

Marymount California University

2021 Annual Security Report



Department of
Campus Safety & Security

Prepared by:

The Department of
Campus Safety & Security

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The Mission of Marymount California University Department of Campus Safety and Security

The Marymount California University Department of Campus Safety and Security's Mission is to create a safe, tranquil, and welcoming learning environment for the entire Marymount California University Community. We are committed to upholding the University's policies, empowering and developing our personnel professionally to achieve excellence, and guiding our actions based on integrity, honesty, and fairness to support and facilitate a rich and robust educational environment.

The Department of Campus Safety and Security (DCS) endeavors to resolve problems and address issues impacting the community's safety as it also strives to strengthen the University's relationships with its campus neighbors. MCU DCS is fully committed to this partnership and will demonstrate this through enhanced communication to create mutually beneficial collaborative opportunities for all community stakeholders.

INTRODUCTION

A university's campus is an integral part of the local community it serves. As in any neighborhood, it is crucial that the students, faculty, and staff realize they should take every possible precaution to prevent assault and crime against themselves or others.

Marymount California University's (MCU's) Department of Campus Safety recognizes that the university campus is part of the community and experiences the risks and threats as a whole. Marymount California University has established programs and systems involving personnel, procedural methods, and physical means to provide as safe and secure an environment on campus as possible.

To this end, University (MCU). The University's Department of Campus Safety and Security strives to create a safe, tranquil, and welcoming learning environment for all Marymount community members, including students, faculty, staff, and guests. Our primary concern is the safety and wellbeing during the students' experience at Marymount California University.

The Department of Campus Safety and Security operates 24 hours a day, 365 days a year to support this effort. As members of the Marymount community, our Campus Safety Officers and staff serve the University community with courtesy, dependability, and professionalism.

We offer a wide range of services involving emergency and disaster management, crime prevention, parking enforcement and management, security escort services, property patrol, access control, and the Safe Rides program's administration.

The Department of Campus Safety provides information and assistance on self-protection to students and residents. However, each person must also take action to protect themselves.

Lack of vulnerability is the key to protection. A criminal looks for and exploits perceived weaknesses. The less vulnerable the person, residence, or vehicle appears, the less likely assault, loss, theft, or robbery will occur. The information provided in this report is intended to inform, advise, and alert the MCU community about this institution's policies and procedures on crime awareness and reporting.

If you have questions or concerns, please contact the Department of Safety at (310) 303-7300 ext. 7300.

The Department of Campus Safety and Security

Campus Safety:

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

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

(310) 241-5488 Marymount California Villas
(*After hours*)

Email: For general questions and concerns, please email us at:

Safety@marymountcalifornia.edu and park@marymountcalifornia.edu

PREPARATIONS OF THE ANNUAL SECURITY REPORT (ASR)

Every year, the Chief of Campus Safety and Operations Lieutenant of the Department of Campus Safety and Security at MCU prepare the *Annual Security Report (ASR)* to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This report was created with the assistance of Residence Life and Student Conduct as well as local law enforcement agencies.

Statistics and relevant data were gathered from incident reports filed with the Security Department, Student Conduct, and local law enforcement.

Campus crime, arrests, and referral statistics include those incidents reported to the Department of Campus Safety and Security as well as designated campus officials including, but not limited to, directors, deans, student affairs, student conduct, advisors to students, students organizers, athletic coaches, and residential life.

The statistics reported annually to the U.S. Department of Education cover three years, from 2018-2020.

Current students and employees will be notified via the Marymount California University email of the Annual Security Report's publication. For compliance with Clery Act records retention requirements, all official supporting documents on the ASR will be retained for a minimum of seven years. This report is also available to prospective students and prospective employees via the MCU Department of Campus Safety and Security website. To obtain a written copy of the report, please contact the MCU Campus Safety at (310) 303-7327.

DEPARTMENT OF CAMPUS SAFETY AND SECURITY POLICIES AND PROCEDURES

The MCU Department of Campus Safety and Security strives to create and ensure a safe environment for the entire Marymount California University Community. The Department of Campus Safety and Security consists of four entities: Campus Safety, Policy Enforcement, Parking Management, and Emergency Response/Preparedness. The department also works closely with the local, county, and state law enforcement agencies to provide the safest possible environment for the Marymount California University community. In addition to the Chief of Campus Safety and Security, the department is staffed by 1lieutenant, 1 Sergeant, eleven Campus Safety Officers. The department also employs work-study students to assist in administrative duties as well as parking enforcement.

Department of Campus Safety and Security Officers (CSOs) are required to go through security training with the Bureau of Security and Investigative Service (BSIS) and are certified by the state of California.

In addition to this training, they are trained in emergency response procedures, CPR/First-Aid/AED, Community Emergency Response Team (CERT), de-escalation procedure, Management Aggressive Behavior (MOAB), and other fields training related to safety or responding to critical incidents. CSOs are certified in the use of SP Baton, Oleoresin Capsicum Spray (pepper spray), and handcuffing. All these devices are deployed solely to protect students, faculty, staff, visitors, and officers.

Department of Campus Safety and Security Authority

Department of Campus Safety and Security officers' jurisdiction is limited to buildings or properties owned, leased, or controlled by Marymount California University. Campus Safety Officers are empowered to ask individuals for identification. CSOs are authorized to detain individuals suspected of committing crimes on MCU property. Campus Safety Officers and CSO's are not-sworn peace officers. Sworn refers to those positions that perform their duties using *a firearm*, have arrest powers, and carry a badge designating them as peace officers. Campus Safety authority is also established by the University President and the Board of Trustees. When and if the circumstances dictated it, CSO's are authorized to make a private person's arrest, pursuant to California Penal Code 837, of any persons creating disturbances against the general peace, interfering with the security of campus facilities or grounds, or interfering with or disturbing the safety and the general welfare of the MCU Community. The MCU Department of Campus Safety and Security has established a relationship with the Los Angeles Police Department's Harbor Division Senior Lead Officers, who serve as liaisons over the San Pedro area. When a private person's arrest is warranted, CSO's shall notify the Los Angeles County Sheriff's Department (LASD) Lomita Station or the Los Angeles Police Department's (LAPD) Harbor Division. The LASD maintains jurisdiction for all criminal investigations and matters occurring on MCU's Oceanview campus. Simultaneously, the LAPD

exercises authority for all criminal investigations and matters occurring on MCU's student housing property known as The Villas.

The Department of Campus Safety and Security dispatches services are available 24-hours a day to receive reports of suspicious activities, address campus policy violations, and respond to request for services such as safety reports, parking, and room lock-out assistance. The Department of Campus Safety and Security is also responsible for parking and traffic enforcement on campus. CSO's communicate regularly on the scene of incidents that occur on campus.

Marymount California University fully recognizes that safety and security are a shared responsibility. To this point, the MCU Department of Campus Safety and Security maintains a collaborative relationship with the Los Angeles County Sheriff's Department Lomita Station and the Los Angeles Police Department's Harbor Division. MCU DCS works closely with the LASD and LAPD when incidents arise that require joint investigative efforts, resources, crime-related reports, or exchanges of information. This collaborative relationship includes joint training to prepare for an Active Shooter situation. The University's Department of Campus Safety and Security does not currently have a standing Memorandum of *Understanding* (MOU) with any previously mentioned law enforcement agencies.

University CSOs will turn over custody of detained or arrested individuals to local law enforcement authorities for further investigation and processing. As circumstances deem necessary, Campus Safety & Security Department coordinates its response with the Lomita Sheriff's Department and other local agencies depending on the event's location and nature.

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

The Department of Campus Safety and Security is responsible for developing, implementing, and enforcing parking management for all Marymount California University sites. The parking plan is based largely on the guidance of the Transportation and Parking Manager, who chairs a committee that addresses all parking and traffic safety concerns. The Transportation and Parking Manager is also a member of the Campus Safety administration team. Officers patrol all parking areas on all university-owned to ensure parking policy is being followed, including parking permits being displayed, lot restrictions, and municipal parking code. When infractions of the established rules are found, a citation is issued to the registered owner. Towed vehicle removal decisions are left to the 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 generate an annual report. The report, which contains parking usage information and trends as well as recommendations, is then forwarded to the Transportation Committee for review.

The Department of Campus Safety and Security also facilitates control access at night and provides visitor information, parking permits, maps, and other information during the day. Campus Safety also has a security guard house at our Residence halls, The Marymount California Villas, which is staffed 24 hours a day, 365 days a year. The Department of Campus Safety and Security also works closely with the Department of Operations to provide essential access to all electronic locks on campus to students, faculty, and staff. Additionally, Campus Safety maintains a collaborative, working relationship with the City of San Pedro Waterfront Business Improvement District (PBID) Campus Safety Ambassador. This agency and PSA's assist the city of San Pedro with crime prevention and offers our students, faculty, and staff security escort services to various San Pedro areas. MCU students and staff can contact PBID from 11 am to 2 am, Monday through Friday, at (310) 303-4471.

SECURITY PRACTICES

Campus Safety Officers must be vigilant and report any unsafe conditions they encounter while carrying out their patrol duties. Every Campus Safety Officer is entrusted with the safety and wellbeing of every member of the Marymount community. Given this directive, all officers will strive diligently to identify and address any security concern or problem that has the potential of causing harm or injury to any member of the MCU Community. These efforts include checking our public and shared work areas to ensure they are free and clear of unsafe and hazardous conditions.

