

La Sierra University  
4500 Riverwalk Parkway  
Riverside, California 92515

**Sex-Based Harassment/Sexual Misconduct Policy**

Drafted in accordance with  
the Department of Education Rule of April 19, 2024  
and effective in August 1<sup>st</sup>, 2024.

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**La Sierra University  
4500 Riverwalk Parkway  
Riverside, California 92515  
951-785-2000**

**Title IX  
Sex-Based Harassment Policy/Sexual Misconduct Policy**

Effective Date: August 14, 2020.

**La Sierra University Mission Statement**

As members of the diverse La Sierra University community, we are committed to inquiry, learning, and service. Our community is rooted in the Christian gospel and Seventh-day Adventist Church values and ideals. Our mission is: To seek truth, enlarging human understanding through scholarship; To know God, ourselves, and the world through reflection, instruction, and mentoring; To serve others, contributing to the good of our local and global communities. We pursue this mission with excellence, integrity, compassion, and mutual respect.

Believing that all humanity is created in the image of God, the University celebrates the diversity of its students, faculty and staff with regard to race, national origin, ethnicity, sex, gender and age, among other things. The university recognizes this diversity as a valuable asset in the preparation of all its students for positions of service and leadership in professions, business, government, in the civic community, and in the church.

**Religious Exemption**

La Sierra University is a religious institution of higher education, a part of the Seventh-day Adventist system of higher education, that takes seriously anti-discrimination provisions under federal and state law, and is committed to providing a learning and living environment that promotes student safety, transparency, personal integrity, civility and mutual respect.

La Sierra University is exempted by the State of California from California Education Code 66270, to the extent the application of California Education Code 66270 is not consistent with the institution's religious tenets. Furthermore, the University is exempt from Title IX to the extent application to Title IX would not be consistent with the institution's religious tenets. See 20 U.S. Section 1681(a)(3). (See also Appendix 1 – Department of Education Office of Civil Rights Letter to La Sierra University President Joy Fehr, July 20,2022).

The exemptions stated above allow the University to create and enforce policies consistent with its religious tenets, even when those tenets would otherwise conflict with California Education Code 66270 or Title IX. The exemptions may apply to, but are not limited to, University practices or policy requirements addressing student conduct, housing, admissions, marriage, sports participation and facilities use and employment hiring processes and related employment procedures, among other things.

For more information, see La Sierra Student Handbook (<https://lasierra.edu/fileadmin/documents/slife/la-sierra-student-handbook.pdf>)

La Sierra Faculty Handbook (<https://lasierra.edu/fileadmin/documents/about-la-sierra/provost/faculty-handbook.pdf>)

La Sierra University Employee Handbook (<https://lasierra.edu/fileadmin/documents/human-resources/policies-handbooks/salary-handbook-complete.pdf>)

In some cases the university's religious tenets, policies and practices on matters of sexual orientation, sexual conduct outside marriage, same-sex marriage, and gender identity and expression, may appear to conflict with interpretations of California Education Code 66270 and Title IX, but the above-referenced exemptions allow the university's policies and practices to do so. For more information about the Seventh-day Adventist Church's position on matters involving marriage, sexual orientation, and gender identity and expression, see the church's Official Statements at

<http://gc.adventist.org/official-statements/>

**The University retains all rights afforded under federal law and the laws of the State of California, including specifically its religious exemption under Title IX.**

## **Article I. Policy Statement**

### **A. Institutional Values and Community Expectations**

In keeping with La Sierra University's mission and its heritage as a Seventh-day Adventist university, we resolve to live consistently within traditional Christian values and teachings on sexuality. We believe that Scripture is the ultimate authority on how to conduct our lives. La Sierra University takes the position that sexuality is a gift from God. Therefore, sexual expression should honor God, self, and others. The University expects that faculty, staff, and students will not engage in sexual intercourse outside of marriage nor engage in any sexual behavior or activity that would interfere with the University learning environment and its community. However, La Sierra University recognizes that members of its community may make choices that are inconsistent with the University's expectations for sexual behavior.

La Sierra University is committed to maintaining an environment in which all members of our campus community are safe, secure, and free from discrimination on the basis of sex, sexual misconduct, sexual assault or sex-based harassment in any form. Our community expects that all interpersonal relationships and interactions - especially those of an intimate nature - will be grounded upon Christian principles and values, mutual respect, open communication, and clear consent according to applicable laws. When learning of conduct or behavior that may not meet these standards, community members are expected to take an active role in upholding this policy and promoting the inherent dignity of all.

This policy defines prohibited discrimination on the basis of sex and sex-based harassment and details the University's prompt and effective response “when it has knowledge of conduct that reasonably may constitute sex discrimination in its education programs or activities,”(34 C.F.R. § 106.44(a) on the basis of sex. Specifically, this policy prohibits all forms of discrimination on the basis of sex and/or sexual misconduct, including sexual assault, non-consensual sexual contact, sex-based harassment, dating violence, domestic violence, stalking, and sexual exploitation under the provisions of the Violence Against Women Act (VAWA), 42 U.S.C. § 13701 (1994), as amended. Prohibited conduct also includes retaliation against a person who reports, complains about or participates in good faith in processes under this policy, and violation of supportive measures. Such conduct is collectively referred to as prohibited conduct. In addition, this policy includes protections for pregnancy and parental status.

**Therefore, starting August 1<sup>st</sup>, 2024, the Title IX grievance procedures will apply to all complaints of discrimination on the basis of sex in the university’s education programs or activities. This new Title IX policy will apply to all reports related to allegations that may take place from August 1<sup>st</sup>, 2024 going forward. Allegations of violations related to events that allegedly occurred from August 14<sup>th</sup>, 2020 to July 31<sup>st</sup>, 2024 will be investigated under the Final Rule of August 14<sup>th</sup>, 2020. The University will apply the Resolution Process explained in this policy to all allegations of violation.**

Moreover, the University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect. In addition, if government laws or regulations change or court decisions alter the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws, regulations, or court holdings. This document does not create legally enforceable protections beyond the protections of the background state and federal laws that frame such policies and codes, generally.

This policy is established in compliance with Title IX of the Education Amendments of 1972, the Final Rule released by the Office of Civil Rights on April 19, 2024 and the Violence Against Women Reauthorization Act of 1972 (VAWA), which amends the Jeanne Clery Disclosure of Campus Security and Campus Crimes Statistics Act, commonly known as Clery Act. In addition, this policy follows the Final Rule of 2024 Section 106.6 in relation to Family Educational Rights and Privacy Act (FERPA) which indicates that,

*The recipient must comply with Title IX and the final regulations in the event of a conflict with State law or FERPA.*

## **B. Right to Notify Parents**

In following the Final Rule of 2024 Section 106.6, and the university’s policy, the University reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or student conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. When a student is non-dependent, the University may contact parents/guardians to inform them of situations in which there is a significant



and articulable health and/or safety risk. The University also reserves the right to designate which University officials have a need to know about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

In addition, and in accordance with Section 106.6 of the Final Rule of 2024, this policy acknowledges that,

*“Title IX and the final regulations do not override any legal right of a parent, guardian, or other authorized legal representative to act on behalf of a complainant, respondent, or other person.”*

### **C. Notice of Non-Discrimination**

The University was established by the Seventh-day Adventist church as an integral part of its teaching ministry. The University is committed to equal education and employment opportunities for men and women of all races and does not discriminate on the basis of handicap, sex, race, color, or national origin in its educational and admissions policies, financial affairs, employment programs, student life and services, or any University-administered program.

To this end, the University is in compliance with Titles VI and VII of the Civil Rights Act of 1964 as amended, and substantial compliance with Title IX of the Education Amendments of 1972 (45 CFR 86 et seq.) and Sections 503 and 504 of the Rehabilitation Act of 1973. The University also complies with the Age Discrimination in Employment Act of 1967 and Section 402 of the Vietnam Era Veterans Adjustment Act of 1974 and does not discriminate against any employee or applicant for employment on the basis of age or because they are disabled veterans or veterans of the Vietnam era.

In addition, the University administers student programs without discrimination on the basis of age, except in those programs where age is a bona fide academic qualification for admission in accordance with the provisions of the Age Discrimination Act of 1975. The University reserves constitution and statutory rights as a religious institution and employer to give preference to Seventh-day Adventists in admissions and employment, including but not limited to 42 USC 2000e-1, 2000e-2, 6-15 of Federal Executive order 11246; 41 CFR 60-1.5(5); 34 CFR 86.21, 86.31, 86.40, and 86.57 (b); California Government Code sections 12926(c); and Title 2, Section 7286.5(a) (5) and title 22 Section 98222 of the California Administrative Code.

While retaining its religious exemptions, the University seeks to comply with all federal, state, and local laws, regulations, and ordinances prohibiting discrimination in higher education institutions. This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, the University will promptly, effectively, and equitably address any violation of the university’s Title IX policy.

## **1. Title IX of the Education Amendments of 1972**

La Sierra University (the University) is firmly committed to complying with all applicable laws and regulations. It does not unlawfully discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs in accordance with the Title IX of the Education Amendments of 1972 (“Title IX”) which provides that,

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

## **2. The Violence Against Women Act (VAWA)**

The University seeks compliance with the federal Violence Against Women Act amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act and the accompanying regulations as amended (collectively referred to as VAWA). VAWA imposes additional duties on universities and colleges which receive reports of sexual misconduct to investigate and respond to reports of prohibited conduct and to publish policies and procedures related to the way these reports are handled. As amended, VAWA’s 2005 reauthorization added a non-exclusivity provision clarifying that the title should not be construed to prohibit male victims from receiving services under the Act. Therefore, in its application to higher education institutions, VAWA provides coverage for all victims regardless of their sex.

The University has designated the Title IX coordinator to coordinate the university’s compliance with Title IX policy and to respond to reports of prohibited conduct. It has directed its Title IX coordinator to coordinate its compliance with VAWA and to respond to reports of violations, and its Department of Campus Security to coordinate the university's compliance with the Clery reporting- related VAWA requirements. For more information about Title IX, please go to:

<http://lasierra.edu/sexual-misconduct/>.

## **3. Individuals with Disabilities Education Act (IDEA) and Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973.**

The University has an obligation to comply with applicable disability laws, including the Individuals with Disabilities Education Act (IDEA), the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, with respect to complainants as well as respondents (and any other individual involved in a Title IX matter, such as a witness), with respect to applications of these final regulations.

In case supportive measures are provided, the Title IX coordinator will make every effort to protect the party involved when they are protected under the laws aforementioned, including notifying and coordinating measures with the appropriate university officials.

#### **4. California Senate Bill 493 (SB 493)**

In following the approval of California Senate Bill 493 (SB 493), La Sierra University published an addendum to its Title IX policy which has been in effect since January 1<sup>st</sup>, 2021. SB 493 specifically applies to incidents involving students. Under SB 493 Section 66262.5 (a)(1) “sexual harassment” has the same meaning as defined in Section 212.5 and includes sexual battery, sexual violence, and sexual exploitation, terms that will be included in this document as prohibited conduct.

#### **D. Title IX Office**

La Sierra University has designated a Title IX coordinator who has the duty to oversee and implement the University’s Title IX policy. It is the Title IX coordinator’s primary responsibility to coordinate the university’s efforts to maintain the institution free of discrimination based on sex and to respond appropriately and diligently in case an allegation of a violation of the university’s Title IX policy is reported.

In compliance with the Final Rule of 2024, if an allegation of a violation is reported, the Title IX coordinator will proceed according to the procedures explained in this policy. Furthermore, the Title IX coordinator may take the following actions, including but not limited to, initiate an investigation, oversee an informal resolution, implement corrective and/or supportive measures, issue no contact orders, offer training in regard to this Title IX policy, and work with other offices to stop, remediate, and prevent discrimination on the basis of sex.

The Title IX coordinator will fulfill these duties with independence and authority, free from bias and conflict of interest. In case the Title IX coordinator may have a conflict of interest in a specific situation, this should be informed promptly to the President’s office and/or the Provost office who will address the situation and may outsource further investigation and resolution procedures.

#### **E. Training Required**

In accordance with OCR’s Final Rule Section 106.45 (b)(1)(iii) it will be required that the Title IX coordinator, investigator, decision-maker, or person who facilitates an informal resolution process will, when serving in such a role, be trained to serve in that role.

The University will also comply with the training requirements established under the Final Rule of 2024, which indicate that all employees must receive training on

- the general obligations under Title IX,
- the scope of conduct that constitutes sex discrimination under Title IX (including sex-based harassment), and
- the requirement to notify the Title IX Coordinator when they have knowledge about conduct that reasonably may constitute sex discrimination under Title IX.

In addition, and in compliance with the Final Rule of 2024, the University will provide training to all members of the Title IX team (e.g., investigators, decision-makers, and other persons responsible for implementing the Resolution Process/grievance procedures) on the school's grievance procedures, among other topics. (34 C.F.R. § 106.8(d).)

## **F. Scope of the Policy**

### **1. Title IX Jurisdiction**

Under the Final Rule of 2024, Section 106.45(a)(1), the University must offer its grievance procedures to address **all** complaints of discrimination on the basis of sex, including, but not limited to, complaints about sex-based harassment, sex discrimination in university's courses and programs, and discrimination based on pregnancy. Also, under Section 106.11 the University must offer Title IX grievance procedures to address discriminatory conduct on the basis of sex that is otherwise subject to the school's disciplinary authority (i.e., if the conduct is covered by the school's discipline policies, then it is covered by Title IX). This includes pregnancy protections, lactation policies, parental leave, and/or accommodations regarding pregnancy and childbirth. In cases involving employees, the Human Resources will implement our university's policies in accordance to state and federal law, while Title IX retains all jurisdiction regarding students. In particular, this policy establishes that a student remains to be considered as such even in the case when they have requested a leave of absence due to pregnancy, childbirth, and parenting.

Furthermore, cases involving employees will be addressed in compliance with Title IX federal regulations regarding these matters.

The Title IX office will also implement the university's Title IX policy, will offer training, and will oversee the university's Title IX Resolution Process.

In regard to the Final Rule of 2024, the Title IX office will have jurisdiction over allegations of violation to prohibited conduct. The prohibited conduct under Title IX covers allegations of sexual assault (which is also referred to as sexual misconduct), sex-based harassment in the form of Quid Pro Quo or hostile environment harassment, dating violence, domestic violence, stalking, sexual exploitation, retaliation, and violation of supportive measures, among other violations.

### **2. Persons Covered**

Prohibited conduct violates the community values and principles of our institution and disrupts the living, learning, and working environment for La Sierra University students, faculty, staff and other community members. Thus, this policy applies to all members of the La Sierra University community including students, faculty (including adjunct), administrators, and staff (including temporary employees), as well as the university's vendors, contractors, volunteers, interns, visitors, guests, and third parties, among other individuals.

While the University retains its religious exemptions, in complying with the Final Rule of 2024 Section 106.10, and the university's policies, the University will provide protection to all persons covered under this policy and prohibits sex-based harassment based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

The University adheres to its religious exemption in regard to the sex separation definition included in Section 106.31(a)(2) of the Final Rule of 2024.

