving consent because s/he is incapacitated from alcohol and/or drugs, or if a mental disorder or developmental or physical disability renders the victim incapable of giving consent. Whether the accused is a stranger, acquaintance, spouse, or friend is irrelevant to the legal definition of rape (for the Penal Code definition of rape, see Appendix B).

Beside rape, other acts of sexual assault include forced anal intercourse, forced oral copulation, penetration of the anal or vaginal area with a foreign object, and forcibly touching an intimate part of another person. Men as well as women can be victims of these other forms of sexual

assault (see Appendix B, Definition of Sex Crimes). Unlawful sexual intercourse with a minor (statutory rape) occurs when the victim is considered incapable of giving legal consent because they are 17 years old or less, even if the intercourse is consensual. Where the person engaging in sexual intercourse with a minor is not more than three years older than the minor, the crime is a misdemeanor. If more than three years older, then the crime is a felony. If a student, staff person, member of the faculty or other academic appointee is charged with rape, s/he can be prosecuted under California criminal statutes, as well as disciplined under appropriate discipline procedures. Even if the criminal justice authorities choose not to prosecute, the campus can pursue disciplinary action and the complainant can file a civil suit. In addition to rape, as defined by California law, the University will not tolerate any non-consensual penetration, however slight, or non-consensual fellatio or cunnilingus, and will take appropriate action when such acts are reported.

1. To be consensual, there must be ". . . positive cooperation" and "the person must act freely and voluntarily . . ." (See Penal Code, 261.6 for complete definition.)

Stalking

Stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

Stalking can include:

Repeated, unwanted, intrusive, and frightening communications from the perpetrator by phone, mail, and/or email.

Repeatedly leaving or sending victim unwanted items, presents, or flowers.

Following or laying in wait for the victim at places such as home, school, work, or recreation place.

Making direct or indirect threats to harm the victim, the victim's children, relatives, friends, or pets.

Damaging or threatening to damage the victim's property.

Harassing victim through the internet.

Posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth.

Obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, contacting victim's friends, family work, or neighbors, etc.

Coercion

Coercion is the exploitation of fear or anxiety through intimidation, compulsion, domination, or control with the intent to compel conduct or compliance.

Object

An object is anything used in commission of a sexual act other than the person of the actor.

Sexual Act

Contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

Privacy and Respect of Information

Respecting one's right to privacy is important to MCU. Students can be assured that when they share information with medical, police, and/or University officials, such information will be handled professionally and within the framework of each agency's governing body privacy limitations (e.g., state law, licensing, FERPA, etc.).

University employees who have the authority to take action to redress sexual violence; who have been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or appropriate school designee; or whom a student could reasonably believe has this authority or duty shall report all complaints of sexual violence to the Title IX coordinator.

A student's privacy concerns are weighed against the needs of MCU to respond to acts of harassment, including domestic violence, dating violence, sexual assault, and stalking. To the greatest extent possible, all reports will remain private. However, information may be shared with appropriate departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community. If a complainant requests that his or her name not be revealed to the respondent or asks MCU not to investigate or seek administrative action against the respondent, MCU will be limited in its ability to respond fully to the incident. Title IX and the Campus SaVE Act includes protections against retaliation. MCU officials will not only take steps to prevent retaliation but will also take strong responsive action if it occurs.

Campus University Counseling Center mental health counselors, Student Health Services employees, Clergy or any other person with a professional license requiring confidentiality or who is supervised by such a person will not report incidents of sexual violence to the Title IX coordinator in any way that identifies a student without the student's consent while acting in their licensed role.

All information received is subject to inclusion, in statistical form, in annual MCU-published reports.

Disclosures to Alleged Crime Victims of Violence or Non-forcible Sex Offenses

Marymount California University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the College against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the university will provide the results of the disciplinary hearing to the victim's next of kin if so requested.

Registration of Sex Offenders

Information on registered sex offenders attending the campus may be obtained by viewing the California Department of Justice Online Megan's Law Website at www.meganslaw.ca.gov, or by calling the California Department of Justice Sex Offender Tracking Program at (916) 227-4974.

Reporting Crimes or Emergencies

We strongly encourage faculty, staff, students and guests to report any suspicious activities, crimes or public-safety problems immediately to the Campus Safety and Security Department. From the Oceanview Campus and Waterfront Campus during business hours dial extension 7300 from any campus phone or dial (310) 303-7300 from any off-campus phone. From the Residence Halls and after hours dial (310) 241-5488.