The following are some examples of some unsafe conditions that Campus Safety Officers may encounter while on patrol:

- Water spills or areas being mopped without "Caution Wet Floor" signs in place
- Broken glass in the pool area or on any outside walkways
- Torn or worn carpet
- Frayed electrical wiring and broken electrical outlets
- Fire and Emergency exit signs that are not illuminated
- All burned out lights.
- Expired or not fully charged fire extinguishers
- Employees being inattentive to their duties.

In addition to the above, Campus Safety Officers check stairways for items that might be hazardous in case of evacuation, such as blocked fire and emergency exits, as well as nonfunctioning emergency equipment.

SAFETY HAZARDS

All of the conditions mentioned above are considered safety hazards. Campus Safety Officers are expected to inspect, report, and record all safety hazards throughout the Marymount properties during every 8-hour shift and document on daily activity reports.

All safety hazards will be documented in the daily activity report for each shift. Maintenance is then notified of the situation via a work order so that their personnel may correct the problem.

Security Officers need not to have a safety hazard corrected. They can contact the maintenance department if possible, fix the problem themselves.

SECURITY CHECKS

While on patrol, Campus Safety Officers will conduct security inspections of specific areas throughout their assigned properties. Shifts perform a check on pre-designated areas at least but not limited to once every one hour, as determined by a DCS supervisor.

Additionally, the Campus Safety Officer and maintenance personnel will monitor all fire extinguishers every month and sign off on them if they are fully charged. This task includes inspection of all fire extinguishers in public areas as well as in offices.

Evening shifts are responsible for conducting assessment checks and documenting the results on form sheets that will be turned in to Administration for review. An example would be the graveyard light check. The entire property will be foot patrolled, and all lights that are flickering or not functioning will be logged and reported to a supervisor for review and repair.

The Chief of Campus Safety and Security will occasionally direct all shifts to increase patrols in certain areas due to incidents that might have occurred recently to justify the security check. An example of this could be parking areas due to an increase in vehicle break-ins.

PATROLLING THE OCEANVIEW CAMPUS

Patrolling the Marymount California University Oceanview Campus entails all areas of the Campus Safety Officers are expected to complete a designated number of patrols depending on the daily coverage resources. The patrols include the Lower Cecilia parking lot to ensure the Conditional Use Permit (CUP) is adhered to.

Patrols consist of physically checking all doors and windows to buildings, classrooms, and offices to ensure security. Patrols are completed within one hour at a time by 1-2 officers if available.

Swing shift officers are to lock all of the Ocean View campus buildings at a designated time once classes have ended for the day. Campus Safety Officers will then conduct perimeter patrols around all structures. The exception to this will be if a door or a window is found open or damaged. In these such cases, the incident will be documented, and a radio follow-up call should be made to Marymount Villas security post for additional recording purposes. After this is completed, the reporting officer shall complete a more comprehensive search of the building. This search will involve inspecting any possible entry and exit points on the perimeter and a more detailed check of the structure's interior in question. Any unauthorized/ illegal entry into a building shall be reported to an immediate supervisor and RA (Resident Advisor, whether this person is on or off duty).

PATROLING THE RESIDENTIAL HALLS, THE VILLAS

Campus Safety Officers are responsible for patrolling all outside areas of the property, including the Pavilion Quad, all front and backs of the units, and fence line. MCU does not have on-campus residential halls. Patrolling of The Villas is limited to the exteriors of the property. Campus Safety Officers are not to patrol the interiors of student housing units unless requested from Resident immediate supervisor will be notified, and a course of action will be in progress.

SECURITY 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 permit or by admittance via the Department of Campus Safety and Security. In the case of extended closing periods, such as an emergency, the University will admit only those with prior written approval to all facilities and emergency service personnel.

Access to Marymount California Villas 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, MCU ID, or passport. They are allowed access between the hours of 6:00 am to 10 pm. This property has perimeter CCTVs and is staffed 24 hours a day by Campus Safety personnel.

The Facilities Department maintains the general campus infrastructure, including lighting replacement/repair and walkway maintenance. Physical/environmental safety issues should be reported to Facilities and communicated to administrators, Campus Safety, faculty, or staff. In 2017, Marymount California University completed the sale of *not campuses*, Pacific View Apartments, Lakeside Campus, and Klaus Center for the Arts properties.

SHARING SERVICE CONCERNS

To better serve the campus community, the Department of Campus Safety and Security must be notified of service issues concerns. All matters will be investigated thoroughly, and corrective action will be taken when appropriate. We also encourage suggestions for improvement in policy and procedures. You may contact the Office of Chief of the Department of Campus Safety and Security during regular business hours Monday through Friday, at (310) 303-7288 or email us at Safety@marymountcalifornia.edu or Park@marymountcalifornia.edu

REPORTING CRIMINAL ACTIONS AND EMERGENCIES

We strongly encourage faculty, staff, students, and guests to immediately report any suspicious activities, crime, or public-safety problems to the Department of 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 Hall and after-hours, dial (310) 241-5488.

Victims or witnesses are encouraged to report as much information regarding crime on a voluntary, confidential, or anonymous basis to a recognized campus security authority.

REPORTING CRIME TO LOCAL LAW ENFORCEMENT AGENCIES

The Department of Campus Safety and Security provides an online system on the University website for individuals to file incident reports with the dept. Crime may also be reported to the Department of Campus Safety and Security and 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 26123 Narbonne Ave, Lomita, CA, 90717. (310) 539-1661.

Marymount Villas: Los Angeles Harbor Division Police Department, 2175 John S. Gibson Blvd, San Pedro, CA, 90731. (310) 726-7701.

MANDATORY REPORTING

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 Thordarson, at Kthordason@marymountcalifornia.edu or (310) 303-7225, or a Deputy Title IX Coordinator. The Title IX Coordinator will take responsibility for prompt notification to the Department of Campus Safety and Security and other appropriate University official as needed. (Sex/gender discrimination includes sexual violence, intimate partner or relationship violence, gender-based bullying, stalking, and hazing.)
- Other serious crimes covered by the Clery Act (see training guidelines) must be reported to the Department of Campus Safety and Security. 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 in any situation where the victim so requests or is a threat to the community's safety. Otherwise, sex/gender discrimination reports should be reported to the Title IX Coordinator, even if they may also be criminal.

- All concerning and disruptive behaviors must be timely to the *Behavioral Assessment and Response Team* (BART) by contacting the Chair of BART, Dr. Ryan Alcántara, at (310) 303-7255 or ralcantara@marymountcalifornia.edu.
- Child sexual or physical abuse should be immediately reported to the local police/sheriff's office **or** LA County Child Welfare (DCFS) via phone. 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

If known, university employees must provide full details of the incident, including all names and personally identifying information when reporting misconduct covered under Title IX. Reportable misconduct includes sexual harassment, sex or gender discrimination, sexual assault, dating violence, domestic violence, stalking, sexual orientation discrimination, gender identity discrimination, etc.). If a reporting party wishes no action to be taken, the Title IX Coordinator must evaluate that request. The MCU always strives to empower the reporting party and allow the same 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 accident evidences the 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 individual 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 them." When an accident involves off-campus conduct involving a member or member of the campus community, the reporting expectations of this policy still apply. If an employee is unsure whether to report an incident or consult with the Title IX Coordinator, the Chief of Campus Safety and Security and the Chair of CARE will guide this employee through the appropriate protocols.

OFF-CAMPUS INCIDENT REPORTING

Marymount California University does not have officially recognized or sanctioned student organizations with off-campus locations or housing facilities. Department of Campus Safety and Security office does 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 local law enforcement's jurisdiction. However, any illegal activity at an MCU-sponsored function will be reported to the Department of Campus Safety and Security as the local police agency has jurisdiction over the occurrence location. Services available on and off campus for crime victims, accommodation options, and reporting procedures are discussed and assigned in monthly Safety committee meetings and bi-weekly CARE student support/Behavior Assessment

Response Team (BART) lead by the Vice President of Student Affairs and Dean of Students. Faculty and staff are to report incidents to the appropriate department or MCU Human Resources or through the Vice President Student Affairs and Dean of Students. Campus Safety monitors and records incidents off-campus involving MCU students, reported by local police agencies or campus partners.

Suppose you are a victim of a crime and do not wish to pursue action with the Marymount California Department of Campus Safety and Security. In that case, you are encouraged to file a confidential report porthole, located on the main website under Campus Safety services. Campus Safety will submit a report without revealing your identity. The purpose of the classified c report is to comply with your wish to keep the matter private 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 crime pattern in a particular location or assailant, and alert the campus community to potential danger. These reports will be quantified, and the incident disclosed in the annual security report statistics.

Title IX requires all universities to identify reporting employees as those who are obligated to report all details of an accident, including the identities, of those involved, to the Department of Campus Safety and Security (DCSS). The DCSS will notify the Title IX Coordinator when such information has been communicated, or an official report is filed. Responsible employees include faculty, staff, and some student worker staff. Reporting employees do not include the following:

- i) Professional, licensed counselors, such as the psychologist at Student Wellness Center, are not required to report any information regarding an alleged sexual or interpersonal misconduct to the Department of Campus Safety and Security student.
- ii) Pastoral counseling (individuals who are associated with a regulation order or domination are recognized by that religious order or identified as individuals who provide confidential counseling, such as Catholic priests or nuns) are not required to report any information regarding an alleged sexual or interpersonal misconduct, to the Department of Campus Safety and Security, the Title IX Coordinator or any other reporting groups without consent from the student providing they receive the information in the act of their pastoral duties. Pastoral and professional counselors are encouraged to refer persons they are counseling to report crimes to the Office of Campus Safety voluntarily for inclusion in the annual security report by following this procedure.

