

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 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 Coordinator. 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 Coordinator should be reported to the President.

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

Karen Thordarson
Marymount California University
Human Resources Department, Admin 110
30800 Palos Verdes Dr. East
Rancho Palos Verdes, CA 90275
(310) 303-7225
TitleIXCoord@marymountcalifornia.edu

Deputy Title IX Coordinator for Athletics

Courtney Thomsen, Athletic Director
310-303-7325
cthomsen@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/>

and

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.

Laura Niemiec, 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 Center for Academic and Professional Success.

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 providing 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 Deputy Coordinator. Remedies, education and/or training will be provided in response.

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>.

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.

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:

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

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.

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 6)

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 Thordarson
Deputy Title IX Coordinator for Athletics	Courtney Thomsen
Vice President of Student Affairs	Ryan Alcántara
Chief of Public Safety	Hector Rodriguez
Dir. Student Wellness Center & Certified sexual assault advocate	Osmara Reyes-Osorio, LCSW
Asst. Dean of Students & Dean of Residential Campus	Chad Fehr
Asst. Directors of Residential Life	Karla Castro Andre Philipppo
Faculty Representative	Virginia Wade

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 Safety and Security Operations Manager. 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 the 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.
- *Expulsion:* Permanent termination of student status, revocation of rights to be on campus for any reason or attend University-sponsored events.
- *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.

This policy and procedure was implemented August 4, 2015.

Updated August 6, 2015.

Updated August 7, 2017 for personnel changes only

Updated July 30, 2018 for personnel changes only and specification of Deputy Coord. responsibilities

Updated August 23, 2018 for personnel changes only.

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**ACKNOWLEDGEMENT OF RECEIPT OF MCU POLICY AND PROCEDURE FOR
CIVIL RIGHTS EQUITY RESOLUTION FOR ALL FACULTY, STAFF AND STUDENTS**

I acknowledge that I have received the *Marymount California University Policy and Procedure for Civil Rights Equity Resolution for All Faculty, Staff and Students*. I acknowledge that I am expected to read, understand and adhere to this policy. I also understand that this policy may be modified from time to time and that the most current version of the policy will be available from the Human Resources Department and will be posted on the University intranet. I understand that it is my responsibility to be aware of and to abide by these policy changes.

Name (Please print clearly)

Signature

Date

Please return this receipt to the Human Resources Department