For purposes of this policy, and under Section 106.2 of the Final Rule of 2024, the University will define the persons covered under this policy as follows:

*Complainant* means:

- A student or employee who is alleged to have been subjected to conduct that could constitute discrimination on the basis of sex under Title IX or this part; or
- A person other than a student or employee who is alleged to have been subjected to conduct that could constitute discrimination based on sex under Title IX and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination.

*Parental status*, as used in Sections 106.21(c)(2)(i), 106.37(a)(3), 106.40(a), and 106.57(a)(1), means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, among other situations, is:

- A biological parent;
- An adoptive parent;
- A foster parent;
- A stepparent;
- A legal custodian or guardian;
- In loco parentis with respect to such a person; or
- Actively seeking legal custody, guardianship, visitation, or adoption of such a person.

*Party* means a complainant or respondent.

*Respondent* means a person who is alleged to have violated the university's prohibition on discrimination based on sex.

*Student* means a person who has gained admission.

*Student with a disability* means a student who is an individual with a disability as defined in the Rehabilitation Act of 1973, as amended, 29 U.S.C. 705(9)(B), (20)(B), or a child with a disability as defined in the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3).

### **3. Locations Covered**

La Sierra University encourages reporting of all alleged and/or suspected prohibited conduct no matter where it occurred or when it occurred so it can take prompt action to ensure the safety of the parties and campus community. This policy applies to all on-campus and some off-campus conduct, as described below.

Under the Final Rule of 2024 Section 106.11, the University has an obligation to address a sex-based hostile environment harassment under its education program or activity even when some conduct alleged to be contributing to the hostile environment harassment occurred outside the university's education program or activity or outside the United States.

Under this policy, education program or activities includes locations, events, employment, education or circumstances over which the University exercises substantial control over both the complainant and the respondent and the context in which the sex-based harassment allegedly occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University. Therefore, under this policy the University retains jurisdiction over education programs and/or activities, including but not limited to, employment, on campus learning, off-campus learning, study abroad programs, online education, remote work and virtual learning, fieldtrips, cultural and artistic presentations, and athletic events among other related activities.

### **4. Time Limits on Reporting**

La Sierra University encourages reporting of any allegation of a violation to our Title IX policy. Therefore, the University will not impose any time limitation on reporting allegations to the Title IX coordinator. However, if the respondent is no longer subject to the university's jurisdiction because they are no longer associated with the University in any capacity, like education or employment, the university's response may be limited and the Title IX coordinator may decide if an investigation should be completed or if the allegations should be dismissed. In any case, if the complainant is associated to the University, the Title IX coordinator will offer and implement supportive measures as needed.

Furthermore, if significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or may not be under the university's jurisdiction. Therefore, at the discretion of the Title IX coordinator it may still be possible to offer remedies and/or accommodations, and the Title IX coordinator may determine to document the allegations for future reference.

When reporting has been impacted by the passage of time the University will apply the policy in place at the time of the alleged misconduct, and will utilize the procedures in place at the time the alleged violation is reported.

### **G. Mandated Reporters and Confidential Employees**

Under this policy, La Sierra University will consider all employees, including but not limited to, faculty members, adjunct faculty, full-time, part-time, seasonal, and temporary employees to be mandated reporters in regard to Title IX. That means that all employees must report to the Title IX coordinator any report of a Title IX violation allegation or the suspicion of a Title IX policy violation.

Under this policy and the Final Rule of 2024 Section 106.8(d), the University will provide clear information and training on when their employees must notify the Title IX coordinator about conduct that reasonably may constitute discrimination based on sex to comply with Section 106.44(c) of the Final Rule, and how students can seek confidential assistance (Section 106.44(d)) or make a complaint of sex discrimination requiring the recipient to initiate its grievance procedures. (Section 106.45(a)(2)).

The final regulations identify three categories of confidential employees who are not required to notify the Title IX coordinator about conduct that reasonably may constitute sex discrimination. Instead, these employees must provide information to anyone who informs the confidential employee of conduct that reasonably may constitute sex discrimination about their status as confidential for purposes of Title IX, how to contact the Title IX coordinator, how to make a complaint, and how the Title IX coordinator may be able to help. (Sections 106.2 and 106.44(d)).

In accordance with the Final Rule of 2024 Section 106.2, *confidential employee* means:

- An employee whose communications are privileged or confidential under Federal or State law. The employee’s confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;
- An employee whom the University has designated as confidential under this part for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee’s confidential status is only with respect to information received about sex discrimination in connection with providing those services; or
- An employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about discrimination based on sex—but the employee’s confidential status is only with respect to information received while conducting the study.

Under this policy, confidential employees may include employees who hold a professional license requiring confidentiality such as Mental Health Counselors, Pastoral Counselors, Social Workers, Psychologists, and/or Health Center employees. Confidential employees are not required by Title IX to report any information to the Title IX coordinator or designee unless the information presented poses a significant threat to the safety and security of an individual(s), school property, or the campus community. Crimes can be reported on a voluntary, confidential basis for the inclusion in the annual disclosure of crime statistics.

## **H. Procedures**

### **1. Seeking Medical Assistance**

Experiencing any form of sexual misconduct, especially acts of violence, is difficult and overwhelming. Reporting parties often experience a range of emotions, including fear, anxiety, and confusion and may be unsure of what they want to, or should do, next. Regardless of whether the individual chooses to report the incident or not, the University strongly encourages complainants of any form of violence to seek medical attention as soon as possible, even if they feel no injury was sustained. Medical assistance providers can treat visible physical injuries and identify injuries that may not be visible and, where appropriate, also test for and treat sexually transmitted infections, test for pregnancy, and provide emergency contraception (if requested).

In addition, a hospital can test for the presence of alcohol or drugs (e.g., "date rape" drugs) and perform a rape evidence collection procedure (see Procedures Section 2), which are also strongly recommended to maintain all legal options. Medical services are available from the following resources on or near La Sierra University:

#### **La Sierra University Health Services**

*Evidence collection kit cannot be provided.*

Location: Student Health Services

Phone: 951.785.2200 (if after hours, call Security at 951.785.2222)

Website: <https://lasierra.edu/health-services/>

(for regular hours of operation and 24-hour emergency contact info)

#### **Riverside Community Hospital, Emergency Dept. (24 hours)**

*Evidence collection kit cannot be provided.*

Location: 4445 Magnolia Ave, Riverside CA 92501

Phone: 951.788.3000 (emergency room)

Website: <http://riversidecommunityhospital.com/>

#### **Corona Regional Medical Center, Emergency Dept. (24 hours)**

*Evidence collection kit cannot be provided.*

Location: 800 S. Main St., Corona CA 92882

Phone: 951.737.4343

Website: <http://www.coronaregional.com/>



**Kaiser Permanente Riverside Medical Center, Emergency Dept. (24 hours)**

*Evidence collection kit cannot be provided.*

Location: 10800 Magnolia Ave, Riverside CA 92505

Phone: 951.353.2000

Evidence collection kits are available at the following hospitals:

Riverside University Health System Medical Center

26520 Cactus Ave., Moreno Valley, CA 92555

Phone: (951)486-4000

Eisenhower Hospital

39000 Bob Hope Dr. Rancho Mirage, CA 92270

Phone: (760) 340-3911

**Under California law, medical personnel are required to alert police when it reasonably appears that the person requesting treatment has sustained an injury as a victim of a criminal offense, including sexual assault or violence, but individuals have the right to refuse to speak to police.**

## **2.Preserving Evidence**

Many sexual misconduct offenses also are crimes in the state or locality in which the incident occurred. For that reason, Complainants of sexual misconduct often have several legal options that they can pursue. These options are available solely at the discretion of the Complainant, who may change their minds about pursuing them at any time. For example, a Complainant may seek a protective order from a court against the Respondent; pursue a civil action against the Respondent; and/or participate in a law enforcement investigation and criminal prosecution of the Respondent. Regardless of whether an incident of sexual misconduct is reported to the police or the University, La Sierra University strongly encourages individuals who have experienced sexual misconduct to preserve evidence to the greatest extent possible as this will best maintain all legal options for them in the future.

Additionally, such evidence may be helpful in pursuing a complaint with the University. While the University does not conduct forensic tests for parties involved in a complaint of sexual misconduct, the results of such tests that have been conducted by law enforcement agencies and medical assistance providers may be submitted as evidence that may be considered in a University investigation or proceeding provided they are available at the time of the investigation or proceeding.

Below are suggestions for preserving evidence related to an incident of sexual misconduct. It is important to keep in mind that each suggestion may not apply in every situation.

### **3.General Evidence Preservation Suggestions**

- Do not alter, dispose of, or destroy any physical evidence.
- If there is suspicion that a drink may have been drugged, inform a medical assistance provider and/or law enforcement as soon as possible so they can attempt to collect possible evidence (e.g., from the drink, through urine or blood sample).
- Preserve evidence of electronic communications by saving them and/or by taking screenshots of text messages, instant messages, social networking pages, or other electronic communications, and by keeping pictures, logs, or copies of documents that relate to the incident and/or the responding party.
- Even if reporting parties choose not to make a complaint regarding sexual misconduct, they should nevertheless consider speaking with law enforcement to preserve evidence in the event that they change their mind at a later date.

### **4.Evidence Preservation Suggestions Specific to Sexual Assault**

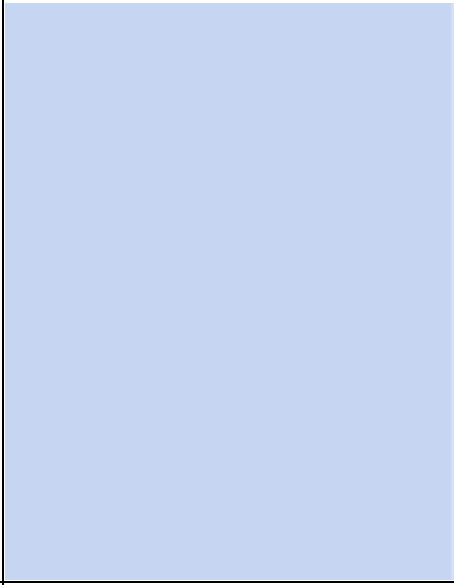
- Because some evidence, particularly evidence that may be located on the body, dissipates quickly (within 48-96 hours), individuals who have been sexually assaulted and wish to preserve evidence should go to a hospital or medical facility immediately to seek a medical examination and/or evidence collection. VAWA mandates that rape victims cannot be forced to pay for their own rape examination or for services of protective order.
- Individuals who have been sexually assaulted should not shower, bathe, douche, smoke, brush teeth, eat, drink, or change clothes or bedding before going to the hospital or seeking medical attention.
- Individuals who have been sexually assaulted decide to change clothes or bedding, they should not wash the clothes worn or bedding used during the assault and should bring them to a hospital, medical facility or the police in a non-plastic bag (e.g., paper bag).
- In California, individuals who have been sexually assaulted may allow the collection of evidence even if they choose not to make a report to law enforcement after the evidence is collected. A sexual assault evidence collection kit may not be released by a California hospital without written consent from the reporting party.

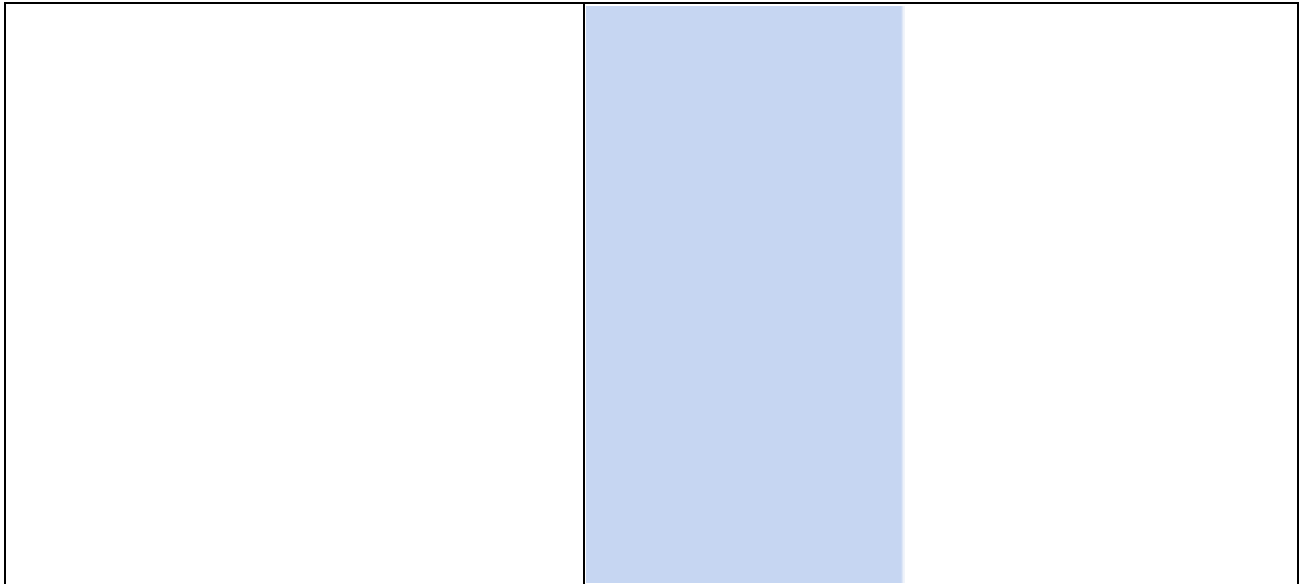
### **5.Confidential Support, Advocacy, & Counseling Services**

The following resources are available for individuals to discuss incidents and issues related to sexual misconduct on a confidential basis. Confidential resources (e.g. licensed health center employees, psychologists, pastoral counselors, mental health counselors) cannot and will not disclose information about incidents of sexual misconduct to anyone, including law enforcement or the University, except in very limited situations, such as when failure to disclose the information would result in imminent danger to the individual or to others or where state law requires a report be made. Confidential resources can provide reporting parties with information about support services and their options. Because of the confidential nature of these resources, disclosing information to or

seeking advice from a confidential counselor does not constitute a report or complaint to the University and will not result in a response or intervention by the University.

**On-Campus Confidential Resources**

<p><b>La Sierra University Counseling Center</b></p>	<p>951.785.2011  <a href="https://lasierra.edu/counseling/">https://lasierra.edu/counseling/</a></p>
<p><b>Student Health Services</b></p>	<p>951.785.2200  <a href="https://lasierra.edu/health-services/">https://lasierra.edu/health-services/</a>          To reach after hours, please contact Campus Safety and Security Patrol. 951.785.2222</p> 
<p><b>Spiritual Life Office</b></p>	<p>951.785.2090  <a href="mailto:spirituallife@lasierra.edu">spirituallife@lasierra.edu</a>          Before speaking with members of the Spiritual Life Office, individuals should ask for confidentiality if that is their expectation.</p>



**Off-Campus Confidential Resources**

<p><b>Local Law Enforcement</b></p>	<p><b>911</b></p>	<p>If the physical or sexual abuse, or severe neglect is in progress, contact the police department by calling 911. If the abuse</p>
<p><b>Riverside Police Department</b></p>	<p>951.787.7911</p>	<p>or neglect has recently occurred, but the "emergency" is over, contact the police</p>
<p><b>Corona Police Department</b></p>	<p>951.736.2330</p>	<p>department business line. In either case, contact the case agent in order to update the initial investigation.</p>
<p><b>Riverside Area Rape Crisis Center</b></p>		
	<p><a href="http://www.rarcc.org">www.rarcc.org</a></p>	

## Article II. Prohibited Conduct

La Sierra University prohibits all forms of discrimination on the basis of sex, including sexual misconduct in relation to sexual assault, sex-based harassment, dating violence, domestic violence, and stalking. In addition, the University also prohibits sexual battery, sexual violence, and sexual exploitation in any form.