WHO REPORTS?

Marymount California University defines all employees as mandatory reporters unless exempted as confidential employees below. This designation includes student-employees who learn reportable information while in the course of their duties for the University.

Whether on or off duty, Residents Assistants in Residential Life must report allegations of sex/gender discrimination or any other form of discrimination or harassment based on a protected class to Campus Authority, Campus Safety Officers.

CONFIDENTIAL EMPLOYEES

The Chief of Campus Safety and Security reviews all confidential reports. Confidential crime reports may be included in the Annual Security Report. Licensed counselors, health service providers, and clergy, when acting in that sensitive capacity for the University, are considered exempt from mandatory reporting unless a victim asks these staff members 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 to the Title IX Coordinator at the end of each semester without any personally identifiable details. This is required unless the confidential employee determines that, due to the particular nature of the specific incident, reporting would not be in the best interest of their client/patient/parishioner.

ANONYMOUS REPORTING

In 2018-2019, the Department of Campus Safety and Security launched the Anonymous Witness Statement form on the University's website located under Student Affairs, titled Report a Concern. The Anonymous Witness statement provides an alternative option for MCU community members to report crimes, suspicious activities, and other safety concerns to the university. It is ideal for those who wish not to disclose their identity. The Anonymous Witness statement is not intended to function as a method to request emergency services. Community members are encouraged to call 9-1-1 in the event of an emergency.

CONSIDER FILING A POLICE REPORT

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

There may be consequences for delaying the filing of a police report. Timely reports may substantially improve the preparation of a viable prosecution. Immediately filing a police report following the incident does not compel the complainant to file charges and prosecute; the complainant decides to pursue charges at a later date. It is essential to know that preserving physical evidence is crucial in criminal investigations and obtaining a protection order. For requests involving a protection order, students and employees are given the option of contacting the Department of Campus Safety and Security to reach out to the local municipal agencies or have them contact the local municipal agencies directly.

ALTERNATIVES TO IMMEDIATELY FILLING A POLICE REPORT

1. Report alleged Clery offenses to the office of Campus Safety Office to any Campus Safety Officer.
2. Report the crime at a later date.
3. Make a complaint to a Campus Safety Authority (CSA), Title IX coordinator, or deputy Title IX coordinator. A formal complaint may be used for actions that include, but are not limited to, on-campus administrative proceedings.
4. Make an anonymous report to the police (a statement that notifies the police that domestic violence, dating violence, sexual assault, or stalking incident has occurred but gives no names or identification).
5. Make a complaint to the Title IX coordinator. This complaint may be used actions that include, but are not limited to, on-campus administrative proceedings.
6. 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 civil rights equity resolution procedures. Faculty and staff may consult with Human Resources or the Title IX coordinator.
7. All alleged offenses should be reported to a mandated reporter or Title IX coordinator. Information is provided in writing to the victim by University Official or Conduct Officer assigned to the case.
8. Campus Safety and Student Wellness Office provides off-site assistance with victims in notifying law enforcement.

Marymount California University complies with California law in recognizing restraining orders. The University cannot apply for a restraining order for a victim from the applicable jurisdiction(s)

Type of Order	Rights of Victims	Institution’s Responsibilities
Restraining orders	The right to a restraining order	Development a Safety Action Plan when requested by the victim
Orders of protection	Same as a restraining order	Same as a restraining order
No contact order	Same as a restraining order	Same as a restraining order

Similar lawful order issued by a criminal, civil, or tribal court	Same as a restraining order	Same as a restraining order
Order by the University	The right request a “no contact” order	Campus Safety or Student Development will evaluate and issue a no-contact order if necessary.

Type of Order:	Who can File for One:	Court:	Based On:
Domestic Violence Civil Protection Order (Restraining in California)	Family or household members, including: <ul style="list-style-type: none"> •Spouses, former spouses •Parent, child, foster parent •People who have kids together • Intimate partners who lived together in the last five years •Same sex couples are eligible 	Domestic Relations Court -Where the victim lives, where the abuser lives or has a business, or where the incident(s) occurred	Causing or trying to cause injury or placing someone in fear of imminent serious harm (Courts use different requirements and interpretations for how recent the incident must be)
Stalking Protection Order (Restraining Order in California)	Any person who is a victim of stalking. No relationship with the stalker is required.	Common Pleas Court-where the victim live (if family or household member, can be filed as DV Protection Order, see above)	A pattern of conduct (2 or more events), closely related concerning the time that causes distress or makes a victim believe the stalker will cause harm

The victim is required to apply directly for these services with Campus Safety & Security. Restraining orders and other protective orders may be available through the applicable jurisdiction.

Sexually Oriented Offense Protection Order (Restraining Order in California)	Any person who has a victim of a sexually oriented offense (see ORC 2950.01). No relationship with the offender is required. The case does not have to be criminally prosecuted.	Common Pleas Court-where the victim lives	Sexual assault or unwanted sexual contact (see ORC 2950.01)
Juvenile Protection Order (Restraining Order in California)	Victim of abuse by a person under age 18, or the victim's parent or other parties the Court approves.	Juvenile Court-where the victim lives	Assault, stalking, sexual offenses, threats of harm, or aggravated trespass

DAILY CRIME LOG

Campus Safety keeps statistics and daily crime logs of all crimes reported to the Department of Campus Safety and Security. 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 the current status or disposition of the complaint if known. Updates to a complaint's disposition, except when the complaint's disposition is unknown or when the incident is still being investigated. Updates to the log are made within two business days from the time 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 victim's confidentiality.

Information may be temporarily withheld from the log when it would jeopardize an ongoing investigation, compromise an individual's safety, or result in the destruction of evidence. An official written log of all crimes reported to the Department of Campus Safety and Security as having occurred within the past 60 days on and around the university's properties is available to the public at the Campus Safety office and on the MCU Department of Campus Safety and Security website.

Timely Warnings

Timely Warnings are intended to be issued for Clery Act crime occurring within the designated Clery geography, which poses a serious or ongoing threat to the campus community.

MCU is responsible for issuing timely warnings in compliance with the Clery Act. Timely warning notifications will be communicated to the campus community in response to reported crimes committed or active crime-related incidents occurring on campus property or surrounding

public property that constitutes a direct or ongoing threat to students in the judgment of Campus Safety and University staff and faculty. All Publicly available records relating to the Clery Act, including Daily Crime Log, will be maintained without including personally identifiable information of the victim.

Anyone with information to warrant a timely warning should promptly report the circumstances to CSO by phone (310) 303-7300 or in person at the Department of Campus Safety and Security Office, located at OS-231. Local Authorities will consult, as appropriate and necessary, with the other University officials regarding whether a timely warning should be issued. The available facts, including factors such as the nature of the crime, the continuing danger or risk of the campus community, the possible risk of compromising law enforcement's efforts. Timely warnings are considered the following classifications of reported crimes: criminal homicide, sexual assaults, robbery, aggravated burglary, motor vehicle theft, and arson. Timely warnings may also be issued for other reported crimes as deemed appropriate under the circumstances. The decision will be made in compliance with the Clery Act and to prevent similar crimes from occurring.

When a determination is made that a timely warning should be issued, CSO will take appropriate steps to ensure timely notification of the campus community. Options for notification include, but are not limited to, the University's mass notification system called *E2 Campus Omnilert* with sending text messages, website notifications, campus-wide emails, and fiscal posting on doors and bulletin boards, Department of Campus Safety, and University emergency websites. The warning will include some or all of the following information: the date, time, location of the reported crime, a summary of the incident, a description of the suspect or vehicle in question, if applicable, and any special instruction or specific safety tips. Victims will not be identified in any warning that is released.

The Timely warning notifications are constructed with the use of pre-written templates for Clery crime incidents. Pre-designated senior staff has access to the notification system to create custom templates for emergencies and critical situations. In coordination with CSO pre-designated staff, all other notifications determine the appropriate information by collecting all possible facts of the crisis discussed with the Chief of Campus Safety and Security and President of the University to being disseminated.

As previously stated, the Department of Campus Safety and Security will consider any factors reflecting whether the alleged crime or incident represents a serious or continuing threat to the University community, including, but not limited to:

- Date and time or timeframe of the incident
- Where the incident occurred
- When it was reported

- The continued threat or danger to the community
- Amount of information known by the Department of Campus Safety and Security
- Any involvement of law enforcement in the investigation of the crime
- Whether an alleged perpetrator has been identified. If there is an immediate threat to the health or safety of students or employees occurring on campus, the university must follow its emergency notification procedures.

*In some cases, the Chief 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 threat's nature may be conducted, after which a warning will be issued immediately. Individuals on campus or at the residence halls should notify the Department of Safety of crimes as soon as possible.