Victims or witnesses may report crimes on a voluntary, confidential or anonymous basis to a recognized campus security authority.

Reporting Crimes to local law enforcement agencies

Crimes may also be reported to the local law enforcement agencies by dialing 911. Remember when dialing 911 from a cell phone the operator will not know your location, so be prepared to provide the address of your location or cross streets where you are located. Local law enforcement agencies for Marymount California University campuses are as follows:

Oceanview Campus: Los Angeles County Sheriff's Department

Waterfront, SPRC and PVA Residence Halls: Los Angeles Police Department

Law Enforcement to Off-Campus Organizations

Marymount California University does not have any officially recognized student organizations with off-campus locations or housing facilities. Campus Safety and Security officers do not provide security services to off-campus fraternity, sorority, or associated student body

organizations. Criminal activity that occurs off-campus which involves students or recognized student groups falls under the jurisdiction of local law enforcement. However, criminal activity that occurs at a MCU sponsored function should be reported to the campus Safety and Security Department as well as the local police agency having jurisdiction over the location of occurrence.

Escort Services

The campus Safety and Security Department offers escorts to students, staff, and visitors. Contact the campus Safety department at (310) 303-7300 to request an escort.

Controlled Substances and Alcoholic Beverages Policy

Marymount California University maintains a Drug Free Workplace and prohibits the use, possession, or distribution of narcotics, other legally controlled substances, or alcoholic beverages on University property and/or at all functions, both on and off -campus except as expressly permitted by law and Marymount California University regulations. Any student or employee found in violation of these policies may be subject to arrest, citation, and/or disciplinary action. Disciplinary sanctions may include suspension, expulsion or discharge from employment. In addition, it is a misdemeanor to sell, furnish, give, or cause to be sold, furnished or given away, any alcoholic beverage to a person under 21 years of age or any obviously intoxicated person, and no one under 21years of age may purchase alcoholic beverages. It is also unlawful for any person under 21years of age to possess alcoholic beverages on any street or highway, or in any place open to the public.

Illegal Drug Possession, Use, Sale, Enforcement

The possession, use, sale, manufacture and/or distribution of controlled substances are unlawful under both state and federal laws as well as a violation of university policy. These laws are strictly enforced by the campus Safety and Security department and Residential Life and Student Conduct departments. Drugs considered to be controlled substances are listed in Schedules I through V of the Controlled Substances Act (29 U.S.C. 812) and are further defined by Regulations 21 CFR 1308.11 through 1308.15.

Weapons Prohibition on Campus

Possession of firearms or replicas, ammunition, explosives, knives or blades longer than 2½ inches, other weapons, and fireworks are against the law in the University community and at University-sponsored activities. California Penal Codes 626.9 and 626.10 also prohibit the possession of firearms (including pellet and BB guns) on University property.

If you are a witness to a crime involving a weapon or see a weapon of any kind on campus, please alert MCU Campus Safety and Security by calling (310) 303-7300 immediately.

Missing Persons Notification and Procedures

In compliance with the Higher Education Opportunity Act (HEOA), Marymount California University has established policies and procedures for missing student notification.

If a member of the University community has reason to believe that a student who resides in campus housing is missing, he or she should immediately notify the University Campus Safety and Security department at (310) 541-5488. A report should also be made to your Resident Director, or Housing professional staff. Campus Safety and Security will initiate an investigation and where appropriate involve local law enforcement. Campus Safety and Security, in conjunction with Residential Life and Student Affairs staff, will activate established missing student procedures. It is important to note that a report of a missing person may be made at any time; there is no required wait time or length of time since last contact.

Missing Student Notification-Resident's Rights and Responsibilities

Students residing in campus housing have the option to identify a confidential contact person to be notified in the event the student is reported to be missing.

- All official missing student reports will be referred immediately to University Safety and Security Department.
- A resident's confidential contact information will be accessible only by authorized campus officials and law enforcement officers in furtherance of a missing person investigation.
- Even if a resident elects not to register a contact person, Campus Safety and Security and local law enforcement will be notified that the student is missing.
- If the resident is under 18 years of age and not emancipated, their parent/guardian will be notified within 24 hours of being missing.

Missing Persons Procedures

The University will follow specific procedures when a student who resides in a campus student housing facility is determined to be missing. Although the HEOA requires that procedures be implemented for students who have been missing for 24 hours, the following procedures are activated immediately or as soon as circumstances warrant.