La Sierra University also forbids discrimination on the basis of sex including marital status, and pregnancy and promotes equality and equity in regards to athletic programs and forbids discrimination regarding athletic programs. Such conduct violates the community values and principles of our institution and disrupts the living, learning, and working environment for students, faculty, staff and other community members. The University specifically prohibits the conduct listed below.

### A. Definitions of Prohibited Conduct

In accordance with the Final Rule of 2024 Section 106.10, the following conduct will be investigated under this Title IX policy:

#### 1. Sex-based harassment that is,

- ***Quid pro quo harassment.*** An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- ***Hostile environment harassment.*** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (*i.e.*, creates a hostile environment).

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

- The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
- The type, frequency, and duration of the conduct;
- The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and

- Other sex-based harassment in the recipient’s education program or activity.
2. **Sexual Assault** meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

The University will follow the Clery Act’s definition of Sexual Assault as explained in Section 106.30 of the Clery Act which can also be found on 20 U.S.C. 1092(f)(6)(A)(v). Under the Clery Act, sexual assault is defined as:

*“Any non-consensual sexual act proscribed by Federal, tribal, or State law, directed against another person, without the consent of the Complainant including instances where the Complainant is incapable of giving consent.”* Furthermore, the Clery Act, 20 U.S.C. 1092(f)(6)(A)(v) defines “sexual assault” to mean an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (FBI).

Under the uniform crime reporting system of the FBI, sexual assault offenses are defined as follows:

- **Forcible Rape** -- 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 Complainant.
- **Forcible Rape—(Except Statutory Rape)** The carnal knowledge of a person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the Complainant is incapable of giving consent because of temporary or permanent mental or physical incapacity.
- **Forcible Sodomy**—Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will or not forcibly or against the person’s will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Sexual Assault With An Object**—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Forcible Fondling**—The touching of the private body parts of another person, (including but not limited to buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person’s will (non-consensually) or not forcibly or against the person’s will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

- **Sex Offenses, Nonforcible**—Unlawful, nonforcible sexual intercourse.
  - **Incest**—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by California law.
  - **Statutory Rape** – Non-forcible sexual intercourse with a person who is under the statutory age of consent in California which is 18 years of age.
3. ***Dating Violence*** meaning violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
- The length of the relationship
  - The type of relationship, and
  - The frequency of interaction between the persons involved in the relationship
4. ***Domestic Violence*** meaning violence meaning felony or misdemeanor crimes committed by a person who:
- Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;
  - Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
  - Shares a child in common with the victim; or
  - Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction

Under this policy, to categorize an incident as Domestic Violence, the relationship between the complainant and the respondent must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have or have had an intimate relationship.

**In further compliance to the Final Rule of 2024, La Sierra University will consider domestic violence under California Penal Code’s list of misdemeanor and/or felonies in relation to domestic violence. Among the crimes listed as domestic violence offenses in California are the following:**

- 3.1. Penal Code 273.5, corporal injury to a spouse or inhabitant
- 3.2. Penal Code 243(e)(1), domestic battery
- 3.5. Penal Code 270, child neglect/failure to provide care
- 3.7. Penal Code 422, criminal threats



3.8. Penal Code 646.9, stalking

3.9. Penal Code 591, damaging a telephone line

3.10. Penal Code 601, aggravated trespass

3.11. Penal Code 647(j)(4), revenge porn

3.12. Penal Code 653.2, posting harmful information on the internet

5. **Stalking** meaning engaging in a 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.

For the purpose of this definition stalking may occur by two or more acts including but not limited to:

- Acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means.
- Follows, monitors, observes, surveils threatens or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial Emotional Distress means significant mental suffering or anguish that may, but not necessarily require, medical or other professional treatment or counseling.

Stalking, as used herein, includes cyber-stalking, the use of social or digital media, cellphones, emails, and any other electronic resources and/or platforms. Other examples of Stalking include threatening to harm self or others, defamation, and/or vandalizing property of the intended party or that belongs to a third party but may affect the intended party.

6. **Sexual Exploitation** which under this policy, and under California law, is an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose for oneself or a third party, and may include but it is not limited to:

- spying on someone nude,
- taking or sharing images of sexual activity or nudity,
- inducing incapacitation, using a person's image or profile in a sexual manner without the consent of the person,

- sexual abuse of children and youth through the exchange of sex or sexual acts for drugs, shelter, protection, other basis of life and/or money.
- Sexual exploitation includes involving children, youth or an unwilling or unknowing party in creating pornography and sexually explicit websites.
- Prostitution or prostituting another.
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection.
- Administering alcohol or drugs (such as “date rape” drugs) to another person without their knowledge or consent (assuming the act is not completed).

This behavior may fall under Sexual Assault if violating California’s definition of affirmative consent or under sex-based harassment if it is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the recipient’s education program or activity.

7. **Retaliation** meaning an adverse action (e.g. conduct that threatens, harasses, coerces or intimidates), taken against a person for making a good faith report of prohibited conduct, providing information, exercising one’s rights or responsibilities under this policy, or for otherwise being involved in the process of responding to, investigating, or addressing allegations of sexual misconduct.

Retaliation can be substantiated without a finding that there is responsibility for prohibited conduct. Third parties can be the victims or perpetrators of retaliation. Allegations of retaliatory actions, such as intimidation, threats, or coercion against any individual for having engaged in the above activities, will be addressed by La Sierra University.

Anyone who is aware of possible retaliation or has other concerns regarding the response to a complaint of discrimination on the basis of sex, sexual assault, sex-based harassment, dating violence, domestic violence, stalking, retaliation or any other conduct prohibited by this policy, should report such concerns to the Title IX coordinator who will ensure that the matter is investigated and make recommendations to the University to enable appropriate actions to be taken in a fair, impartial, and equitable manner.

Individuals who engage in such actions are subject to disciplinary action that may include, but is not limited to, sanctions including exclusion, expulsion, or dismissal from the University, and termination of employment, including revocation of tenure.

For the purposes of this policy, sex-based harassment and retaliation against members of the university’s community are not protected expression or the proper exercise of academic freedom. The University will consider academic freedom in the investigation of reports of discrimination on

the basis of sex that involve individuals' statements or speech in accordance with rights established in the First Amendment of the United States Constitution and the State of California laws.

8. **Violation of a Supportive Measure** which under this policy will be defined as a separate policy violation and is not dependent on substantiation of the reported or underlying policy violation.

## **B. Affirmative Consent**

### **1. Definition of affirmative consent in California**

In accordance with California state law, specifically Senate Bill 967 (SB 967) engaging in any sexual activity requires affirmative consent (also known as Yes means Yes). Therefore, engaging in any sexual activity without first obtaining affirmative consent is considered sexual assault in the State of California. In the State of California, affirmative consent can be withdrawn and may be revoked at any time. Once consent is withdrawn or revoked, the sexual activity must stop immediately.

**According to California law, affirmative consent means affirmative, knowing, active, informed, conscious, voluntary, present and ongoing, mutual agreement to engage in sexual activity.**

Under California law, a person has not affirmatively consented to engage in sexual activity when a person is subjected by coercion to engage in unwanted sexual activity and is persuaded to engage in sexual conduct by force or threats or under duress, coercion, intimidation, or physical, emotional or psychological pressure.

Thus in following California law, this policy establishes that **affirmative** consent must be all of the following:

**Knowing:** positive cooperation in act and attitude with knowledge and agreement to the nature of the sexual act in which the person has agreed to engage. California law requires that all individuals understand, are aware of, and agree to the “who” (which partners), “what” (what acts), “when” (when the acts occur), and “how” (how the acts are performed and **under what conditions**).

**Active:** Consent must take the form of "clearly understandable words or actions" that reveal one's expectations and agreement to engage in specific sexual activity. This means that silence, passivity, submission, and/or the lack of verbal protest or physical resistance (including the lack of a "no") should not - in and of itself - be understood as consent. Consent cannot be inferred by an individual's manner of dress, the giving or acceptance of gifts, the extension or acceptance of an invitation to go to a private room or location, going on a date, or consumption of alcohol and/or drugs.

**Informed:** affirmative consent according to California law must be informed which means that it is freely and actively given, and communicated through mutually understandable words or actions that

indicate a willingness to participate in the sexual activity and that both parties are aware, and thus have all the information, in regards to the sexual activity that they have agreed to engage in. Informed affirmative consent means that the parties are aware of the conditions of the sexual encounter.

Therefore, it will be considered that there is no affirmative consent, in the following instances, but not limited to, when a person agrees to engage in sexual activity using a condom, but the other participant does not inform that the condom has been broken or altered on purpose; when the sexual encounter is filmed, recorded, photographed, streamed via any online platform or documented in any form and the other party has not agreed to such conditions; or when the sexual encounter differs from what the parties agreed upon before or during the sexual act. Examples will be, but are not limited to, when a party wants to engage in violent sexual activity, multi-partner sexual activity, or any other sexual behavior that deviates from what the parties had agreed upon before or during the sexual encounter.

**Conscious:** which means that neither party is incapacitated and thus incapable of giving affirmative consent. (More on Incapacitation infra).

**Voluntary:** which means that affirmative consent cannot be the result of force (violence, physical restraint, or the presence of a weapon), threats (indications of intent to harm, whether direct or indirect), intimidation (extortion, menacing behavior, bullying), coercion (undue pressure, manipulation, threats, blackmail depending on the frequency, intensity, level of isolation of the Complainant, and duration of the pressure) or fraud (misrepresentation or material omission about oneself or the present situation in order to gain permission for sexual or intimate activity).

**Present and ongoing:** In the State of California affirmative consent requires that the parties involved must offer their affirmative consent to engage in sexual activity at all times, which means making sure that the party which with an individual is engaging in sexual activity are still active during the sexual encounter. If during a sexual encounter a person changes their behavior and stops responding actively to the sexual activity, goes limp, or shows they are uncomfortable, among other behavior that may indicate that the person has stopped actively or voluntarily engaging in sexual activity, the other party must stop and inquire if something is wrong and if the person wants to stop the sexual encounter.

**Mutual:** which means that both parties involved must agree to engage in sexual activity at all times. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion.

The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identify, or gender expression among other considerations. The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of affirmative consent.

A request for someone to use a condom or birth control does not, in and of itself, constitute affirmative consent.

## **2. Age of Consent**

The California age of consent to engage in sexual activity is 18 years old. California statutory rape law is violated when a person has sexual intercourse with an individual who is under 18 years of age who is not their spouse. Furthermore, in California it is illegal to engage in sexual intercourse with a minor, even if the other participant is also a minor.

In accordance with California law, sexual intercourse by a party with a minor who is not their spouse will be considered by the University as unlawful and nonconsensual. Furthermore, the University will comply with any reporting obligations under the Child Abuse and Neglect Reporting Act.

## **3. Incapacitation**

Under California law, a person who is incapacitated is not capable to give affirmative consent. According to this policy, a person will be considered to be incapacitated to give affirmative consent to engage in any sexual activity if the person is asleep, unconscious or incapacitated due to the influence of drugs, alcohol or medication in such a way that the person could not understand the fact, nature or extent of the sexual activity.

Furthermore, under this policy it will be determined that a person is incapacitated to give affirmative consent to engage in any sexual activity if the person lacks or lacked at the moment of the alleged event/s the physical and/or mental ability in order to make informed, rational decisions. Moreover, under this policy a person's own intoxication from drugs or alcohol does not diminish that person's responsibility to obtain affirmative consent before engaging in sexual activity.

In accordance with this policy, it should also be considered that a person with a medical or mental disability may also lack the capacity to give consent to engage in sexual activity. Therefore, even when a person obtained consent to engage in any sexual activity with another person, consent will not be considered to have been given or be considered affirmative consent if the respondent knew or reasonably should have known that the complainant was unable to offer affirmative consent because the Complainant was under any of the circumstances listed above. In addition, under this policy a person will not be considered to have given affirmative consent if the person was unable to communicate their refusal to engage in any sexual activity due to their mental and/or physical condition.

Furthermore, according to California state law and this policy, a person who is incapacitated to offer their consent to engage in sexual activity cannot express clearly and without any hesitation that they are giving their consent to engage in sexual activity. Signs of incapacitation include individuals demonstrating that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Some indicators of a lack of capacity to give consent due to consumption of drugs or alcohol may include, but are not limited to:

- A lack of full control over physical movements (for example, difficulty walking or standing without stumbling or assistance).
- A lack of awareness of circumstances or surroundings (for example, lack of awareness of where one is, how one got there, who one is with, or how or why one became engaged in sexual interaction).
- An inability to effectively communicate for any reason (for example, slurring speech, difficulty finding words).

A person may appear to be giving consent but may not have the capacity to do so, in which case the apparent consent is not effective. If there is any doubt as to another person's capacity to give consent, one should assume that the other person does not have the capacity to give consent.

In evaluating affirmative consent cases involving incapacitation, the University will determine whether a reasonable, sober person should have known that the Reporting party was incapacitated and thus unable to consent to sexual activity. Reasonable belief (based on the totality of circumstances which the Reporting party knew or reasonably should have known) in affirmative consent is a defense to sexual assault and non-consensual sexual contact. In the case when both the Complainant and the Respondent allege that they were both intoxicated, the allegation will be investigated and it will be determined if either the Complainant or the Respondent were intoxicated to the point where they were incapacitated and neither party could reasonably consent to engage in sexual activity.

#### **4. Revocation of Affirmative Consent**

Under this policy, and in accordance with California law, affirmative consent can be withdrawn or revoked at any time, including after penetration. **Once consent is withdrawn or revoked, the sexual activity must stop immediately.**

#### **5. Revocation of Consent in Case of Violence During Sexual Activity**

This policy also acknowledges that there are instances when a party will not be able to inform the other party that they are revoking their consent to engage in sexual activity either verbally or in any other way. This may occur in instances when the party feels that they are in danger or that by informing the other party of their revocation of consent they might be attacked physically.

This policy also acknowledges that there are instances in which a party may have consented to engage in sexual activity but not to engage or participate in violent sexual activity. In those cases, it will be considered that the party has not consented to engage in sexual activity that may involve violent acts such as unwanted slapping, choking, gagging, spitting or similar acts even if the party does not inform the other party for fear of their safety among other considerations.

This also will include revocation of consent if the party, who initially consented to engage in sexual activity with another person, realizes that the other party wishes, among other conduct, to include another person or persons to engage in the sexual activity.

## **6. Pregnancy Protections**

In accordance with the Final Rule of 2024 and under university's policies, the University will take measures to ensure equal access for pregnant and parenting students and staff, such as class breaks, lactation space, intermittent absences to attend medical appointments, and other support based on individualized needs. The University will inform the student, and if applicable, the person who notified the Title IX coordinator of the student's pregnancy or related conditions and has a legal right to act on behalf of the student, of the university's obligations under Section 106.44(j) and provide them with the university's notice of nondiscrimination under Section 106.8(c)(1).