Individuals on campus or at the Residence halls should notify the Department of Campus 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 system, and the City of San Pedro's Safety ambassadors).
- Based on the known information, the Chief of Campus Safety and Security or this individual's designee shall determine whether the crime presents an ongoing threat to students or employees.
- Based on the know information available. The Chief of Campus Safety and Security or this designee shall determine the timely warning content and method by titled Timely warnings, Safety Alerts, or any other title deemed appropriate by the Chief of Campus Safety and Security or designee based on the available information.
- The Chief of Campus Safety and Security or his/her designee shall determine how 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 Chief 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 Chief of Campus Safety and Security designee may include but is not limited to the

following personnel: The Security Lieutenant, Director of Operations, or any other Campus Safety personnel.*

TIMELY WARNING BULLETINS

Suppose a Clery Act crime occurs that poses an ongoing danger of potential victimization to campus community members. In that case, a timely warning 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.

MCU EMERGENCY NOTIFICATION SYSTEM

Marymount California University has a process to notify the university community of any immediate threats. Upon confirmation of a significant emergency or dangerous situation involving an immediate and direct threat to the health or safety of students, staff, or faculty occurring on or adjacent to MCU's campus emergency notification will be sent via the MCU alert system.

ENROLLING IN e-2CAMPUS

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

SENDING OUT AN ALERT THROUGH e2CAMPUS

1. Go to <http://www.e2campus.net/my/marymountpv/>
2. Click on "Admin Login"
3. Chief of Campus Safety and Security, Operations Director Monte, or senior staff are admin users of the E2 campus system.

4. Enter your username and password to access the E2campus system
5. Under ‘Common Tasks,’ you would click on “Send message.”
6. Under “Select Groups,” you would click only fields for “Students” and “mmstaff”
7. Under Templates, select the appropriate template that corresponds with the emergency in progress.
8. If you have to create specific verbiage, it should be concise and clear. You will need to enter “subject” and ‘message” that corresponds to the emergency.
9. Lastly, select “Send Message now” to send the emergency notice to students and staff.

Emergency Response and Evacuation Procedures

Marymount California University is committed to providing a safe and secure environment for its students, faculty, staff, visitors, and guests. The University has established an emergency preparedness and response plan. The university's policy is to respond to emergencies immediately, 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. If the landline phone or cell phone is not answered, a voice message is left. Messages inform of a campus emergency and provide instructions to the recipient. The emergency notification system is tested quarterly. The University encourages community members or local telephone to ensure that they are immediately notified of emergency information.

The on-duty Security Supervisor shall immediately notify the Chief of Campus Safety and Security Supervisor to request emergency service 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 before notifying the Senior Supervisor of Campus Safety.

Upon confirmation that a significant emergency or dangerous situation involving an immediate threat to the community exists; an emergency notification will be initiated to the appropriate segment(s) for the University community campuses, without delay, considering the safety of the community, unless the information will, in the qualified judgment of responsible authorities, compromise efforts to assist or to contain, respond to, or otherwise mitigate the emergency.

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

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

The Chief of Campus Safety and Security will immediately attempt to contact and brief the Dean of Students and Vice President of Student Affairs and brief him on the existence of a significant emergency or dangerous situation.

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

The president of the University, as well as representatives of this intuition, regularly attend city council meetings as well as various outreach gatherings and events. This information is communicated to citizens and stakeholders both verbally as well as through the distribution of handouts and brochures.

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 drill, the date and time of the event, and the information is provided to the community where emergency plans and evacuation procedures can be obtained. Examples of bi-annual drills include but are not limited to Earthquake, Fire, Active Shooter/Run, Hide, Fight table-top exercises, and miscellaneous evacuations.

The exercise is conducted campus-wide to MCU's emergency responders' abilities to respond to campus emergencies based on a major earthquake. All MCU community members, students, faculty, and staff, are encouraged to participate in the drill. The exercise is announced. An after-action de-brief follows each exercise drill to assess the training's effectiveness and identify areas of correction and potential concerns. All documentation for emergency drills is filed with Campus Safety & Security.

MISSING STUDENT PROCEDURE

The University will follow specific procedures when a student who resides on our non-campus student housing facility is determined to be missing. MCU has non-campus residential housing facilities at 1600 Palos Verdes Drive, San Pedro, CA, 90732. Although the HEOA requires that procedures be implemented for students who have been missing within 24 hours, the following protocols are activated immediately or as soon as circumstances warrant:

- If the report is made to a Housing Staff member, the Department of Campus Safety and Security is contacted immediately.
- When appropriate, the Department of 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 the Student Affairs Office and the Department of Campus Safety and Security.
- Contacts are made for notification purposes and often as part of the investigation (e.g., to ensure the student hasn't returned home or traveled unexpectedly).
- Residential Life staff will assist the Department of Campus Safety and Security and Local Law Enforcement with the investigation as requested.
- The Department of Campus Safety and Security will adhere to established policies and involve local law enforcement.

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 Department of Campus Safety and Security Villas Housing at (310) 241-5488. A report should also be made to your Resident Advisor or Housing professional staff. Campus Safety will initiate an investigation and, where appropriate, involve local law enforcement. In conjunction with Residential Life and Student Affairs staff, the Department of Campus Safety and Security will activate established missing student procedures. It is important to note that a missing person's report may be made at any time; there is no required wait time or length of time since the 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 the University Department of Campus Safety and Security.
- A resident's confidential contact information will be accessible only by authorized campus officials and law enforcement officers in furthering a missing person investigation.
- Even if a resident decides not to register a contact person, the Department of Campus Safety and Security and local law enforcement will be notified within 24 hours that the student is reported missing.

- If the resident is under 18 years of age and not emancipated, their parent/guardian and local law enforcement will be notified within 24 hours of the student being reported missing.

ANNUAL DISCLOSURE OF CRIME STATISTICS

The Clery Act

The Clery Act, initially enacted by 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 1998 renamed it in memory of Jeanne Clery.

The Clery Act requires all higher education institutions 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 designed to provide the campus community and potential students with campus crime statistics and information.

Crime Definitions:

Murder/Non-negligent manslaughter: The willful (non-negligent) killing of one human being by another.

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

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 or by putting the victim in fear.

Aggravated assault: This crime is defined as 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.

Burglary: The theft or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

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

Larceny-Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion or control over a thing.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Sex Offenses definitions

Rape: The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the lawful age consent.

Domestic Violence: A felony or misdemeanor crime of violence committed

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

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

- Dating violence includes but is not limited to sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

Stalking: Engaging in the course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

Weapons: Carrying possessing: The violation of laws or laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Include in this classification: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers, furnishing deadly weapons, concealed or openly; using manufacturing, etc., of silencers; furnishing deadly weapons to minors, aliens possessing deadly weapons, and attempts to commit any of the above.

Drug abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those 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-manufactured narcotics which can cause true addiction (Demerol, Methadone); and dangerous nonnarcotic drugs (barbiturates, Benzedrine)

Liquor Law Violations: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness, include in this classification: the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging, operating still; supplying alcohol to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on train or public conveyance, and attempts to commit any of the above.

Unfounded Crime: A reported crime that, upon investigation by law enforcement personnel, may classify a crime as unfounded. Crime reports can be properly determined to be false only if the evidence from a complete and thorough investigation establishes that the crime reported was not completed or attempted in any manner.

Hate Crimes

A ***hate crime*** is a criminal offense committed against a person or property, which is motivated in whole or in part by the offender's bias. Hate crime includes any offense in the following group: murder and non-negligent manslaughter, forcible sex offenses, non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft arsons, larceny-theft, simple assault, intimidation, destruction/damages/vandalism of property.

Bias Is a performed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or national origin.

Categories of Prejudice:

Race –A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity distinguishes them as a distinct division of humankind.

Gender –A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

Gender Identity – Defined as a personal sense of one’s gender. Gender identity can correlate with assigned sex at birth or can differ from it.

Religion –A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

Sexual Orientation – A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

Ethnicity – A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion), and/or ideology that stresses common ancestry.

National Origin – A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

Disability – A preformed negative opinion or attitude toward a group of persons based on physical or mental impairments/ challenges, whether such disability is temporary or permanent.

CRIME STATISTICS

OCEANVIEW CAMPUS	On Campus			Residential Facilities			Non-Campus			Public Property			Unfounded		
Offense	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Foundling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incent	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arrests: Illegal Weapon	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Illegal Person	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arrests: Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arrests: Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

THE VILLAS	On Campus			Residential Facilities			Non-Campus			Public Property			Unfounded		
Offense	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0
Foundling	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Incent	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arrests: Illegal Weapon	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Illegal Person	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arrests: Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arrests: Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	0	0	0	0	0	0	89	78	27	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

CAMPUS SECURITY AUTHORITIES (CSA's)

The Campus Security Authorities are required to report crimes disclosed to them and the Department of Campus Safety and Security. The designation of Campus Security Authority as defined by the Department of Education is for reporting crimes only. It does not indicate any authority or responsibility to investigate crimes. The Department of Campus Safety and Security shall be responsible for investigating criminal activity reports on campus and refer these incidents to the law enforcement agencies having primary jurisdiction over these types of cases as appropriate. Examples of CAS are Resident Assistant, Resident Director, VP of Student Affairs, Campus Safety Officer, and Athletic Coaches.