- If the report is made to a member of Housing Staff, Campus Safety and Security is contacted immediately.
- When deemed appropriate, Campus Safety and Security will contact local law enforcement to take the report and initiate a joint investigation.
- Residential Life staff will provide the student's registered contact information to Student Affairs Office and Campus Safety and Security.
- Contacts are made for purposes of notification, and often as a part of the investigation (e.g. to ensure the student hasn't returned home, or traveled unexpectedly).

- Residential Life staff will assist Campus Safety and Security and Local Law Enforcement with the investigation as requested.
- Campus Safety and Security will follow established policies and involve local law enforcement per Administrative Agreement with local law enforcement.

Crime Definitions

The following crime definitions are used in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program. Institutions must use these definitions to prepare their campus crime statistics to comply with the Clery Act.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: 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. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

Drug Abuse Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Liquor Law Violations: The violation of laws or ordinances prohibiting the manufacture, sale, transportation, furnishing, and possession of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property of another, etc.

Criminal Homicide—Manslaughter by Negligence: The killing of another person through gross negligence.

Criminal Homicide—Murder and Non Negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

(The following sex offense definitions are excerpted from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program.)

Sex Offenses—Forcible: Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

A. Forcible Rape... Sexual intercourse with a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

B. Forcible Sodomy... Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

C. Sexual Assault With An Object... The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

D. Forcible Fondling... The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Sex Offenses—Non Forcible: Unlawful, non-forcible sexual intercourse.

A. Incest... Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

B. Statutory Rape... Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Crime Statistics

In accordance with the Clery Act, Marymount California University provides mandatory crime statistics as part of this Annual Report. The following tables show reported crimes in specified categories for the preceding three years. These statistics are included in the following tables along with statistics collected by Campus Safety and Security.

On-campus			
	2013	2014	2015
Murder / Non-Negligent Manslaughter	0	0	
Negligent Manslaughter	0	0	
Sex Offenses – Forcible	0	0	
Sex Offenses - Non-forcible	0	0	
Robbery	0	0	
Aggravated Assault	0	0	
Burglary	0	0	
Motor Vehicle Theft	0	0	
Arson	0	0	
Non-Campus			
	2013	2014	2015
Murder / Non-Negligent Manslaughter	0	0	
Negligent Manslaughter	0	0	
Sex Offenses - Forcible	0	0	
Sex Offenses - Non-forcible	0	0	
Robbery	0	0	
Aggravated Assault	0	0	
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Hate Crimes – On Campus			
	2013	2014	2015
Murder / Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0

Sex Offenses - Forcible	0	0	0
Sex Offenses - Non-forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Simple Assault	0	0	0
Larceny-theft	0	0	0
Intimidation	0	0	0
Destruction/damage/vandalism of property	0	0	0
Hate Crimes – Non Campus			
	2013	2014	2015
Murder / Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses - Forcible	0	0	0
Sex Offenses - Non-forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Simple Assault	0	0	0
Larceny-theft	0	0	0
Intimidation	0	0	0
Destruction/damage/vandalism of property	0	0	0
Hate Crimes – Public Property			
	2013	2014	2015
Murder / Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses - Forcible	0	0	0
Sex Offenses - Non-forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Simple Assault	0	0	0
Larceny-theft	0	0	0
Intimidation	0	0	0

Destruction/damage/vandalism of property	0	0	0
VAWA Offenses – On Campus			
Domestic Violence	-	-	0
Dating Violence	-	-	0
Stalking	-	-	0
VAWA Offenses –Noncampus			
Domestic Violence	-	-	0
Dating Violence	-	1	0
Stalking	-	-	0
VAWA Offenses –Public Property			
Domestic Violence	-	0	0
Dating Violence	-	0	0
Stalking	-	0	0
Arrests On Campus			
	2013	2014	2015
Weapons Carrying Possessing, Etc.	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0
Arrests Non Campus			
	2013	2014	2015
Weapons Carrying Possessing, Etc.	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0
Disciplinary Actions – On Campus			
	2013	2014	2015
Weapons Carrying Possessing, Etc.	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0
Disciplinary Actions – Non Campus			
	2013	2014	2015
Weapons Carrying Possessing, Etc.	0	0	0
Drug Abuse Violations	78	56	37
Liquor Law Violations	92	61	56
Disciplinary Actions – Public Property			
	2013	2014	2015
Weapons Carrying Possessing, Etc.	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0