These measures are also pursuant to California Education Code section 222.5.

## **7. Lactation**

La Sierra University recognizes the importance and benefits of providing lactation support. The University further upholds the legal right of students, faculty, and staff to breastfeed or express milk on campus by providing private lactation locations and adequate break time for lactation. The University will not unreasonably limit the amount of time or the frequency that an individual may require for lactation. This includes students, staff employees, and faculty members. Accommodations for this matters will be coordinated jointly by the Title IX coordinator and the Human Resources Department and the Student Life Division. Discrimination, harassment, and retaliation towards a lactating individual is a form of discrimination based on sex and is prohibited at La Sierra University.

### **C. Non-Fraternization Policy/Consensual Relationships**

This policy adheres to the **Non-Fraternization Policy/Consensual Relationships** included in the La Sierra University policy which states that:

*“A consensual/romantic or consensual/sexual relationship between individuals who occupy different levels of authority in the institution automatically and inevitably carries the potential for evolving into a sexual harassment case of very serious implications, either from a subsequent change of attitude by the subordinate partner or from a contemporary complaint from a disadvantaged third party. Relationships of this sort are forbidden in those instances in which the partner with higher status and/or power has explicit or implicit authority over, or the power to reward or punish, the partner with lower status or power. It follows that consensual/romantic or consensual/sexual relationships between faculty members and students, or between administrators or supervisors and staff in an office or program are also forbidden.”*

Although these types of situations are going to be investigated by, and are under the scope of, the Human Resources office, the Title IX policy acknowledges that La Sierra University has this Non-Fraternization Policy in place.

#### **D. Criminal Charges and Title IX**

Alleged victims of sexual misconduct, including sexual assault, sex-based harassment, dating violence, domestic violence, stalking, and sexual exploitation among other prohibited conduct have the right to pursue legal action through civil litigation or by pressing criminal charges. In case a complainant wants to inquire about legal action, the University will refer the complainant to local law enforcement authorities and/or off-campus advocate support organizations.

As aforementioned, the University will offer supportive measures to the complainant without requiring the complainant to submit a formal complaint. In accordance with this policy a complainant can decide whether, in addition to supportive measures, participating in an investigation as part of the university's Resolution Process is a step the complainant wants to take. Moreover, supportive measures may also be granted while criminal or civil litigation related to the allegations may be pending in a court of law.

#### **E. Preponderance of the Evidence Standard**

In accordance with the Final Rule of 2024 Section 106.45(h), La Sierra University has determined to use the **preponderance of the evidence** as the legal standard to conduct **all** Title IX investigations. Preponderance of the evidence is a legal standard that means the greater weight of the evidence; that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side. The preponderance of the evidence standard determines if it is more likely than not that the alleged conduct occurred. In other words, under the preponderance of the evidence standard, the burden of proof is met when the party with the burden, convinces the fact finder that there is a greater than 50% chance that the claim is true.

The same preponderance of evidence standard will be applied for formal complaints against students as for formal complaints against employees, including faculty.

#### **F. Burden of Proof**

In following Sections 106.45(f)(1) and (3) of the Final Rule of 2024, the University has the burden to investigate and gather sufficient relevant evidence regarding an allegation. Additionally, the University holds the burden of determining which evidence is relevant or impermissible. The University will also provide for an adequate, reliable, and impartial investigation process that will offer equal opportunity for parties to provide fact witnesses and inculpatory and exculpatory relevant evidence, access relevant evidence, and give the parties reasonable opportunity



to respond to the evidence. In following Section 106.45(f)(2), the University will provide the parties an equitable opportunity to present fact witnesses and relevant evidence.

### **G. Presumption of Non-Responsibility**

In accordance with the Final Rule of 2024 Section 106.45 (b)(3), the University presumes the respondent is not responsible for the alleged violation during the Resolution Process and maintains that presumption unless a determination of responsibility is made at the conclusion of the Resolution Process. This is often referred to as a “presumption of innocence”, and reinforces the fact that the school bears the burden of proof and helps to ensure the standard of evidence is applied correctly. The presumption of non-responsibility should not be interpreted to mean that a complainant is not truthful or not credible based on the complainant’s status as a complainant. Furthermore, the presumption of non-responsibility should not be interpreted to mean that a respondent is considered truthful, or that the respondent’s statements are credible or not credible, based on the respondent’s status as a respondent.

## **Article III. University’s Obligations**

### **A. University’s Response**

The University shall respond promptly, effectively, and equitably to all complaints of discrimination on the basis of sex, including sexual assault, sex-based harassment, dating violence, domestic violence, stalking, sexual exploitation, retaliation or any allegation of a violation of this policy. The University shall take appropriate action to prevent, correct, and discipline any conduct that violates this policy.

This policy is intended to protect the rights and privacy of both the complainant and the respondent, as well as other involved individuals.

### **B. University’s Internal Reporting Obligations**

La Sierra University encourages staff members, faculty, students and third parties who have observed or been made aware of sexual harassment/sexual misconduct to report the incident to the Title IX Coordinator for investigation. Upon knowledge of an allegation the Title IX coordinator will assess the information and proceed according to the university’s resolution process.

#### **1. Title IX Coordinator**

In accordance with Section 106.45(b)(2) of the Final Rule of 2024, the University will designate conflict of interest and bias free Title IX coordinator, investigators, and decision makers. In following Section 106.44(f)(1)(i), the Title IX coordinator must treat both parties equitably, respond promptly, effectively, and equitably as soon as the University has knowledge of conduct that reasonably may constitute discrimination on the basis of sex. Section 106.45(f)(1)(ii) provides for the Title IX coordinator to offer and coordinate supportive measures as appropriate to the

complainant and the respondent, order an investigation (Section 106.44(f)(1)(iv), oversee an informal resolution process if appropriate (Section 106.44(f)(1)(iii)(B), and take prompt and effective action to end sex discrimination and prevent its recurrence.

Furthermore, the Title IX coordinator will inform the parties of the allegation that has been reported, the steps that the University will follow in its grievance process, and may initiate a complaint in cases when the University determines that there is an imminent and serious threat to the health and safety of a complainant or another person or prevents the University from ensuring equal access based on sex to its education programs or activities (Section 106.44(f)(1)(v).

**A report of sexual misconduct, sexual assault, or discrimination on the basis of sex in the form of sexual assault, sex-based harassment, dating violence, domestic violence, stalking, sexual exploitation, or retaliation among other alleged violations of this policy will be routed to the Title IX Office for investigation, regardless of where the report is initially directed. These will include complaints against students, faculty, staff, and third parties.**

**Contact: Title IX Coordinator  
Location: 11498 Pierce St., Suite AA, Riverside, CA 92505  
Phone: 951.785.2849  
Email: [titleix@lasierra.edu](mailto:titleix@lasierra.edu)  
Website: <https://lasierra.edu/sexual-misconduct/>  
Online Sexual Misconduct Reporting Form:  
<https://lasierra.edu/sexual-misconduct/report/>  
Website: <https://lasierra.edu/sexual-misconduct/>**

## **2. Reporting to the Security Office**

Reports of sexual misconduct made to Campus Safety and Security Patrol will automatically be reported to the Title IX Coordinator regardless of whether the individual who experienced the sexual misconduct chooses to press criminal charges or not.

**Campus Safety and Security Patrol  
Phone: 951.785.2222 (24 hours)  
Riverside Police Department  
Phone: 951.787.7911 (24 hours)  
Corona Police Department  
Phone: 951.736.2330 (24 hours)**

## **C. External reporting obligations**

### **1. Reporting to Children Protection Services**

All University employees are required to immediately report any suspected child abuse and neglect, including any and all incidents of sexual misconduct involving minors to Riverside County

Child Protective Services at 1-800-442-4918 and local law enforcement. The source of the abuse need not be known. It is not the responsibility of anyone other than Child Protective Services and law enforcement to investigate suspected abuse. Employees are required to also report the suspected abuse to the Title IX coordinator and Campus Safety.

In accordance with California law, if a minor (a person under 18 years of age) is involved in any Title IX incident, involving violations covered by the Child Abuse and Neglect Reporting Act, the University will report the matter to Riverside County Child Protective Services at -800-442-4918 and/or local law enforcement.

## **2. Reporting to Law Enforcement**

La Sierra University encourages individuals to report incidents of sexual misconduct to local law enforcement officials. Timely reporting to the police is an important factor in successful investigation and prosecution of crimes, including sexual violence crimes, and may lead to the arrest of an offender or aid in the investigation of other incidents. An individual who has experienced sexual misconduct/sexual assault has the right to choose whether or not to file a police report. Filing a police report can result in the investigation of whether or not sexual violence or related crimes occurred and the prosecution of those crimes against a perpetrator. It is important to know that reporting the incident to police does not mean an individual is obligated to testify in court. The Riverside Police Department has officers who are specially trained to work with individuals reporting sexual violence.

La Sierra University seeks to cooperate with outside law enforcement, but it will not necessarily delay its investigation just because a police report has also been filed, as long as proceeding would not hinder legal process or proceedings.

## **3. Clery Act Reporting**

The Clery Act permits the University to release publicly the name, nature of the violation and the sanction(s) for any student who is found in violation of a University policy that is a “crime of violence,” including arson, burglary, robbery, criminal homicide, sex offenses, assault, intimidation (which may encompass stalking and/or bullying), hazing, destruction/damage/vandalism of property and kidnapping/abduction. The University will release this information to the Complainant in any of these offenses regardless of the outcome. The University will ensure that a complainant’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.

## **4. Parental/Guardian Rights to Report**

As aforementioned, this policy grants *Parental status*, as used in Sections 106.21(c)(2)(i), 106.37(a)(3), 106.40(a), and 106.57(a)(1) of the Final Rule of 2024.

Therefore, the University will allow a parent or legal guardian of a minor who has a legal right to act on behalf of the minor, to exercise the rights granted to the party under OCR's Final Rule, which may include, but are not limited to:

- submit a formal complaint,
- request supportive measures,
- accompany the student to meetings.

The party's advisor of choice may be a different person from the parent or legal guardian.

#### **D. Reporting of Alleged Violation**

*Complaint* under this policy means an oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or this part.

While the University strongly encourages reporting, members of the University community who believe they have experienced discrimination on the basis of sex in form of sexual misconduct, sexual assault, sex-based harassment, dating violence, domestic violence, stalking, and sexual exploitation among other alleged violations to this policy, have the right to choose whether or not to report the incident to the University or law enforcement and pursue a sexual misconduct complaint. The information below provides information for individuals who wish to report incidents of sexual misconduct and sex-based harassment.

Any person may report sex discrimination, including sexual assault, sex-based harassment, dating violence, domestic violence, stalking, sexual exploitation, or any other alleged violation to this policy, (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sex-based harassment), in person, by mail, by telephone, or by electronic mail, or by accessing the university's website, or using the contact information listed above for the Title IX coordinator, or by any other means that results in the Title IX coordinator receiving the person's verbal or written report.

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed above for the Title IX coordinator.

#### **1. Knowledge**

In accordance to the Final Rule of 2024 Section 106.44(a)(1), once the University has knowledge of conduct that reasonably may constitute sex discrimination in its education programs or activities the University must respond promptly, effectively, and equitably. The University must also take the actions outlined in Sections 106.44(b)–(k) regarding the grievance/investigation process to address discrimination based on sex in its education programs or activities, (Section 106.44(a)(2)).

## **2. Reporting of Allegations**

### **a. Confidential Reporting**

In case a complainant wishes to keep the details of the alleged violation to the university's Title IX policy confidential, the complainant may contact the following resources on campus:

- Counseling Services
- Health providers
- Chaplain's office

The complainant may also seek off-campus resources, including but not limited to:

- Local Rape Crisis Centers
- Local Rape Crisis Counselors
- Domestic Violence Support Groups
- Clergy/Chaplains
- Attorneys

The resources listed above (on-campus and off-campus) will maintain confidentiality, according to California law, except in extreme cases of immediacy of threat or danger or in case of a suspected situation that may involve the abuse of a minor.

### **b. Anonymous Reporting**

Reports may also be made anonymously, by the complainant or a third party, without identification of the complainant. Anonymous reports may be preliminarily investigated to the extent possible, in order to assess the underlying allegation(s) and to determine if remedies can be provided or if the University should make a referral to the University Security office among other offices. However, anonymous complaints limit the university's ability to investigate, respond, and provide remedies, depending on what information is shared.

### **c. Third-Party Reporting**

An individual other than the complainant, (a third party) may submit a report to the Title IX office. In case this individual may want to remain anonymous, the Title IX coordinator will receive the report and, depending on the information provided, the Title IX coordinator may seek to contact the complainant in order to offer information to the complainant on the provisions granted under the university's Title IX policy. After reviewing the Title IX policy with the Title IX coordinator, the complainant will decide how they want to proceed.

#### **d. Receipt of Multiple Reports Involving a Single Respondent When Complainants Wish to Remain Anonymous**

The University retains discretion in determining whether or how to address multiple reports involving a single respondent in any case including when complainants wish to remain anonymous or otherwise are unwilling to participate in a formal process. This means that the Title IX coordinator retains discretion, but is not required, to sign formal complaints after receiving multiple reports of potential sex-based harassment against the same respondent.

### **3. Public Awareness Events**

According to Section 106.44 of the Final Rule of 2024, if the Title IX coordinator is notified of information about conduct that reasonably may constitute sex-based harassment under Title IX or this part that was provided by a person during a public event to raise awareness about sex-based harassment that was held on the university's campus or through an online platform sponsored by the University, the University is not obligated to act in response to the information, unless it indicates an imminent and serious threat to the health or safety of a complainant, any students, employees, or other persons.

However, in all cases the University will use this information in its efforts to prevent sex-based harassment, including by providing tailored training to address alleged sex-based harassment in a particular part of its education programs or activities or at a specific location when information indicates there may be multiple incidents of sex-based harassment. The University does not require its Title IX coordinator or any other employee to attend such public awareness events.

### **4. Report Submitted by the Complainant to the Title IX Coordinator**

An individual who has experienced discrimination on the basis of sex and thus in violation of this Title IX policy, (the complainant), has the right to report the incident directly to the Title IX coordinator. Complaints may be submitted orally or in writing, and individuals who wish to report an allegation of a Title IX violation may do so utilizing the university's website, via phone, email, or any other suitable means.

The University will honor a complainant's request not to proceed with an investigation unless the Title IX coordinator makes a fact-specific determination that the conduct as alleged presents an imminent and serious threat to the health or safety of a complainant or other person or prevents the recipient from ensuring equal access on the basis of sex to its education programs or activities.

Even in the event that the complainant decides not to proceed with an investigation the Title IX coordinator will offer and provide supportive measures appropriately.

In any case, the Title IX coordinator will collect relevant information to initiate an investigation. The complainant may provide this information in writing, or the Title IX coordinator will document this information accordingly.