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 responsible for campus security but do not constitute a campus police department or a campus security department under paragraph 1 of this definition, such as an individual 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 proceeding. If such an official is a licensed counselor, pastoral, or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

Marymount California University recognizes the following personnel as CSA's:

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

- Department of Campus Safety and Security personnel (310) 303-7300
 - Any Campus Safety Officer
 - Chief of Campus Safety and Security
- Student Affairs Personnel (310) 303-7254
 - Vice President of Student Affairs and Dean of Students

- Residence Life Personnel (310) 303-7316
 - Dean of Residential Campus (310) 303-7322
 - Assistant Director of Residential Life (310) 303-7384
 - Resident Assistants
- Athletics Director and athletics coaches (310) 303-7325
 - Athletic Director
 - 3 Athletic Trainer
 - Sports Information Director & Woman's Volleyball Coach
 - Women's Cross Country/Track & Field Coach
 - Men's Soccer Coach
 - 2 Assistant Soccer Coaches
 - Women's Soccer Coach
 - 2 Assistant Soccer Coaches
 - Women's Softball Coach
 - 2 Assistant Softball Coach
 - Men's Baseball Coach
 - 2 Assistant Coaches
- Academic Affairs Personnel
 - Executive Vice President for Academic Affairs and Provost (310) 303-7252
- Operations Personnel (310) 303-7202
 - Director of Operations (310) 303-7272
 - Operations Assistant
- Faculty Advisor
- President
- Provost
- Vice Presidents
- Directors
- Deans

DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM (DDAP)

Marymount California University is committed to promoting our campus community members' health by preserving an environment free from illegal drugs and alcohol abuse. This program includes campus alcohol, drug-related policies, abuse prevention programs, and other resources. It is essential that all members of the MCU community be familiar with these policies and resources.

All campus community members should be aware that unlawful possession, use, manufacturing, dispensing, or distribution of alcohol or illegal drugs on University property or as part of any University activity is prohibited by law and University Policy.

CONTROLLED SUBSTANCES AND ALCOHOLIC BEVERAGES POLICY

Marymount California University maintains Drug-Free Workplace and prohibits the use, possession, or distribution of narcotics, other legally controlled substances, or alcoholic beverages on the University property and 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, furnish or give away any alcoholic beverage to a person under 21 years of age or any intoxicated person, and no one under 21 years of age may purchase alcoholic beverages. It is also unlawful for any person under 21 years 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, or distribution of controlled substances is unlawful under both state and federal laws. These are also violations of university policy. These laws are strictly enforced by the Department of Campus Safety and Security, Residential Life, and Student Conduct departments. Drugs classified as controlled substances are listed in Schedules I through V of the Controlled Substances Act 929 U.S.C. 812) and are further defined by Regulation 21 CFR 1308.11 through 1308.15.

DRUG-FREE SCHOOL AND COMMUNITIES ACT (DFSCA)

The Drug-Free School and Campus Regulations (34 CFR Part 86) of the Drug-Free School and Communities Act (DFSCA) require an Institution of Higher Education (IHE) such as Marymount California University, to certify that it has implemented programs to prevent the abuse of alcohol and use, and/or distribution of illicit drugs both by MCU students and employees either on its premises and as a part of any of its activities. At a minimum, an IHE must annually distribute the following in writing to all students and employees:

- Standards of conduct that prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees;
- A description of the legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- A description of the health risks associated with the use of illegal drugs and alcohol abuse;
- A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and
- A clear statement that the institution will impose sanctions on students and employees and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct or law.

MCU DRUG-FREE CAMPUS AND WORKPLACE POLICY

The unlawful possession, manufacture, distribution, use, sale, or gift of alcohol or any illicit drug is prohibited in and on any Marymount California University property or as part of any University activity. This includes being under the influence of alcohol or any illicit drug. Illicit drugs include (but are not limited to) marijuana, cocaine, heroin, amphetamines, barbiturates, LSD, PCP, and substances typically known as “designed drugs” or “club drugs.” Illicit drugs also include prescription drugs, except for the use of medication under the instructions of a licensed physician. Possession of paraphernalia associated with the use, possession, or manufacture of illicit drugs is also prohibited.

Any employee or student who violates this policy is subject to disciplinary action up to and including termination of employment, expulsion from the University, referral for prosecution and/or referral to an appropriate evaluation or rehabilitation program.

UNIVERSITY DISCIPLINARY SANCTIONS FOR VIOLATION OF POLICY

University Employees

Faculty of staff who violate this policy will be handled under the appropriate discipline policy. Sanctions may include disciplinary action up to and including termination of employment. Disciplinary action may consist of participating in, and successfully completing a drug and alcohol rehabilitation program approved by the University.

Students

Students found to violate the University's alcohol and drug-related policies will be held accountable to the procedures outlined in the Student Code of Conduct, which can be found in [The Anchor, our student handbook](#). Sanctions for violation include attending an alcohol and/or drug education (ADE) workshop and/or completing an alcohol and drug assessment through the MCU Wellness Center. The ADE workshop educates students using a harm reduction model and requires students who receive an alcohol violation in housing. Students need to know how their body responds to substances and understand the negative consequences of overindulgence. This program educates students about low-risk drinking, dealing with peer pressure, when to go to the hospital, when to get help and what they can do to help their friends who may be in trouble. Additional sanctions may include but are not limited to, disciplinary probation, housing relocation or removal, financial restriction, suspension, or permanent expulsion from the University.

LEGAL SANCTIONS

Some local, state and federal laws establish severe penalties for the unlawful possession or distribution of illicit drugs and alcohol—these sanctions, upon conviction, range from a fine and probation to lengthy imprisonment. Violation of these policies may also lead to a referral for prosecution to the appropriate local, state, and/or federal authorities. Members of the Marymount California University community are responsible for abiding by all applicable laws.

Federal Laws

Students and employees should be aware that penalties for substance abuse-related crimes include the following: driver license revocation, fines, forfeiture of property, imprisonment, and suspension from eligibility for federal benefits (including student loans).

Under the Higher Education Act of 1998, students convicted under federal or state law for the sale or possession of drugs will have their federal financial aid eligibility suspended. This includes all federal grants, loans, federal work-study programs, and more. Students convicted of drug possession will be ineligible for one year from the date of the first offense's conviction, two years for the second offense, and indefinitely for the third offense. Students convicted of selling drugs will be ineligible for two years from the first conviction date and indefinitely for the second offense. Those who lose eligibility can regain eligibility by completing an approved drug rehabilitation program. (20 U.S.C §1091)

Listed below are some of the legal sanctions for the unlawful possession or distribution of illicit drugs and alcohol:

- First conviction: Up to one year imprisonment and fined a minimum of \$1,000 of both (21 U.S.C. §844).
- After one prior drug conviction: At least 15 days in prison, not to exceed two years, and fined a minimum of \$2,500.
- After two or more prior drug convictions: At least 90 days in prison, not to exceed three years, and fined a minimum of \$5,000.
- Upon conviction, a person who violates this section shall be fined the reasonable costs of investigation and prosecution of the offense.
- Forfeiture of personal and real property used or intended to be used to possess or facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment (21 U.S.C §853(a)(2) and 881(a)(7)).
- A civil penalty of up to \$10,000 for possession of a controlled substance for personal use. The civil penalty is only available for a first offense (21 U.S.C §844a)
- Discretionary denial of any of all Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for the first conviction and up to five years for second and subsequent convictions (21 U.S.C. §862(b)).

A list of Federal Trafficking Penalties for various drug offenses is located at <http://www.justice.gov/dea/druginfo/ftp3.shtml> or in the appendix to this policy.

California State Laws

Students and employees should be familiar with California laws governing the consumption of alcohol. The following summarizes some of the state laws relevant to students and employees:

- It is illegal for persons under the age of 21 to possess an alcoholic beverage in any public place or any place open to the public (CA Bus. & Prof. Code §25662).
- Any person who furnishes, gives, or sells any alcoholic beverage to someone under the age of 21 is guilty of a misdemeanor (CA Bus. & Prof. Code §25658(a)).
- Any person under the influence of alcohol in a public place and unable to exercise care for one's safety or that of others is guilty of a misdemeanor (CA Penal Code §647(f)).
- It is illegal for persons to operate a motor vehicle while under the influence of alcohol or other intoxicants or with a blood-alcohol level of .08% or higher (CA Vehicle Code §23152).
- It is a misdemeanor to ride a bicycle under the influence of alcohol, drugs, or both (CA Vehicle Code §21200.5).
- It is an infraction to possess an open container of an alcoholic beverage while in a motor vehicle (CA Vehicle Code §23223).
- It is an infraction for an owner or driver of a motor vehicle to allow an open container of alcohol in the passenger area (CA Vehicle Code §23225).

California penalties for offenses involving controlled substances include (California Health & Safety Code §11350) imprisonment in the county jail or state prison and not to exceed \$70 or probation with a fine. However, for felony convictions, a fine of at least \$1,000 for the first offense and at least \$2,000 for second or subsequent offenses or community service for unlawful possession of controlled substances will be imposed. The following is a list of some of the legal sanctions for driving under the influence of alcohol (or any other drug):

- First conviction: Imprisonment in the county jail for not less than 96 hours, at least 48 hours which are continuous, no more than six months and by a fine of not less than

\$390 nor more than \$1,000 and except as otherwise provided suspension of the privilege to operate a motor vehicle (CA Vehicle Code §23536).