The information collected will include, but is not limited to, the following:

- Name of the Complainant
- Complainant's contact information
- Name of the alleged Respondent
- Respondent's contact information
- Relationship, if any, between the parties
- Date(s), time(s) and location(s) of the alleged incident/s
- Name(s) and contact information of potential witness/witnesses
- A clear, concise statement of the facts that constitute the allegations, a description of the alleged conduct in violation of the Title IX policy, and sufficient information to identify any individuals or evidence that may provide relevant information during the course of any investigation

#### **5. Complainant's Right to Submit a Complaint Even if Not a Participant**

According to Sections 106.2 and 106.45(a)(2), a complainant is also protected in their right to make a complaint about discrimination based on sex they experienced even if they have chosen to leave the university's education programs or activities as a result of that discrimination or for other reasons.

#### **6. Complaint Initiated by the Title IX Coordinator**

In accordance with Section 106.44(f)(1)(v)-(vi), in the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX coordinator may initiate a complaint only if the conduct presents an imminent and serious threat to someone's health or safety or prevents the recipient from ensuring equal access based on sex to its education program or activity.

#### **7. Duty to Address Report of Allegation of Violation**

Upon receipt or knowledge of an alleged policy violation the University will initiate a prompt initial evaluation to determine the next steps. The Title IX coordinator will contact the complainant/source of the notice to offer supportive measures, provide information regarding resolution options, and determine how they wish to proceed.

The University may, in its discretion, consolidate formal complaints where the allegations arise out of the same facts.

## 8. Supportive Measures and Accommodations

In accordance with the Final Rule of 2024 Section 106.2, supportive measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or
- Provide support during the university's grievance procedures under Section 106.45, and if applicable Section 106.46, or during the informal resolution process under Section 106.44(k)

Supportive measures will be designed to restore or preserve the complainant's equal access to education without treating a respondent as responsible until after a fair Resolution Process has concluded. Supportive measures may not be designed to be punitive, nor disciplinary and should be imposed avoiding burdening the respondent. Supportive measures may be implemented regardless of whether a complainant decides not to proceed with an investigation process.

The Title IX coordinator will contact the complainant (i.e., person who is alleged to be the victim of sex-based harassment) to discuss supportive measures, consider the complainant's wishes regarding supportive measures, inform the complainant of the availability of supportive measures even if the complainant decides not to proceed with an investigation, and may be in place even after a determination regarding responsibility has been made.

In case the complainant wants to pursue an Resolution Process (investigation), supportive measures should be temporary in duration pending the results of investigation. Depending on the final result of the investigation process it may be determined that the supportive measures will become permanent. The Title IX coordinator will assess supportive measures for both the complainant and the respondent, and will be responsible for coordinating the provision of supportive measures through multiple University departments or offices. In determining and implementing such measures, the Title IX coordinator will review all available information and seek to equitably apply such measures to both parties.

Supportive measures do not indicate that the University has reached any conclusion about allegations of a violation(s) of Title IX policy.

In situations where the Complainant wishes to remain anonymous and/or the respondent is unknown it may not be possible to implement certain supportive measures; e.g., a no contact order would necessitate identification of the respondent.



Supportive measures may include, but are not limited to, the following:

- Imposition of a campus no-contact order
- Housing or workspace change
- Modify housing contracts
- Adjustment of course schedules or employment schedules
- Alternate learning arrangements
- Alternate course completion options
- Withdrawal from class without penalty
- Reschedule or retake exams without penalty
- Reschedule assignments
- Time off from class or work, or a voluntary leave of absence
- Transportation arrangements
- Safety planning
- Access to counseling
- Access to medical providers
- Limit access to facilities/events
- Modify schedule to separate parties
- Campus escort
- University imposed leave
- Any other remedy that can be tailored to specific individuals to reasonably achieve the goals of this policy.

The University will keep confidential any accommodations or supportive measures provided to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the supportive measures or accommodations. The Title IX office will advise Campus Safety of any order it may need to enforce, such as those related to no-contact or no access.

The Title IX coordinator will advise the relevant Administration or Faculty regarding academic accommodations. To seek a supportive measure, please contact the Title IX coordinator at 951-785-2849 or [titleix@lasierra.edu](mailto:titleix@lasierra.edu).

Violations of directives related to supportive measures or accommodations may lead to an investigation and disciplinary action which may include, but are not limited to, sanctions including exclusion, expulsion, or dismissal from the University, and termination of employment, including revocation of tenure.

## **9. Emergency Removal**

According with the Final Rule of 2024 Section 106.44, “nothing precludes the from removing a respondent from the university’s education program or activity on an emergency basis, provided that the University undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.”

In accordance with the Final Rule of 2024, “this provision must not be construed to modify any rights under the Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, or the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*”

Therefore, the University may emergency remove a student accused of sexual misconduct, discrimination based on sex, or sex-based harassment upon receipt of notice/knowledge, a complaint, or at any time during the resolution process. Prior to an emergency removal, the University will conduct an individualized risk assessment and may remove the student if that assessment determines that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of discrimination based on sex justifies such action. Students accused of other forms of discrimination (not sex) are subject to interim suspension, which can be imposed for safety reasons by other university’s officials, including the Dean of Students and the Provost Office, among other offices.

## **10. Administrative Leave**

Also in accordance with the Final Rule of 2024, Section 106.44, “nothing precludes the University from placing an employee respondent on administrative leave from employment responsibilities during the pendency of the university’s grievance procedures (Resolution Process/investigation). This provision must not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, or the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*”

A decision regarding an employee's administrative leave will be coordinated with the Human Resources Department and the Provost Office, among other offices to determine the employee's payment and/or benefits, if any, among other things.

### **11. Notice of Supportive Measure and/or Emergency Removal and Right to Appeal**

When an emergency removal or interim suspension is imposed, wholly or partially, the affected student will be notified of the action, which will include a written rationale, and the option to challenge the emergency removal or interim suspension within two (2) business days of the notification. Upon receipt of a challenge, the Title IX coordinator will meet with the student (and their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal/action should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal or interim suspension is appropriate, should be modified, or lifted. When this meeting is not requested within two (2) business days, objections to the emergency removal or interim suspension will be deemed waived. A student can later request a meeting to show why they are no longer an imminent and serious threat because conditions related to imminence or seriousness have changed. A complainant and their advisor may be permitted to participate in this meeting or to respond to the respondent's arguments if the Title IX coordinator determines it is equitable for them to do so.

The respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a complainant may provide information to the Title IX coordinator for review. An emergency removal or interim suspension may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Title IX coordinator will communicate the final decision in writing, typically within three (3) business days of the review meeting.

### **12. Appointment of an Appeal Officer**

In accordance with this policy, after the Title IX coordinator has conducted a review of any supportive measure that has been imposed, or regarding an emergency removal, the University will appoint an appeal officer who will determine if the supportive measure should be kept in place, altered or dismissed. The appeal officer will be conflict of interest and bias free, and will be trained accordingly by the University regarding this Title IX policy and federal/state regulations. The appeal officer will also determine if the emergency removal was granted according to the risk assessment that was performed and if this is the appropriate measure to be imposed.

### **13. Assessment of the Appeal Request Regarding a Supportive Measure**

The appeal officer will evaluate the merit of the appeal(s) in accordance with this policy and may request additional information from the party/parties and/or from the Title IX coordinator regarding the appeal(s).

After all the pertinent information has been submitted to the appeal officer, the appeal officer will have two (2) days to make a decision about the appropriateness of the supportive measure that was granted and/or the appropriateness of an emergency removal. The appeal officer will issue a Notice of Appeal Decision and inform the party/parties and the Title IX coordinator about the decision and will explain the basis for the determination.

The aforementioned two (2) days - time limit refers to business days and may be amended at the University's discretion for reasonable cause. Once the decision regarding a supportive measure and/or emergency removal has been reviewed by the appeal officer, their decision will be considered final unless the situation changes in such a way that the Title IX coordinator determines that a supportive measure and/or emergency removal are appropriate.

### **14. No Trespass Orders**

La Sierra University is a private institution and as such has the power to determine who may be allowed to be present on or have access to any of its campus, including online learning platforms. The University retains the right to determine if an individual may be ordered not to enter the university's campus, particularly if it is determined that the individual may pose a risk to the university's staff and/or student body. The University reserves the right to call law enforcement authorities for assistance in this regard.

### **15. No Contact Orders**

La Sierra University may also issue a No Contact Order as a temporary or permanent supportive measure. A No Contact Order under this policy is an order that prevents the respondent from having any contact with the complainant. The Title IX coordinator may issue a Reciprocal No Contact Order that forbids any of the parties to contact the other party in any way directly or using a third party, in writing, via email, texts, social media platforms, or any other form of communication. In addition, a No Contact Order prevents the respondent, and in case of a reciprocal order prevents the parties, from being in verbal contact or physical proximity. Therefore, under a No Contact Order the respondent should refrain from contacting the complainant either in person or electronically and is forbidden to ask anyone else to speak with the complainant on their behalf. The Title IX coordinator will also instruct the other party that they should refrain from contacting the respondent in any way.

The University may also issue a No Contact Order as part of an Informal Resolution Agreement. A violation of a No Contact Order will be investigated and may lead to sanctions under this Title IX policy.

## **16. Need to Know Basis**

The University will limit the group of officials who will be informed, on a need to know basis, about the investigation that may be initiated after a complaint is received by the Title IX coordinator. Among the offices that may be informed are the following: Provost office, Dean of Students, Security Office, and any other office that may be contacted in order to provide remedies, accommodations, and supportive measures to the party/parties. These officials are also obligated to disclose the information on a need to know basis as well when required by law or policy.

## **17. Complainant Refuses to Proceed**

In case a Complainant does not wish for their name to be disclosed, or does not wish for an investigation to take place, or does not want a informal resolution to be pursued, they may make such a request to the Title IX coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state and federal law.

As aforementioned, and according with the Final Rule of 2024 and university's policies, the University may choose to proceed without the complainant's participation when the University has gathered evidence apart from the complainant's statements and desires to reach a determination regarding the respondent's responsibility. Under this policy, the Title IX coordinator has ultimate discretion over whether the University will proceed with an investigation when a complainant refuses to do so.

It should be noted that the university's ability to pursue an investigation and/or provide remedies may be limited in cases in which the complainant refuses to cooperate. Nevertheless, the University may, in its discretion, offer supportive measures to the complainant and may determine, at the request of both parties, to issue an informal resolution agreement.

## **18. False Allegations/Reports**

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a policy violation.

Additionally, witnesses and parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or resolution process can be subject to discipline under appropriate university's policies. for the University to impose sanctions under its Student Code of Conduct and under its Employee's Handbook to parties or witnesses who deliberately submit false and/or malicious accusations, as opposed to allegations which, even if erroneous, are made in good faith.

## **19. Amnesty for Sexual Misconduct/Sex-Based Harassment Complaints**

La Sierra University encourages reporting of sexual misconduct and sex-based harassment allegations, and seeks to remove barriers to an individual/group making a report. The University recognizes that individuals who have been engaging in sexual conduct outside marriage, drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for their own conduct. Individuals who report sexual misconduct and/or sex-based harassment that was directed at them or another person, either as a complainant, respondent or a third party witness, will not be subject to disciplinary action by the University for their own personal involvement in sexual activity, provided their own personal involvement in sexual activity does not violate this Title IX policy, and/or consumption of alcohol or drugs at or near the time of the incident provided that any such violations did not and do not place the health or safety of any other person at risk. However, they will be asked to sign a statement indicating their awareness of the university's policy regarding sexual activity outside marriage, and/or the consumption of alcohol and drugs.

The University also maintains an amnesty policy for students in addition to witnesses who offer help to others in need. In addition, it may be that employees are hesitant to report discrimination, sex-based harassment, or retaliation they have experienced for fear of getting in trouble themselves. The University may, at its discretion, offer employee complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Incidents involving employees will be coordinated with the Human Resources Department to address employment related considerations.

Granting amnesty is a discretionary decision made by the University, and amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution.

### **Article IV Resolution Process/Investigation**

The Resolution Process/investigation will be used for all complaints of discrimination on the basis of sex as explained previously in this policy or when an informal resolution is either not elected or is unsuccessful. The goal of the Resolution Process is for the decision-maker to make a finding and determine sanctions (if applicable) based on the investigation report and all relevant evidence collected during the investigation.

At the discretion of the Title IX coordinator, the assigned decision-maker will be an individual or a panel drawn from a pool of university employees that have received training regarding the Final Rule of 2024, and applicable federal and state laws. Once the decision-maker receives and reviews the file, they can recommend dismissal to the Title IX coordinator, if they believe the grounds for dismissal are met.

While the Resolution Process will typically take approximately sixty (60) business days to complete, according to the Final Rule of 2024, there will be no specified time limit to complete the investigation. The University will update the parties on the timing and any significant deviation from this typical timeline.

The University will conduct investigations and handle the resolution process in a thorough, reliable, impartial, prompt, and fair manner. A Title IX investigation will involve interviews with both parties and witnesses; obtaining all available evidence; and identifying sources of expert information, as necessary. It is expected that both the complainant and the respondent will participate in the investigation process in good faith, ethically, without any bias and with integrity and honesty. It is also expected that both the complainant and the respondent as well as any party involved including witnesses maintain discretion about the information related to the investigation to preserve the integrity of the investigation.

Furthermore, parties and advisors are prohibited from disclosing information obtained by the University through the Resolution Process/investigation, to the extent that information is the work product of the University, meaning it has been produced, compiled, or written by the University and/or university representatives, for purposes of its investigation and resolution of a complaint, without authorization. It is also a violation of university's Policy to publicly disclose institutional work product that contains a party or witness's personally identifiable information without authorization or consent. Violation of this policy is subject to significant sanctions under this Title IX policy, Student Conduct policies, Human Resources policies, and any other applicable university policy.

#### **A. Individuals involved in the Resolution Process/Investigation**

##### **1. Complainant**

*Complainant* means:

- A student or employee who is alleged to have been subjected to conduct that could constitute discrimination on the basis of sex under Title IX or this part; or
- A person other than a student or employee who is alleged to have been subjected to conduct that could constitute discrimination based on sex under Title IX and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination.

##### **2. Respondent**

*Respondent* means a person who is alleged to have violated the university's prohibition on discrimination based on sex.

##### **3. Witness**

*Witness* means a person who will provide relevant evidence regarding the allegation submitted.

#### **4. Witness Participation**

Under La Sierra University Title IX policy, student witnesses are encouraged to participate in, and make themselves reasonably available for, the hearing. Employee witnesses are expected to participate in, and make themselves reasonably available for, the hearing. Witnesses may participate in-person or via video technology that allows the decision-maker and the parties to see and hear the witness while that person is speaking. Witnesses are not permitted to be accompanied by an advisor without express permission of the Title IX coordinator. At the discretion of the decision-maker, a witness may join by phone if no other reasonable alternative is available.

The Title IX coordinator will notify all witnesses of their requested participation in the hearing at least five (5) business days prior to the hearing. Witnesses will be present for the hearing only during their testimony. If any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Title IX coordinator may reschedule the hearing. Any witness scheduled to participate in the hearing must have been first interviewed by the Title IX investigator(s), unless:

- All parties and the decision-maker assent to the new witness's participation in the hearing without remanding the complaint back to the Investigator, and
- The decision-maker deems the evidence presented by the new witness to be relevant, not impermissible, and not information already established in the record, and
- The witness's late involvement was not the result of bad faith by the witness, the parties, or others.

If the above criteria are not met, but the witness's evidence is deemed relevant, not impermissible, and not duplicative, the decision-maker may, at their discretion, engage in any of the following actions:

- Delay the hearing
- Provide the parties with at least five (5) business days to review the relevant portions of the new witness's statements, if such statements are submitted
- Remand the complaint back to the investigator for further investigation or verification
- Allow the Parties to review and comment on the testimony of the new witness

If the evidence is deemed not relevant or impermissible, the decision-maker may proceed with the hearing absent the new witness's participation.

#### **5. Advisor of Choice**

*Advisor* means a person who will accompany the party during the resolution process, including during the intake interview.



The Title IX Coordinator will inform both the complainant and the respondent of their right to select an advisor of their choice to assist them in the resolution process. The advisor may be a family member, a friend or a person the party trusts. The advisor may, but is not required to be an attorney.

## **6. Advisor's Role**

According to this policy, the parties may be accompanied by their advisor at all meetings, interviews and/or during the live hearing. Advisors are expected to assist the parties in preparing for these meetings. It is also expected that advisors act in good faith, ethically, without any bias and with integrity and honesty. Advisors will also inform if they have any conflict of interest that may forbid them to assist a party at any point during the resolution process. It is also expected that advisors maintain discretion about the information related to the investigation to preserve the integrity of the investigation.

The parties may select whomever they wish to serve as their advisor as long as the advisor is eligible and available. The University will offer to assign a trained advisor to any party if the party so chooses. If the party chooses an advisor from the pool available from the University, the University will have trained the advisor and familiarized them with the university's resolution process. The University cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the University is not obligated to provide an attorney to advise that party. Moreover, advisors appointed by the institution cannot be confidential employees, and although they will not be asked to disclose details of their interactions with their advisees to institutional officials or decision-makers absent an emergency, they are still reminded of their mandated reporter responsibilities.

A party may elect to change advisors during the process and is not obligated to use the same advisor throughout. Parties are expected to provide the University with timely notification if they change advisors.

## **7. Advisor's Role in the Resolution Process**

Advisors should help the parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so by the decision-maker.

The parties are expected to ask and respond to questions on their own behalf throughout the resolution process. Although the advisor generally may not speak on behalf of their advisee, the advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their advisors should ask for breaks to allow for private consultation.

## **8. Records Shared with Advisors**

Advisors are entitled to the same opportunity as their advisee to access relevant evidence, and/or the same written investigation report that accurately summarizes this evidence. Advisors are expected to maintain the confidentiality of the records the University shares with them. Advisors may not disclose any university's work product or evidence the University obtained solely through the resolution process for any purpose not explicitly authorized by University.

The University may restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the university's confidentiality expectations.

## **9. Advisor Expectations**

The University generally expects an advisor to adjust their schedule to allow them to attend university's meetings, interviews, and/or hearings when planned, but the University may change scheduled meetings, interviews, and/or hearings to accommodate an advisor's inability to attend, if doing so does not cause an unreasonable delay. The University may also make reasonable provisions to allow an advisor who cannot be present in person to attend a meeting, interview, and/or hearing by telephone, video conferencing, or other similar technologies.

All Advisors are subject to the same university's policies and procedures, whether they are attorneys or not, and whether they are selected by a party or appointed by the University. Advisors are expected to advise without disrupting proceedings.

## **10. Advisor Policy Violations**

Any advisor who oversteps their role as defined by the university's policy, who shares information or evidence in a manner inconsistent with this policy, or who refuses to comply with the university's established rules of decorum will be warned. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the meeting, interview, and/or hearing may be ended, or other appropriate measures implemented, including the University requiring the party to use a different advisor or providing a different University-appointed Advisor. Subsequently, the University will determine how to address the advisor's non-compliance and future role.

## **11. Supportive Advisor**

La Sierra University will allow that a party may be accompanied by a supportive advisor in addition to the party's advisor. This may be, among other supportive advisors, an advocacy organization's counselor or a family member.

## **12. Interpreters and/or Required Support**

In following the American with Disabilities Act (ADA), the Individuals with Disabilities in Education Act (IDEA), and Section 504 of the Rehabilitation Act of 1973, the University will allow

that a party may be assisted by an interpreter, such as a sign language interpreter, or any other individual to provide required support to the party. This individual will accompany the party during interviews and other investigation steps. The party who wishes to be assisted by an interpreter or any other individual who will provide required support will make such arrangements and will inform the Title IX coordinator about this situation and who may consult with the university's Director for Disability Services in regard to this matter

### **13. Translators**

The University will allow that a party may be assisted by a translator, who will accompany the party during interviews and other investigation steps. The party who wishes to be assisted by a language translator will make such arrangements and will inform the Title IX coordinator about this situation. The University will not provide the services of a language translator.

#### **B. Resolution Process/Investigation Steps**

According to this policy, the Resolution Process/investigation will consist of the following steps:

- Submission of a complaint
- Initial Assessment
- Notice of Dismissal (if applicable)
- Notice of right to appeal the dismissal (if applicable)
- Appeal decision in regard to dismissal (if applicable)
- Notice of Investigation and Allegations (NOIA)
- Appointment of a Title IX investigator
- Investigation by the Title IX investigator
- Notice of Review of the Evidence: the Title IX coordinator sends the evidence collected to the parties for their review and the parties may submit additional evidence to be considered
- Investigative Report: the Title IX investigator prepares an Investigative Report
- Notice of Completion of the Title IX Final Report: the Title IX coordinator sends a notice to the parties informing the parties that the Investigative Report has been completed and will share the Final Investigative Report with the parties and their advisors if the party so chooses
- Appointment the decision-maker(s)
- Notice of Hearing: the Title IX coordinator sends a notice to the parties informing them the date, time and place in which the hearing will be held
- Hearing: the parties participate in a hearing but will not confront each other, nor will they ask the other party questions directly
- Notice of Finding

- Notice of the Right to Appeal: the Title IX coordinator will send the parties a letter informing the parties of their right to appeal the decision-makers decision and will explain to the parties how they should proceed in case they want to submit an appeal.
- Appeal: in case the party/parties decide to proceed with an appeal, the Title IX coordinator appoints an appeal officer who will make a determination on the appeal
- Notice of Appeal Officer decision: the appeal officer will inform the parties in writing of the decision on the appeal that was submitted

### **C. Submission of a Complaint**

A complainant or a third party may file a Title IX complaint orally or in writing, utilizing the university's website, via email, or telephone, voice messaging, or any other option available directly to the Title IX coordinator. If a report is made to a mandated reporter, the mandated reporter has a duty to report the situation directly to the Title IX coordinator as soon as they are informed of an alleged violation or a suspicion of a violation.

Upon receipt of a report of prohibited conduct, the Title IX coordinator will contact the complainant to request an intake meeting during which the Title IX coordinator will explain to the complainant their rights under this policy, reporting options, and information regarding resources and referrals. The complainant may contact the Title IX coordinator directly and request a meeting.

According to the La Sierra University Title IX policy and federal regulations, a person may also file a complaint with the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting:

[www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html) or by calling 1-800-421-3481.

### **D. Intake Meeting**

At the intake meeting, the Title IX coordinator will gather general details about the incident and determine if the report alleges a potential violation of this policy, will offer the complainant supportive measures, and will determine if supportive measures are needed. The complainant may bring documentation or evidence and a list of suggested witnesses to the meeting. The complainant has the right to bring an advisor to the intake meeting.

### **E. Request for Anonymity or for No Formal Action to Be Taken**

A complainant may request anonymity or that the University take no formal action. The Title IX coordinator will analyze and balance the complainant's request with the health and safety of the complainant, and University community and the need to advise the respondent of the allegations.

In case the University decides to contact the respondent, the University will provide the respondent a reasonable opportunity to respond before any action is imposed and will advise the respondent of their right to be accompanied by an advisor of their choice. The Title IX coordinator has the discretion to grant the complainant's request for anonymity. If the University can satisfy its obligations to the complainant, the University community, and the respondent without proceeding with an investigation.

If the Title IX coordinator decides that an investigation must proceed, the complainant will be notified, but will not be required to participate. In that event, the university's ability to investigate may be limited. The Title IX coordinator shall evaluate and decide about questions of anonymity and whether to proceed with an investigation within **two (2) days** business days of receiving notice of any such request.

## **F. Dismissal**

In complying with the Final Rule of 2024 Section 106.45, the University **may** dismiss a complaint if, at any time during the investigation or Resolution Process, one or more of the following grounds are met:

- The University is unable to identify the respondent after taking reasonable steps to do so
- The University no longer enrolls nor employs the respondent
- A complainant voluntarily withdraws any or all of the allegations in the complaint and the Title IX coordinator declines to initiate a complaint
- The University determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX

Prior to dismissing the complaint under this paragraph, the University must make reasonable efforts to clarify the allegations with the complainant. Additionally, a complainant who decides to withdraw a complaint may later request to reinstate or refile it.

### **1. Notice of Dismissal**

Upon any dismissal, the Title IX coordinator will promptly send the complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the respondent has been made aware of the allegations, the University will also notify the respondent of the dismissal. This dismissal decision is appealable by any party.

### **2. Appeal of Dismissal**

In accordance to the Final Rule of 2024 Section 106.45, the complainant may appeal a dismissal of their complaint. The appeal must be submitted to the Title IX coordinator. The respondent may also appeal the dismissal of the complaint if dismissal occurs after the respondent

has been made aware of the allegations. All dismissal appeal requests must be filed **within three (3) business days** of the notification of the dismissal.

The Title IX coordinator will notify the parties of any appeal of the dismissal. If, however, the complainant appeals, but the respondent was not notified of the complaint, the Title IX coordinator must then provide the respondent with a Notice of Investigation and Allegation (NOIA) and will notify the respondent of the complainant's appeal with an opportunity to respond.

Throughout the dismissal appeal process, the University will:

- Implement dismissal appeal procedures equally for the parties
- Assign a trained Dismissal Appeal Officer who did not take part in an investigation of the allegations or dismissal of the complaint
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the dismissal
- Notify the parties of the result of the appeal and the rationale for the result

The grounds for dismissal appeals are limited to:

- Procedural irregularity that would change the outcome
- New evidence that would change the outcome and that was not reasonably available when the dismissal was decided
- The Title IX coordinator, investigator, or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome
- The dismissal was erroneously granted or denied

The appeal should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. Upon receipt of a written dismissal appeal request from one or more parties, the Title IX coordinator will share the petition with all other parties and provide **three (3) business days** for other parties to respond to the request. At the conclusion of the response period, the Title IX coordinator will forward the appeal, as well as any response provided by the other parties and/or the Title IX coordinator to the Dismissal Appeal Officer for consideration.

If the Request for Appeal does not provide information that meets the grounds in this policy, the Dismissal Appeal Officer will deny the request, and the parties, their advisors, and the Title IX coordinator will be notified in writing of the denial and the rationale.

If any of the asserted grounds in the appeal satisfy the grounds described in this policy, then the Dismissal Appeal Officer will notify all parties and their advisors, and the Title IX coordinator of their decision and rationale in writing. The effect will be to reinstate the complaint and to proceed with the investigation process.

In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Dismissal Appeal Officer will have **five (5) business days** to review and decide on the appeal, though extensions can be granted at the University's discretion, and the parties will be notified of any extension.

Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so. The Dismissal Appeal Officer may consult with the Title IX coordinator, the Provost Office, the President Office, and/or legal counsel on questions of procedure or rationale for clarification, if needed. The University will maintain documentation of all such consultation.

### **G. Alternate Resolution Process**

The University reserves the right to address offensive conduct and/or harassment that

- does not rise to the level of creating a hostile environment, or
- that is of a generic nature and not based on a protected characteristic

Addressing such conduct will not result in the imposition of discipline under the University Title IX Policy, but may be addressed through other policies, including but not limited to, Student Conduct policies and/or Human Resources policies. In addition, the University may engage in respectful conversation, remedial actions, education, effective Alternative Resolution, and/or other Informal Resolution mechanisms to address these type of allegations.

### **H. Informal Resolution Process**

In accordance with the Final Rule of 2024 Section 106.44, which permits an institution to offer an informal resolution process, the University retains the discretion to offer and facilitate informal resolution processes, subject to each party voluntarily agreeing after giving informed, written consent.

An informal resolution process may be provided by the University except when a complaint includes allegations that an employee engaged in sex-based harassment of a student (Quid Pro Quo), in cases where the allegation in question refers to sexual assault, or if such a process would conflict with federal, state, or local law.

The University will not require any person to participate in an informal resolution, and the University will never condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to an informal resolution. In an informal resolution the parties may agree to submit to a No Contact Order and/or other supportive measures, which will not necessarily mean

that the respondent has admitted responsibility for the alleged prohibited conduct violation. At any time prior to agreeing to an informal resolution, any party has the right to withdraw from the informal resolution process and resume the Resolution Process (investigation) with respect to the complaint.

### **I. Respondent Admission of Responsibility**

Under this policy, if at any point in the proceedings, a respondent elects to admit to the charged violations and waive further process, the University is authorized to accept that admission, adopt it as their finding/final determination, and administer sanctions. This would waive the respondent's right to appeal. If the respondent rejects the finding/final determination/sanctions, or does not admit to all conduct charged, the Resolution Process will continue to its conclusion. The complainant retains their right to appeal a determination regarding sanctions and other related aspects when a respondent admits responsibility.

In case an informal resolution agreement is appropriate, and in the event the respondent admits partial or full responsibility to the allegations while the parties were considering an informal resolution process, if both parties agree, the respondent's admission will be included in the informal resolution agreement.

### **J. Counter-complaints**

The University is obligated to ensure that the Resolution Process is not abused for retaliatory purposes. Although under this policy the University permits the filing of counter-complaints, the Title IX coordinator will use an initial evaluation to assess whether the allegations in the counter-complaint are made in good faith. When counter-complaints are not made in good faith, they will not be permitted. They will be considered potentially retaliatory and may constitute a violation of the policy.

Counter-complaints determined to have been reported in good faith will be processed using the Resolution Process below. At the discretion of the Title IX coordinator, investigation of such claims may take place concurrently or after resolution of the underlying initial complaint.

### **K. Resolution Process/Investigation**

If the Title IX coordinator decides to proceed with an investigation, the University will follow the Resolution Process steps as explained below in this policy.

#### **1. Notice of Investigation and Allegations (NOIA)**

In accordance with the Final Rule of 2024 Section 106.45 and the university's Title IX policy, the Notice of Investigation and Allegations (NOIA) must be sent to both parties simultaneously. The NOIA will be sent out either via email or postal service to both parties



simultaneously. A NOIA must be amended if additional allegations come forward, the allegations are dismissed, or if the complainant refuses to continue with the Resolution Process.