- Conviction of driving under the influence with or without bodily injury within ten years of certain other felony convictions including vehicular manslaughter and driving under the influence: Imprisonment in state prison or the county jail for not more than one year and a fine not less than \$390 nor more than \$1,000 and revocation of the privilege to operate a motor vehicle (CA Vehicle Code §23550.5).
- Driving under the influence causing bodily injury or death to more than one victim: Enhancement of one year in state prison for each additional injured victim up to a maximum of three one-year enhancements (CA Vehicle Code §23558).
- A second conviction of driving under the influence causing bodily injury within ten years or conviction within ten years separate conviction of other specified offenses involving alcohol or drugs: Imprisonment in the county jail for not less than 120 days nor more than one year and a fine of not less than \$390 nor more than \$5,000 and revocation of the privilege to operate a motor vehicle (CA Vehicle §23560).

Local Prohibitions

The City and County of Los Angeles enforce California and Federal laws related to alcohol and drug violations. Additional restrictions include possession of an open container of alcoholic beverages on sidewalks or public spaces, including parks, playgrounds, and adjacent to retail spaces that sell alcoholic beverages. Violations result in an infraction (Ord. No. 158,498).

HEALTH RISKS

The illicit use of controlled substances and the abuse of alcohol and legal drugs can result in serious injury to the drug user and others and can result in severe damage to property. Drug and alcohol abuse has been proven to impair the user's coordination, reaction time, emotional stability, and judgment. This could have tragic consequences where demanding or stressful work situations call for quick and sound decisions. Serious injury or fatality of the drug abuse, other employees, or our students could result from an employee or student's actions (or lack thereof) under the influence of drugs or alcohol. Additionally, the risk of many harmful health conditions associated with the use and abuse of alcohol and drugs are significant and include but are not limited to: depression, anxiety, neurological impairment, kidney failure, cirrhosis of the liver, bronchitis, respiratory and cardiac failure, and death.

For more information on the health risks associated with the use and abuse of alcohol and drugs, visit the National Institute on Drug Abuse website, www.drugbuse.gov.

You may also contact the Student Wellness Center for further information regarding health risks, (310) 303-7244 or Wellness@MarymountCalifornia.edu.

DRUG AND ALCOHOL PROGRAMS

Assistance and Educational Program Available to Faculty and Staff

- Student Wellness Center staff can provide confidential support and referrals to counselors and local agencies and/or self-help groups such as Alcoholics Anonymous, Al-Anon, and Cocaine Anonymous. You may also find these groups on the internet.
- Employees covered under the University's medical insurance may seek treatment through substance abuse benefits. Employees pay only their plan's deductible /or co-pay for treatment services. Contact Anthem Blue Cross at the customer service number on the back of your medical card. Employees may also seek confidential help with insurance coverage through the Human Resources Office.
- Employees covered under the University's medical insurance may also choose to obtain confidential counseling or information about treatment service via the Employee Assistance Plan. Contact Resource Advisor at 888-209-7840. The Resource Advisor counselor will give advice and arrange for up to three visits with a counselor.
- Leaves of absence are available under the Family Medical Leave Act and the California Family Rights Act. You may request a full leave or intermittent leave to participate in treatment.
- The Employee Wellness Program provides a health risk assessment, which includes questions about alcohol consumption. The wellness program will periodically distribute information about the risk of alcohol and drug use how to seek help.

Assistance and Educational Programs Available to Students

Marymount California University offers various services to meet student needs, including personal counseling for individuals, groups, and couples. The Student Wellness Center provides crisis intervention, personality assessment, substance abuse education, assessment, and referral to programs or services outside the University.

The University offers a variety of alcohol and drug education and prevention programs throughout the year. These include:

- The MCU Wellness Center provides a range of services to meet students, including personal counseling for individuals, groups, and couples. Services related to alcohol and drug abuse prevention are crisis intervention, personality assessment, and substance abuse education, assessment, and referral to programs or services outside the University.
- Peer Health Educators, Residential Life Staff, and Orientation Leader Training. These student leaders are trained in alcohol and drug policy and educational issues, including caring for an intoxicated person, intervention techniques, social norms theory, and the current drinking norms at MCU.
- Bystander Intervention and Risk Reduction Tips
- MCU Wellness Center After-Hours & Sexual Assault Victim's Advocate (310) 303-7372
- Safe Rides Program
- Additional campus and residentially based programming on alcohol and drug education and prevention are offered throughout the year. Peer Health Educators are also trained to provide support and plan programs on alcohol and drug abuse prevention topics. If you are interested in becoming a Peer Health Educator, stop by the MCU Wellness Center or contact them at (310)303-7244 or Wellness@MarymountCalifornia.edu.

Student Wellness Center

Local on the Oceanview Campus, Building 3 (adjacent to the MCU Bookstore)

Administrative Hours: Monday through Friday, 9 a.m. to 2 p.m.

By Appointment-Only Hours: Monday through Thursday, from 8:30 a.m. to 4:30 a.m. to 4:30 p.m., and Friday from 8:30 a.m. to 3 p.m.

E-Mail: Wellness@MarymountCalifornia.edu.

Telephone: (310) 303-7244 or just “drop-in”

Additional Resources

- The Counseling Services team offers confidential psychological services for Marymount students. These services are provided without a fee. Contact the MCU Wellness Center to schedule an appointment.

- **Help with Drugs and Alcohol Abuse – 12 Steps Recovery Program.** For weekly meetings on the main campus, contact the Student Wellness Center for information and meeting times.
- **12 Step Recovery Program (off-campus)** <http://www.southbayaa.org/>
All South bay Central Office, 1411 Marcelina Ave. Torrance, CA 90501
info@southbayaa.org (310) 618-1180
- **Anonymous Marymount Tip Line,** (310) 303-7373 (on-campus, ext. 7373). Students may confidentially report dangerous behaviors on campus in student housing. Alcohol or drug activity, or any concern for another student. ****THIS IS NOT A SUBSTITUTE FOR CALLING 911****

NOTIFICATION OF DRUG AND ALCOHOL PREVENTION PROGRAM

Employee Notification

Information about the Drug Abuse and Alcohol Prevention Programs is distributed to all current students by the sixth week of the fall and spring terms via university email. Information is also shared at Orientation and Student Move-In Day at the residence halls.

OVERSIGHT RESPONSIBILITY

The Vice President of Student Affairs and the Director of Human Resources shall serve as the primary contact that will have oversight responsibility of the DAAPP including, but not limited to: updates, gathering of information required in the DAAPP, and coordination of the annual notification to employees and students and the biennial review.

Crisis Intervention

Crisis intervention is a service offered to students who are experiencing severe or immediate emotional distress. The counseling staff are trained professionals who are prepared to handle emergencies such as suicide attempts, incidents involving 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 reach Counseling Services during regular business hours at (310) 303-7359.

Students can also contact Campus Safety at (310) 261-6250. The 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. Counseling Service also provides students with handouts on sexual assault.

Other services the University provided on campus are:

- Crisis Intervention/Support
- Counseling
- Case Management
- Community Referrals
- 24-hour Crisis Number (answered by licensed Staff) (310) 303-7372
- Off-campus advocacy resources include:
- Sexual Assault Crisis Service #: 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. 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 Survivor Support www.malesurvivor.org

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 the following:

1. Has the purpose or effect of creating an intimidation, 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 intimidation, hostile, or offensive study or learning environment;
5. Has the purpose or effect of unreasonably interfering with an individual's research 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.

Sexual harassment often involves relationships of unequal power. It 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. 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 behavior was directed. The pattern of conduct could include one 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 a previous sexual experience.

Domestic Violence: Domestic violence is defined as a pattern of 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, 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, attack 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 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 physical 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 opposite-sex and same-sex relationships and can happen to intimate partners who are married, lived together, or dated.

Domestic violence affects those who are abused and substantially affects family members, friends, co-workers, other witnesses, and the community. Children, who grow up witnessing domestic violence, are among those severely 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 refers to any type of sexual contact or behavior that occurs without the recipient's explicit consent. 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 that covers a range of crimes, including rape. As defined under California law, rape is non-consensual sexual intercourse that involves the use or 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).

In addition to 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 and 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 offense is a felony. A student, staff, faculty member, or other academic appointee charged with rape can be prosecuted under California criminal statutes and disciplined under appropriate in accordance with university policies and procedures.

Even if the criminal justice authorities choose not to prosecute, Marymount California University reserves the right to pursue disciplinary action, and the complainant can file a civil suit. In addition to rape, as defined by California law, the University prohibits any non-consensual penetration, however slight, or non-consensual fellatio or cunnilingus. The institution will take appropriate action when such acts are reported.

To be consensual, there must be "positive cooperation," and the person must act freely and voluntarily. "(See Penal Code, 261.6 for a 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 unwanted victim items, presents, or flowers.
- Following or lying in wait for the victim at home, school, work, or recreation places.
- Making indirect threats to harm the victim, the victim's children, relatives, friends, or pets.
- Damaging or threatening to damage the victim's property.
- Harassing the 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, and contacting the victim's friends, family, work, neighbors, etc.

Coercion: Coercion is the exploration of fear or anxiety through intimidation, compulsion, donation, or control with the intent to compel conduct or compliance.

Object: An object is anything used in the commission of a sexual act other than the person or 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 of the highest to MCU. Students can be assured that when they share information with medical, police, 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 act 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 on a need-to-know basis when pertaining to the campus community's investigative needs and safety concerns. If a complainant requests that his 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 adequately to the incident. Title IX and the Campus SaVe Act include protection against retaliation. MCU officials will take steps to prevent retaliation and take intense responsive action if it occurs.