The Title IX coordinator will issue the NOIA and explain the following:

- Grievance Procedures
- Alternate Process, if any
- Informal Resolution Process, if any
- Identities of the parties
- Description of alleged conduct
- Dates and locations of the alleged conduct
- Specific allegations of violation to the University Title IX policy
- Prohibition on retaliation
- The parties' right to have equal opportunity to access relevant evidence

Furthermore, in following Section 106.46 the NOIA will

- Provide sufficient time to prepare for initial interview
- May be reasonably delayed to address safety
- Inform the parties of the respondent's presumption of non-responsibility
- Indicate that the parties have a right to an advisor of choice
- Explain the prohibition of knowingly making false statements or providing false information, if applicable
- Explain that both parties will have equal opportunity to access the investigation report

## **2. Title IX Coordinator as Investigator**

According to the Final Rule of 2024 Section 106.8 the University has designated and authorized a Title IX coordinator to be the university's official that coordinates the institution's efforts to comply with its responsibilities under Title IX. Under Section 106.40 the Title IX coordinator must be trained on their specific responsibilities and under Sections, 106.40(b)(3), 106.44(f) and (g), the Title IX coordinator will be responsible for the institution's record-keeping system, and to obtain any training necessary to coordinate the university's compliance with Title IX.

Furthermore, in accordance with federal regulations, beginning August 1<sup>st</sup>, 2024, institutions will have the option of using a "*single-investigator*" model in many cases, as long as the school's policy makes clear when it will be used, thus allowing for the Title IX coordinator to also serve as the investigator and decision maker in those cases.

Therefore, and in accordance to the Final Rule of 2024, La Sierra University is designating the Title IX coordinator to also function as Title IX investigator and decision-maker in the following instances:

- Pregnancy related situations
- Parenting related situations
- Lactation related situations
- Alternate resolution processes
- Informal resolution processes
- Case-by-case determinations, taking into consideration the university's religious exemptions, regarding sexual stereotypes, and/or sexual/gender characterization allegations
- Case-by-case determinations, taking into consideration the university's religious exemptions of sex separation as established in Section 106.31(a)(2)

To this end, the Title IX coordinator will consult primarily the aforementioned cases with the Office of the Provost and the Office of the President.

The Title IX coordinator may also coordinate efforts to comply with the Title IX regulations with other university's departments, including the Human Resources Department and the Student Life Division. The Human Resources Department **may** conduct investigations regarding allegations of sexual discrimination in employment, separation of employment, and other employment related allegations following the guidance of the federal regulations included under Title IX and Title VII of the Civil Rights Act of 1964, state law, and other related federal legislation.

### **3. Title IX Investigator**

Once the Title IX Coordinator determines that the University must engage in a Resolution Process/investigation the Title IX coordinator will appoint a Title IX investigator who has received training regarding the Final Rule of 2024 and other federal regulations and state law, who will conduct an impartial, conflict of interest-free, and non-biased investigation. The Title IX investigator will report to the Title IX coordinator and will keep the Title IX coordinator informed about the progress of the investigation.

It is expected that the Title IX investigator will perform their duties in good faith, ethically, without any bias and with integrity and honesty. Title IX investigator will also inform the Title IX coordinator if they have any conflict of interest that may forbid them to complete the investigation at any point during the Resolution Process. It is also expected that Title IX investigator will maintain discretion about the information related to the investigation to preserve the integrity of the investigation.

The University will conduct a Resolution Process/investigation in all cases in which the allegations are related to sexual assault, sex-based harassment including Quid Pro Quo and hostile environment allegations, dating violence, domestic violence, stalking, and sexual exploitation. If the university determines not to seek the assistance of an independent investigator, whether internal or external, the Title IX coordinator may serve as Title IX investigator.

The University may seek the assistance of an independent Title IX investigator, whether internal or external, in cases involving sexual assault, sex-based harassment Quid Pro Quo cases, or cases in which the allegations may be complex or there are multiple complainants against one respondent, there is a potential of conflict of interest if the Title IX coordinator or any other University official conducts the investigation, among other factors. In addition, the Title IX coordinator may not investigate cases in which the Title IX coordinator has overseen alternate resolution or informal resolution processes, or in cases in which the Title IX coordinator may incur in conflict of interest.

The Title IX investigator (or the Title IX coordinator in cases in which the Title IX coordinator acts as investigator) will perform the following duties, among other tasks, in order to complete the investigation:

- Contact the parties to inform the parties of the initiation of the investigation process
- Make arrangements to interview both the complainant and the respondent separately
- Inform the parties of the date, time, and location of their meeting with the Title IX investigator.
- Interview both parties separately
- Document the interview and send the parties a summary of their interview statements for the parties to review its accuracy
- Collect evidence from the parties which may include, but will not be limited to, pictures, photographs, screen-shots, emails, text messages, recordings, etc.
- Inquire about potential witnesses that may offer additional information in regard to the investigation
- Prepare a list of potential witnesses and collect their contact information
- Contact and interview all witnesses provided by the parties
- Interview additional witnesses in relation to the investigation
- Prepare a summary of the witness/witnesses' interviews and send a summary to the witness/witnesses for them to review its accuracy
- Conduct follow-up interviews as necessary
- Keep the parties informed about the progress of the investigation and provide updates of the investigation
- Prepare a summary of the evidence gathered
- Prepare an investigation report

#### **4. Evidence**

The University will conduct investigations in a manner that guarantees the parties will have an equitable opportunity to present evidence in their favor, including inculpatory and exculpatory evidence, the right to suggest witnesses and questions, and to fully review and respond to all evidence.

Both the complainant and the respondent may present all evidence they consider to be relevant to the investigation and that pertains directly to the allegations under investigation. This may include expert witness statements and assessments. The party who wishes to provide expert testimony will be responsible for any fees associated with the expert's participation in the Resolution Process/investigation.

Evidence **may** include, but is not limited to, the parties' and witness/witnesses' statements, documents, reports, photographs, email messages, text messages, screen-shots, information gathered from online/media platforms including, but not limited to, Facebook, Messenger, Instagram, Twitter, Tik-Tok, Snapchat and any other social media platforms and any other information relevant to the investigation.

*Relevant* means related to the allegations of sex discrimination under investigation as part of the grievance procedures under Section 106.45, and if applicable Section 106.46 of the Final Rule of 2024.

The Title IX investigator will determine which of the evidence presented by the parties and otherwise gathered is relevant, not-relevant, or not considered because it was repetitive or not corroborated.

### **5. Disclosing All of the Evidence to the Parties**

According to Section 106.46 of the Final Rule of 2024, parties are entitled to an equal opportunity to access all evidence gathered, including the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes the evidence.

This policy protects the privacy of a party's medical, psychological, and similar treatment records by stating that the University cannot access or use such records unless the University obtains the party's voluntary, written consent to do so.

### **6. Notice of Evidence Review**

Once the parties have submitted all the evidence related to the Resolution Process/investigation, the Title IX coordinator, will send the parties a written **Notice of Evidence Review** and will provide the parties, and if the party so chooses their advisor, an electronic format or hard copy of the following:

- A copy of the evidence submitted by the parties
- A summary of the parties' statements
- A copy of all the evidence collected during the investigation
- A list of all the witnesses
- A summary of the witness/witnesses' statements

The evidence provided will include evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source.

Depending on the content of the evidence, and in deference to the privacy of the complainant, respondent and/or witnesses, the University may determine to redact some of the information that will be sent out to the parties and, in case the party so chooses, their advisors. The University will make the information available for review in person. The University may also choose to send out sensitive information in redacted form and include a key to names and other information on a separate document, among other measures.

The Title IX coordinator will also inform the parties that:

- They have the right to review all the evidence submitted and collected during the investigation process.
- They have the right to submit additional evidence to be considered.

The parties, and, if they so choose, their advisors, will have **ten (10) business days** to inspect, review and respond to the evidence. Within the ten (10) day period the parties are granted to complete the review of the evidence, the parties will inform the Title IX investigator about:

- Any additional evidence the parties may wish to be included, and or
- The parties' wish that additional witnesses be interviewed.

After the Title IX investigator receives the parties' comments and suggestions in relation to the review of evidence, the Title IX investigator will:

- Inform and consult with Title IX coordinator of any concerns and/or suggestions submitted by the parties
- Conduct additional witness/witnesses' interviews in accordance with the parties' response
- Conduct further evidence gathering as necessary

## **7. Investigative Report**

Once the Evidence Review is completed by the parties and the Title IX investigator has concluded any additional evidence gathering, the Title IX investigator will write a final investigation report summarizing the investigation that will include all parties' and witness' interviews, and addressing all evidence, copies of which are to be included in an appendix to the report.

In the investigative report the Title IX investigator will:

- Include a summary of the allegations investigated
- Explain the investigation process that was followed

- Summarize the parties' and witness/witnesses' statements
- List all evidence that was presented and/or gathered during the investigation process
- Explain which evidence was considered to be relevant to the investigation
- Detail which evidence was not considered as part of the investigative report.

**The amended report will be considered final.**

## **8. Notice of Completion of the Title IX Final Report**

Once the Title IX investigator completes the Investigative Report, the Title IX coordinator will send a written **Notice of Completion of the Title IX Final Report** to the parties and will share the report (in electronic format or hard copy) with both the complainant and the respondent, and/or their advisors, if the parties so desire.

## **9. Appointment of Decision-maker(s)**

The Title IX coordinator will appoint a decision-maker(s), who will be an individual or a panel drawn from a pool of university employees that have received training regarding the Final Rule of 2024, and applicable federal and state laws. The decision-maker(s) will serve without any conflict of interest and be bias free. If a decision-maker recuses themselves as the result of a conflict of interest or bias, or is removed, the Title IX coordinator will promptly appoint a new decision-maker(s) who does not have a conflict of interest or bias and notify the parties accordingly.

The decision-maker may be the same person as the Title IX coordinator or investigator. In the instances in which the Title IX coordinator serves as the Title IX investigator, the Title IX coordinator may also serve as the decision-maker. The Title IX coordinator will determine in which cases the investigator will also serve as decision-maker. This occurs typically in cases in which the allegations are not complex and do not involve more than one complainant against the same respondent, or cases in which the Title IX coordinator may not serve as investigator due to their involvement in alternative and/or informal resolution processes regarding the allegations that are being investigated.

The Title IX coordinator will determine if the University will appoint a panel of decision-makers. This **may** be the case when the allegations involve sexual assault, sex-based harassment in form of Quid Pro Quo or hostile environment, the allegations are too complex, or involve more than one complainant against one respondent.

## **10. Decision-makers' Role**

The decision-maker(s) will perform the following duties, among other tasks:

- Review the evidence
- Review the Final Investigative Report
- Oversee the live hearing

- Prepare a written final determination

### **11. Panel of Decision-makers**

In the event that the University determines to use a panel of decision-maker(s) the Title IX coordinator will appoint three (3) community members, who will have been trained about the Final Rule of 2024, and additional federal and state regulations, to serve as decision-makers. The panel of decision-makers will oversee the live hearing procedures and will make a decision regarding responsibility.

The Title IX coordinator will appoint one of the three decision-makers as chair of the panel for live hearing purposes. Community representatives include faculty and staff members from the University who have received training from the University to serve in the role of decision-makers.

### **12. Notification of Decision-maker(s) Appointment**

The Title IX coordinator will issue a Notification of Decision-maker(s) appointment in which the parties will be provided with information regarding the decision-maker(s) appointment. The parties have the right to request the removal of any decision-maker(s) if there is actual evidence that they might be biased or not impartial towards the investigation.

The Title IX Coordinator will consider any concern expressed by any party and will determine the removal of an appointed decision-maker(s) only based on evidence that the appointed decision-maker(s) will not perform their duties impartially and without bias.

### **L. Pre-Hearing**

In accordance with this policy, once the decision-maker(s) have been appointed, the Title IX coordinator will share with the decision-maker(s) a list of the witness/witnesses, all the evidence that has been gathered during the investigation, and the Final Investigative Report.

The decision-maker(s) will have **ten (10) business days** to review the list of witnesses, the evidence and the report.

### **M. Pre-Hearing Meetings**

The decision-maker(s) will request the parties to submit the questions or topics they wish to ask or discuss at the hearing. However, this advance review opportunity does not preclude the parties from submitting a question at the hearing for the first time or asking for a reconsideration on a decision-maker(s) pre-hearing decision based on any new information or testimony offered at the hearing. The decision-maker(s) will document and share their rationale for any evidence or question exclusion or inclusion, if any, at a pre-hearing meeting with each party.

With the assistance of the Title IX coordinator, the decision-maker(s) will work with the parties to finalize a witness list for the hearing. The Title IX coordinator will notify any witnesses of the hearing's logistics. With the assistance of the Title IX coordinator the decision-maker(s), **only** with the agreement of all parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the investigator in the Final Investigation Report or during the hearing, and their presence is not essential to assess their credibility.

Pre-hearing meeting(s) will not be recorded. The pre-hearing meeting(s) will typically be conducted as separate meetings with each party/advisor, and can be done remotely, or as a written communication exchange. With the assistance of the Title IX coordinator, the decision-maker(s) will work with the parties to establish the format and timing of the meetings and will circulate a summary of any rulings made to ensure all parties and advisors are aware.

## **N. Live Hearing Requirements**

The following provisions apply to a live hearing:

### **1. Live Hearing Venue Options and Recordings**

The live hearing may occur in person or via video technology. The decision-maker(s) and parties must be able to simultaneously see and hear a party or witness while that person is speaking. Both options are considered fair and equitable. Alternative arrangements may also be made at the Title IX coordinator's discretion.

In addition, the parties may request that the hearing be held in person or via video technology. This request must be submitted at least **three (3) business days** prior to the hearing. It is in the Title IX coordinator discretion to determine whether the hearing will occur in person or via video technology.

All hearings will be recorded, and the parties may request a copy of the recording from the Title IX coordinator following the live hearing. However, no unauthorized recordings are permitted.

### **2. Live Hearing Scheduling**

Hearings for possible violations that occur near or after the end of an academic term (assuming the respondent is still subject to this policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term, including during the summer, as needed, to meet the university's resolution timeline and ensure a prompt resolution.

While employees, including parties and witnesses, who do not have 12-month contracts are still expected to participate in Resolution Processes that occur during months between contracts, the University will assess if the live hearing should be postponed to be conducted at the



beginning of the next academic year. The Title IX coordinator will take into consideration the availability of the decision maker(s), the availability of parties, witnesses, and/or advisors, and if there is a No Contact Order in place.

The parties will be notified about any changes in the live hearing scheduling.

### **3. Disability Accommodations and Other Assistance**

The parties should contact the Title IX coordinator at least **three (3) business days** before the live hearing to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, if possible.

### **4. No Cross-examination Requirement**

Under section 106.46(g) of the revised rules, each party is allowed the option to appear in separate rooms, using technology like speakerphones and listening devices. The regulations also prohibit cross-examination questions “that are unclear or harassing of the party being questioned” under Section 106.46(f)(3)). Therefore, the University will no longer require a live hearing with in-person cross-examination for sex-based harassment complaints.

### **5. Rape Shield Protections**

Under federal regulations, and in following California’s rape shield laws detailed by state Evidence Code 1103 E.C., this policy will enforce rape shield protections which prohibit respondents from introducing evidence relating to a complainant’s:

- Past sexual conduct
- Perceived sexual reputation

In the event that the respondent’s advisor asks the decision maker(s) to ask questions about the complainant’s sexual predisposition or prior sexual behavior, the decision-maker(s) will dismiss the question(s) as not relevant.