Campus University Counseling Center mental health counselors, Student Health Services, employees, Clery, 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, disclosed 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 due to the crime or offense, the university will provide the disciplinary hearing results to the victim's next of kin if so requested.

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

Marymount California University 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.

There may be consequences if a student or employee waits to file a police report. Timely reports may substantially 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. The filing of a police report aids in preserving valuable evidence if the complainant decides to pursue charges at a later date. It is essential to know that preserving physical evidence is crucial in pursuing criminal actions and obtaining a protection order. To obtain a protection order, students and employees are given the option of contacting the Department of Campus Safety and Security to contact the local municipal agencies or have them contact the local municipal agencies directly.

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, staff, and 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 exercised their responsibilities under any provision of federal or state law, including Title IX and the Campus SaVe Act or this policy.

How to be an Active Bystander

Marymount California University promotes a culture of community accountability where bystanders play a critical role in preventing violence without causing further harm. Bystanders also play a crucial 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 what they may be observing. MCU strives to promote a culture of community accountability where bystanders are actively engaged in preventing violence without causing further harm. One may not always know what to do, even if one wants to help. Below is a list of some ways to be an active bystander. Keep in mind that there may be escalated situations where it may be too dangerous to intervene or get involved physically. An example of such a case could be when a person is yelling or being physically abusive towards another individual. In these types of instances, it is not safe for a bystander to intervene physically. In all cases, one should use good judgment and weigh the totality of the circumstances and possible outcomes before deciding whether to become physically involved in these situations.

If you or someone else is in immediate danger, the bottom line is to dial 9-1-1 and contact Campus Safety (310) 303-7300.

- 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, and try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses a plan 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 to support health, counseling, or legal assistance.

Risk Reduction & Tips

Risk reduction is defined as options to decrease perpetration and bystander inaction, increase empowerment for victims to promote Campus Safety and help individuals and communities address conditions that facilitate violence. Marymount California University makes every effort to discourage victim-blaming, with no intent to blame, and recognizes that only abuse is responsible for their abuse. 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 find a way to get out of a bad situation.
- Try to **avoid isolated areas**. It is more challenging to get help when no one is around.
- **Walk with purpose**. Even if you don't know where you are going, act as 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** to be more aware of your surroundings, especially when 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 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 unattended, get a fresh one.
- **Don't accept a drink 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, observe it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, conventional open containers.
- **Watch out for your friends and vice-versa**. If a friend appears incoherent, seems intoxicated, or acting out of character, get them to a safe place immediately.

- **Contact law enforcement immediately if you suspect you or a friend has overdosed on a controlled substance or alcohol** (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; the person who is making you uncomfortable 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. Consider what actions you are comfortable taking.
- **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 knowing the person you are with. 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 person's feelings, you are 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.

Prevention Programs

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

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

Peer Health Educators promote various events, including 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.

- Counseling services offer students support and advice on all of the above topics in groups and on a one-on-one basis.

- 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
- Bystander Prevention and Risk Reduction Tips
- Sexual assault awareness month (April)
- Domestic Violence Awareness Month (October)
- Handing out door hangers addressing sexual to residential students
- Handing out “What is Consent” informational Magnets

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

Sex Offender Registration

The Campus Sex Acts Prevention Act of 2000 requires higher education institutions to notify the University community where information concerning registered sex offenders may be obtained. The law also directs sex offenders, already required by law to register in a state, to provide notice to each institution at which said person is employed, carries out a vocation, or is a student. In the city of Rancho Palos Verdes, where the Oceanview campus is located, sex offenders must register with the Los Angeles County Sheriff’s Department’s Lomita Station. In the city of Los Angeles, where the University’s residential units are located, sex offenders must register with the Los Angeles Police Department’s Harbor Division Station.

Megan’s Law allows the public to access sex registrant information. It also authorizes local law enforcement the right to notify the public about high-risk and serious sex offenders who may reside in or frequent the community. Public information regarding registered sex offenders in California may be obtained by viewing the Megan’s Law website at www.meganlaw.ca.gov or megansLaw@doj.ca.gov. (Telephone # (916) 227-4974)

MCU 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 advance 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 campus or off-campus incidents when the on-campus conduct could have an on-campus impact or impact the university's educational mission.

Karen Thordarson serves as the Title IX Coordinator and oversees the 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 the University makes every effort to preserve reports' privacy. Such statements may also be anonymous.

Additionally, most university employees are designated mandated reporters and promptly share a report with the Title IX coordinator. Confidentiality and mandated reporting are addressed more specifically on Page 12. Complaints of 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 on campus, at university-sponsored events, and may also apply to off-campus and online activity when the Title IX Coordinator determines that the off-campus and online conduct affects a substantial University interest. A substantial University interest is defined to include:

- a) Any action that constitutes a 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@marimountcalifornia.edu

Deputy Title IX Coordinator for Athletics

Jonathan Harper, Athletic Director
(310) 303-7325

Jharper@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 Contact:

San Francisco Office

Office for Civil Rights

U.S Department of Education

50 Beale Street, Suite 7200

San Francisco, CA 94105-1813

Telephone: 415-486-555

FAX: 415-486-55-70; 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>

- 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 of 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 protection 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 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 and/or perceived membership in the protected classes listed above is in violation of the Marymount California University policy on nondiscrimination will be appropriately remedied by the University according to the procedures below.

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, prohibiting discrimination against qualified persons with disabilities and other federal and state laws about individuals with disabilities. Under the ADA and its amendments, a person has a disability if a physical or mental impairment substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or are regarded as disabled by the institution, whether qualified or not. A substantial impairment is one that significantly limits or restricts a significant life activity such as hearing, 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 investigating 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 to ensure equal access to the university's academic programs and activities.

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 educational content or discussions inside or outside the classroom, including 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 and 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 based on 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. Marymount California University may also impose sanctions on the harasser, pending an investigation into the reporting party's claims. Marymount California University's harassment policy explicitly prohibits any form of harassment, defined as unwelcome conduct based on actual or perceived membership in a protected class by a 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 the 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 generally not based on a protected status. Addressing such issues may not result in the imposition of discipline under University policy, but will be resolved through civil adjudication 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, an unlawful discriminatory practice. Marymount California University has adopted the following definition of sexual harassment to address varied populations of institutions and third parties. ²

Sexual harassment is:

- Unwelcome
- Sexual, sex-based, and/or gender-based verbal, written, online, and/or physical contact.

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 the 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

¹ This definition of a hostile environment is based on federal/ 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>

² Also of relevance is the Office of Civil Rights 2001 statement on sexual harassment, “Revised Sexual Harassment Guidance Harassment Of Student 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 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

Quid Pro Quo Sexual Harassment is:

Unwelcome sexual advances, requests for sexual favor, 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 Concerning Consensual Relationship

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 university's educational mission is promoted by professionalism in management/employee/student relationships, 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 relationships, the supervisee or student's voluntary consent in a romantic and/or sexual relationship is suspect. In addition to the student or supervisee's possible sexual exploitation, 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. The term *Supervisor* is used here in both the narrow and broad senses. In a narrow sense, supervision refers to the direct supervisor-subordinate relationship.

In a broad sense, supervisory interaction 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 violate university policy. University employees exercise power over students, whether in giving them praise or criticism, evaluating them by making recommendations 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 are appropriate in non-institution sanction contexts; may, within the University community, create the appearance of an abuse of power or undue advantage or favoritism.

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 relationship 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 defines various violent and/or non-consensual sexual acts as crimes. Additionally, Marymount California University has established 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 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. Act of sexual misconduct may be committed by any person upon anyone, 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 person upon another person

- That is without consent and/or by force

Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger, 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 person upon another person
- That is without consent and/or by force

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth, other bodily orifices of another individual, or any physical 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. 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 person observed)
- Invasion of sexual privacy
- Taking pictures or video or audio recording another in a sexual 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 closed 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 diseases (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 their knowledge or consent (assuming the act is not completed)
- Exposing one’s genitals in non-consensual circumstances
- Sexual-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, please don’t hit me. I’ll do whatever you want.’)

Coercion is interpreted as 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 clarifies that this individual does not want sex, wants to stop, or wants to go past a certain point of sexual interaction, continued pressure can be coercive beyond that point.

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

California law and MCU policy use an affirmative consent standard to determine whether both parties gave consent to engage in sexual activity. Affirmative consent (hereby “consent”) is affirmative, conscious, and voluntary agreement to engage in sexual activity. Since individuals may experience the same interaction differently, each party's responsibility is to ensure 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 permission 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 the 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 they were 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 guaranteed approval or other sexual activity (such as intercourse). A current or previous datin 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 they no longer want the act to continue. If that happens, the other person must stop immediately.

In California, 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.

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 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 with 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 reporting party's protected class.

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

1. 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. It will be rated 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 promptly investigated. Marymount California University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

2. Remedial Action

Marymount California University will implement initial corrective and responsive and/or protective actions upon notice of alleged harassment, retaliation, and/or discrimination. Such measures could include but are 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 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 concerning 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 any accommodations or protective measures as confidential, provided confidentiality does not impair the institution's ability to provide accommodations or protective measures.

Procedures for handling reported incidents are fully described below.

3. 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. To make informed choices, one should be aware of confidentiality and mandatory reporting requirements when consulting campus resources. Some resources may maintain confidentiality on campus, 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 immediate threat, danger or abuse of a minor. Campus counselors are available to help free of charge and are available for emergencies. These employees will submit anonymous statistical information for Clery Act reporting unless they believe it would harm their clients, patients, or parishioners. These confidential campus resources can also refer you to classified off-campus resources.

b. Formal Reporting Options

All University employees are Mandatory Reports 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. The employee must share those details 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, does 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 of indication 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 to 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 have those incidents investigated and appropriately through this process.

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.

4. 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 campus community members. 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.

5. False Allegations

Deliberately false and/or malicious harassment, as opposed to allegations which, even if erroneous, are made in good faith, are just as serious as offenses of 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 allegation or notice of violation of the policy on Equal Opportunity, Harassment and Nondiscrimination that the Title IX Coordinator receives, Deputy Coordinators, a member of the Equity Resolution Panel, or a member of the administration, faculty, or other employees, except for the confidential reports.

The procedures described will apply to all allegations involving students, staff, or faculty members. These procedures also cover redress and requests for responsive actions for allegations brought involving non-members of the community.

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 mediation or restorative justice role in conflict resolution
- To act as process advisors to those involved in grievances
- To serve on appeal panels for grievances

In consultation with the Title IX Coordinator, the President appoints the panel, which reports to the Title IX Coordinator, including a review of University policies and procedures and applicable federal and state laws and regulations to provide accurate information to community members. ERP members also recommend proactive policies and serve an educative role in 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	Jonathan Harper
Vice President of Student Affairs	Ryan Alcántara
Chief of Campus Safety and Security	Hector Rodriguez

Dir. Student Wellness Center &
Certified Sexual assault advocate

Osmara Reyes-Osorio, LCSW

Assistant Dean of Students &
Dean of Residential Campus

Chad Fehr

Assistant Director of Residential Life

Suesue Eldanaf

Faculty Representative

Virginia Wade

Panel members are usually appointed to three-year terms. Appointments to the ERP are made with attention to the 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 ERP member. It is also possible for employees to notify a supervisor and for students to report an administrative advisor or faculty member. Additionally, members of the community, including visitors, may contact the Department of Campus 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 contact the Title IX coordinator immediately. 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 consider the reporting party concerning how the grievance is pursued but reserves the right, when necessary to protect the community, to investigate and pursue a resolution when the 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 the reporting party with alcohol or drugs to the incapacitation point and then engaged in sexual misconduct. Where the alcohol or drugs was used to facilitate 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 their ability to use an advisor of their choice (including attorneys) who can provide support during the resolution process (see Section 6: “Advisor” below). Typically, 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 policy violation or if the report desires conflict resolution, does not proceed to an 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 university community member 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 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 transportation accommodations
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.
- Victims do not need to initiate or participate in a disciplinary proceeding to receive information about the process involved in obtaining a protective order and their rights concerning this option.

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 allowed to meet with the Title IX Coordinator before 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 the responding party has as minimal an impact as possible.

The institution will maintain any accommodations or protective measures as confidential, provided that confidentiality does not impair the institution's ability to provide 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, wants 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, generally within ten (10) business days of the Title IX coordinator's notice. 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 based on the same behaviors that invoke this process are being investigated. The University's resolution will not typically be altered or precluded because 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 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 the authority to terminate the investigation and 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. Witnesses may also be interviewed remotely by phone, Skype (or similar technology) if they cannot be questioned in person.

7. Advisors

The reporting party and the responding party can 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 the campus community, including a friend, mentor, family member, attorney, or another 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 to all meetings and interviews in which the party is entitled to be present. These include intake and interviews. Advisors should help their advisees prepare for each session and are expected to advise ethically, with integrity, and in good faith. The University cannot guarantee equal advisory rights. If one party selects an attorney advisor, 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 an attorney or not. Advisors may not address campus officials in a meeting or interview unless they receive an invitation to do so. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For lengthier or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for a private conversation. Advisors will typically be allowed 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 enable the university to explain 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 their advisor's representation. The advisor may consult with the advisee quietly or in writing, outside the meeting or proceeding during breaks, but may not speak on behalf of the investigators' advisee.

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's 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 deputy will determine whether the advisor may be reinstated, be replaced by a different 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 can share records with an advisor. Advisors are expected to maintain the privacy of the files 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 an advisor's role who does not respect the process's sensitive nature or who fails to abide by the University's privacy expectations.

The University expects advisors to adjust their schedules to allow them to attend University ERP meetings. The University does not typically change scheduled meetings to accommodate an advisor's inability to attend. However, the university will make provisions to allow an advisor

who cannot attend in person to participate in 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 investigation's completion, the Title IX Coordinator will review the case, which may include meeting with the investigators. Based on that review, the Title IX Coordinator will decide whether there is reasonable cause to proceed with the resolution process.

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

- Conflict Resolution – typically used for less severe offenses (not for sexual misconduct or violence of any kind, or in other cases if severe 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 parties' preferences. 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 the evidence that no policy violation has occurred, the process will end unless the reporting party requests that the Title IX Coordinator make an extraordinary determination 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 severe yet inappropriate behavior and is encouraged as an alternative to an Administrative Resolution. The Title IX Coordinator will determine if conflict resolution is appropriate based on the parties' willingness, the nature of the conduct at issue, and whether the behavior would be receptive to conflict resolution. In a conflict resolution meeting, an ERP member will facilitate a dialogue with the parties to try and resolve the matter in a manner that is appropriate and effective. Sanctions are not possible as the result of a conflict resolution process. However, the parties may agree to appropriate remedies. The Title IX Coordinator will keep records of any resolution reached, and failure to abide by the accord can result in appropriate responsive actions.

Conflict resolution will be the primary resolution mechanism used to address reports of sexual misconduct or violent behavior of any kind or in other cases of severe violations of policy. However, it may be made available after the formal process is completed, should the parties and the Title IX Coordinator believe it could be beneficial. It is not necessary to pursue conflict resolution first to make a formal ERP report, and anyone who participates in conflict resolution can stop that process at any time and request o an 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 allegation of harassment, discrimination, or retaliation. Before 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 action that could result. This notice will include the time, date, and location of 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 responsibility findings. Once the inquiry described above is complete, the Title IX Coordinator will meet with the responding party to review the investigation report's findings. 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 render a finding utilizing the evidence standard's preponderance, based on the information provided by the investigation. The IX Coordinator, in consultation, as appropriate, will also determine proper 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 without 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 no local address is on file, mail will be sent to the party's permanent address.

c. Sanctions

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

- Nature, the 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 sanction/responsive action to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive measures 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 an admonition 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 if the student or organization is found in violation of any University policy, procedure, or directive within a specified period. 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 not to exceed two years 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 and/or deny a student participation in commencement activities if the student has a grievance pending or 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 other serious violations committed by a student before graduation.
- Organization Sanctions. Deactivation, de-recognition, loss of all privileges (including University registration) for a specified period.
- Other Actions: In addition to or in place of the above sanctions, The University may assign any other penalties as deemed appropriate.

ii. Employee Sanctions

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

- Warning – Verbal or Written
- Performance Improvement/Management Process
- Required Training or Education
- Probation
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Suspension with pay
- Suspension without pay
- Termination
- Other Action: In addition to or in place of the above sanctions, the University may assign other penalties 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 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. 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 delivering the ERP's written finding. 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 investigation's outcome (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 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 seeking 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 stipulations 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 deferential to the original resolution, making changes to the finding only where there is clear error and the sanction/responsive action only if there is a compelling justification.
- 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 appeal grounds. Appeals granted on new evidence should ordinarily 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 ERP Appeals Panel's three-member panel.
- Sanctions imposed are implemented immediately unless the Title IX Coordinator or designee stays their implementation in extraordinary circumstances, pending the appeal's outcome.
- The Title IX Coordinator will usually, 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 three (3) business days of the ERP Appeals Panel's outcome, 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 Title IX coordinator's time frame. 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, the Title IX Coordinator will maintain records of all allegations, investigations, and resolutions.

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 their 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 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, victims 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 situation after an alleged sexual misconduct incident, if so requested by the victim and if such changes are reasonable (no formal report, or investigation, campus or criminal, need to 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;
 - Taking (paper, assignment) rescheduling;
 - 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 investigator to identify and question relevant witnesses, including, 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 alleged victim/reporting party, which will always be revealed to 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 based on 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, staff witnesses, and the opportunity (if desired) to have the investigators ask questions of witnesses, [including the responding party], at 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. Penalties 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 the determination of responsibility, but before 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 offense 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 disclosed);
- The right to have reports addressed by investigators and appeals officers;
- The right to petition that any investigator be recused based on demonstrated bias;
- The right to meeting and interviews that are to the public;
- The right to have a university that is closed to the public;
- The right to have the university compel the participation of students, faculty, 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. Penalties may rise to the level of probation and suspension for the students and termination for employees.
- The right to decline to notify local and state authorities once the offer has been extended.
- The right to have an advisor of their choice to accompany and assist in the campus resolution process.
- The right to 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 is based solely on the 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 to ensure equal access to

the university's Equity Resolution Process. Anyone requesting such accommodations or support should contact the Coordinator of Disability Resources, Laura Niemiec, to review the request. The Coordinator of Disability Resources will then, in consultation with the person requesting the accommodation, make the necessary changes 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 established procedures that do not materially jeopardize the fairness owed to any party. However, the Title IX Coordinator may also vary procedures materially with notice (with the 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.