Furthermore, the University is precluded from using information or evidence protected by a legally recognized privilege unless the holder of the privilege has voluntarily waived the privilege. In accordance with this policy privileged information may include, but is not limited, to attorney-client communications, doctor-patient communications, medical records, psychological and counseling records, rape counselor-client communications or victim advocate-client communications among other privileged communications.

### **6. Alternate Live Hearing Options**

Alternate hearing options may be provided if a party/parties requests to participate in the live hearing via video-conferencing platforms like Zoom, Facetime, or similar media with technology able to make parties see and hear each other in real-time.

This means that the entire live hearing may occur with the parties in separate rooms or even at separation locations at the request of any party.

Furthermore, live hearings may be conducted with all parties physically present in the same geographic location or, at the university's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.

### **7. Joint Hearings**

In Complaints involving more than one respondent and/or involving more than one complainant accusing the same person of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX coordinator may permit the investigation and/or hearings pertinent to each respondent or complainant to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each respondent and/or for each complaint with respect to each alleged policy violation.

### **8. Hearing Participants**

Persons who may be present for a hearing include the decision-maker(s), investigator, the parties and their advisors, anyone providing authorized accommodations, interpretation, and/or assistive services, and anyone else deemed necessary by the decision-maker(s). Witnesses will be present only during their portion of the testimony. The Title IX coordinator will also be present.

### **9. Advisors Present at the Hearing**

The parties may have the assistance of an advisor of their choice at the hearing or can request that the University appoint a trained advisor for them. Appointed advisors are not attorneys. If a party wishes to have an attorney as their advisor, they must locate and pay for that attorney themselves. If a party decides not to have an advisor accompany them at the live hearing, they will not be able to ask questions during the hearing.

Parties and advisors are permitted to have their phones and a laptop or tablet, but these should only be used during the hearing in a matter consistent with this policy. During the hearing, all questions that a party wishes to ask must be posed by their advisor. The advisor will inform the decision-maker(s) about the question their advisee wants to be asked. The parties are forbidden to address the other party directly. Only the decision-maker(s) will be allowed to ask any questions to

the parties, and or to the witnesses. The questions may be presented to the decision-maker(s) during the pre-hearing meeting or in writing via email in preparation for the hearing.

## **O. Notice of Hearing (NOH)**

Once the parties complete the pre-hearing steps, the University will make preparations to hold a live hearing and issue a Notice of Hearing to all participants, including the parties and witnesses.

### **1. Notice of Hearing to Participants**

The Title IX coordinator will send the parties a **Notice of Hearing** (NOH) with sufficient time for the parties to prepare for the hearing, typically at least **seven (7) business days** prior to the hearing. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The hearing notice includes:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result
- The time, date, and location of the hearing
- A description of any technology that will be used to facilitate the hearing
- Relevant information regarding hearing logistics, pre-hearing meetings, the Final Investigation Report, the parties and witnesses participation in the hearing, the identity of the decision-maker(s), details related to questioning, the role of advisors, right to submit impact/mitigation statements, and how to request disability accommodations or any other assistance
- The parties' right to an advisor and for the advisor to be present during the live hearing.

### **2. Notice of Hearing to the Witnesses**

The Title IX Coordinator will send a **Notice of Hearing** to the witnesses informing them of the date, time and place in which the live-hearing will be held. The NOH will be sent out to the witnesses with sufficient time for them to prepare for the hearing, typically at least **seven (7) business days** prior to the hearing.

The Notice of Hearing to the witnesses will also inform the witnesses that:

- They must be present for the live hearing.
- The live hearing will be recorded by audio or audiovisual recording, or transcribed.

## **P.Live Hearing Procedures**

### **1.Presentation of Final Investigation Report**

The Title IX investigator will present a summary of the Final Investigation Report during the live hearing, including a review of the facts that are contested and those that are not. The investigator may be questioned first by the decision-maker and then by the parties. The investigator may attend the duration of the hearing or be excused after their testimony at the decision-maker(s)'s discretion.

### **2. Order of Testimony and Questioning**

The parties and witnesses may provide relevant information in turn, beginning with the complainant's opening statement, then the respondent's opening statement. This will be followed by questioning of the parties. Typically, the complainant will participate first, then the respondent will participate, followed by any witness testimony.

### **3. Questions During the Live Hearing**

All questions to either party or the witnesses must be directed and asked through the decision-maker(s), and will be subject to a relevance determination before proceeding. The decision-maker(s) will determine the relevance of a proposed question. Question proposed may include questions to the other party, witnesses, or questions that the party wants the decision-maker(s) to ask to themselves.

The decision-maker(s) will explain any decision to exclude a question as not relevant, or to reframe it for relevance. In addition, the decision-maker(s) will limit or disallow questions they deem not appropriate on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), seek or pertain to impermissible evidence, or are abusive. The decision-maker(s) has final say on all questions and determinations of relevance and appropriateness. The decision-maker(s) may consult with the Title IX coordinator and/or legal counsel on any questions of admissibility.

If the parties raise an issue of bias or conflict of interest of an investigator or decision-maker(s) at the hearing, the decision-maker(s) may elect to address those issues, consult with legal counsel, refer them to the Title IX coordinator and/or preserve them for appeal. If bias is not an issue at the hearing, the decision-maker(s) should not permit irrelevant questions that probe for investigator bias.

Only the decision-maker(s) will ask questions during the live hearing.

### **4. New Evidence Submitted During the Hearing**

Evidence offered after the evidence review period will be evaluated by the decision-maker(s) with the assistance of the Title IX coordinator for relevance. If deemed relevant and not impermissible, the parties and decision-maker(s) must agree to admit it into the record. If the

evidence is deemed not relevant or impermissible, the decision-maker(s) may proceed with the hearing absent the new evidence.

The new relevant evidence will be admitted to the record if:

- All parties and the decision-maker(s) assent to the new evidence being included in the hearing without remanding the complaint back to the investigator, and
- The evidence is not duplicative of evidence already in the record, and
- It is not impermissible, and
- The new evidence was either not reasonably available prior to the conclusion of the Final Investigation Report, or
- The failure to provide it in a timely manner was not the result of bad faith by the parties, witnesses, or others

If the above criteria are not met, but the evidence is deemed materially relevant and not duplicative, the decision-maker(s) may, at their discretion and in consultation with the Title IX coordinator, engage in any of the following actions:

- Delay the hearing
- Provide the parties with at least five (5) business days to review the new evidence
- Remand the complaint back to the investigator for further investigation or analysis
- Allow the parties to review and comment on the new evidence

If the evidence is deemed not relevant or impermissible, the decision-maker(s) may proceed with the hearing without allowing the new evidence.

## **5. Refusal to Submit to Questioning and Inferences**

Any party or student witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. Employee witnesses are required to participate in the hearing if they are reasonably available. The decision-maker(s) can only rely on the available relevant and not impermissible evidence in making the ultimate determination of responsibility.

The decision-maker(s) may not draw any inference **solely** from a party's or witness's absence from the hearing or refusal to answer any or all questions.

An advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an advisor unless the party being advised consents to that information being shared.

## **6. Impact Statements**

Each party may submit an impact and/or mitigation statement to the Title IX coordinator that the decision-maker(s) will review during any sanction determination. Upon receipt of an impact and/or mitigation statement, the Title IX coordinator will review the impact/mitigation statement to

determine whether any immediate needs exist and if there is a need for additional supportive measures.

The impact statements will only be provided to the decision-maker(s) if the decision-maker(s) determines that the university's Title IX policy has been violated. At this time, the impact statements will also be shared with the parties.

### **Q. Decision-Maker(s) Deliberation and Determination Regarding Responsibility**

After closing statements from the parties, the decision-maker(s) will deliberate in closed session to determine whether the respondent is responsible for the alleged policy violation(s) based on the preponderance of the evidence standard of proof. If a panel is used, a simple majority vote is required to determine the finding. Deliberations are not recorded.

When there is a finding of responsibility for one or more of the allegations, the decision-maker(s) may then consider any previously submitted impact and/or mitigation statement(s) provided by the parties in determining appropriate sanction(s). The Title IX coordinator will ensure that any submitted statements are exchanged between the parties if they are viewed by the decision-maker(s). Impact/mitigation statements do not influence the finding, they only potentially influence the sanctions that may be imposed.

The Decision-maker will then prepare and provide the Title IX coordinator with a written outcome letter detailing the following:

- All findings and final determinations
- The rationale(s) explaining the decision(s)
- The relevant and not impermissible evidence used in support of the determination(s)
- The evidence not relied upon in the determination(s)
- Any credibility assessments, and
- Any sanction(s) and rationales explaining the sanction(s).

This statement is typically submitted to the Title IX coordinator within five (5) business days from the conclusion of the hearing, unless the Title IX coordinator grants an extension. The Title IX coordinator will update the parties of any extension.

### **R. Notice of Finding**

The Title IX Coordinator will also send a **Notice of Finding and Right to Appeal** to the parties to inform the parties that they have three (3) days (business days) to submit an appeal to the Title IX Office in regard to the decision maker(s) determination. This period can be extended at the University's discretion.

## **S. Appeal Process**

In case the party/parties decide to proceed with an appeal to the panel members/decision-makers' report, the Title IX Coordinator will appoint an appeal's officer who will determine if an appeal should be granted or not.

### **1.Submission of an Appeal**

A party may submit an appeal about the determinations regarding responsibility on one or more of the following bases:

Therefore, the University will offer appeals on at least the three following bases:

- Procedural irregularity that affected the outcome of the matter,
- Newly discovered evidence that was not reasonably available at the time the determination of responsibility was made that could affect the outcome of the matter,
- The Title IX coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome.

The University will grant deference to the decision-makers' determination and therefore, the party/parties that do appeal the decision-makers' determination will have the burden of proof in regards to the appeal.

### **2.Notice of Appeal Officer's decision**

The appeal officer will review the party/parties' appeal and make a determination based on the arguments presented by the party/parties'. The University will grant the appeal officer a reasonable time to review the appeal and offer a decision. Typically, this period will be **ten (10) days**, (business days) but can be extended at the University's discretion depending on the circumstances.

The appeal officer will either accept or deny the appeal request.

In case the appeal is accepted, once the appeal officer concludes the review, they will write a Notice of Appeal Officer's decision to the parties, and will also send the notice to the Title IX Coordinator, in which the appeal officer will explain the basis for the decision.

The Notice will also inform if:

- The decision-makers' decision stands.
- The decision should be remanded.
- The sanction imposed by the decision-makers should be adjusted.

In case the appeal officer finds that the decision should be remanded, the University may:

- Order a new investigation, among other situations, in case of bias or conflict of interest.
- Order a new hearing to gather further information to make a decision.
- Order a Sanctions-Only hearing in order to re-address the sanctions that were originally imposed.

In case the appeal is not accepted, the appeal officer will send a Notice of Appeal not accepted to both the Complainant and the Respondent, and the Title IX Coordinator, informing that the appeal was not accepted and explain why the appeal was not considered. In this case, the determination taken by the decision-maker(s) will stand.

### **T. Final Determination**

In accordance with the Education Department's mandate and to this policy, the determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

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

### **U. Recordation of the Investigation Finding**

Once the decision becomes final, the University will keep the following record:

- The University will keep the Title IX investigation file for a minimum of seven (7) years. The file will include the evidence collected, the Title IX Investigator's report, the decision-makers' written determination, including information of the sanctions, if any, that were imposed.
- In case the Respondent is a student and the decision-makers' determination is that they are either suspended or expelled from the University, the Title IX Coordinator will inform the Registrar's/Records office in writing and a notation may be included in the Respondent's transcript/academic record.
- The notation recorded will inform that the Respondent was suspended or expelled due to disciplinary reasons.
- In case the Respondent is a staff member or a faculty member, and the decision-makers' determination is that they be dismissed or terminated, the Title IX Coordinator will inform the Human Resources Director for further proceedings.



- If the Respondent is a staff member or faculty member, the Human Resources Director, jointly with the Title IX Coordinator, the University President and/or the University Provost will determine any other further actions in regards to the Respondent's employee's file.

## **V. Request for Removal of Notation in the Academic Record**

In case the Respondent is a student, they may request the notation be removed from their transcript/academic record after a minimum of a **two (2) years** following a determination of responsibility of violating the Title IX policy.

A request for removal of the notation must be submitted in writing to both the Title IX Coordinator and the University's President or the University's Provost.

In their request the Respondent must inform the University about the following:

- They have complied with further counseling, community service, or any other extracurricular activities that resulted in the benefit of the community, and/or
- They have not engaged in any other violation since the determination of responsibility in the Title IX Formal Investigation, and/or
- They have pursued further studies and have maintained a satisfactory grade point average, and/or
- They have held employment and have maintained a satisfactory employee record, and/or
- They can supply letters from members of the community who recommend that the notation be removed from their transcript/academic record, and/or
- They can supply any other relevant information that may be considered by the University that may be sufficient to support that the University order the removal of the notation from the respondent's transcript/academic record.

The Title IX Coordinator and the University President or the University Provost will consider the respondent's request and will determine jointly if the respondent's request should be granted or denied.

Once the University determines if the respondent's request should be granted or denied, the University will inform the Respondent in writing about the following:

- The university's decision
- If there is any additional information that the Respondent may submit to support their request
- If the request is not granted, that the Respondent will be allowed to submit a second request of removal of the notation after **two (2) additional years**.

The University is in no way obligated to remove the notation from the Respondent's transcript/academic record, but will consider the request on its merits.

### **W. Records on File**

In accordance with the Final Rule Section 106.45(b)(10) the University will retain records of a sexual harassment investigation for at least seven years even if the University grants a request for removal of notation in the academic record

### **X. Sanctions, Corrective Actions, and Remedies**

Violations of the policy may result in sanctions and corrective actions, which can include, but are not limited to the following:

- Verbal warning
- Written warning
- Campus access restrictions
- Advisory letter
- Monitoring
- Disciplinary hold on academic and / or financial records
- Performance improvement / management process
- Required counseling or therapy
- Loss of oversight, teaching or supervisory responsibility
- Disciplinary probation
- Degree revocation
- Demotion
- Loss of pay increase
- Transfer (employment)
- Restitution
- Suspension with pay
- Suspension without pay
- Censure
- Removal from campus housing
- Revocation of admission or degree
- Required training or education
- No trespass order issued by RPD
- Revocation of offer (employment or admission)
- Disciplinary suspension (with respect to campus locations)
- No contact directive (with respect to an individual)

- Loss of privileges
- Exclusions
- Expulsion
- Termination of employment
- Revocation of tenure
- Termination of contract (for contractor)

The University may assign other sanctions as appropriate in each particular situation. More than one sanction may be imposed for a single violation. Suspension, expulsion and withdrawal pending disciplinary action are permanently noted on a student's transcripts.

Sanctions and corrective actions will be imposed consistent with this policy. In addition, the University may take steps to remediate the effects of a violation on victims and others.

Following an investigation, the University may extend supportive measures and accommodations, and/or take other supportive measures to eliminate any limitation of access to education, employment or activities caused by the sex-based harassment and/or sexual misconduct, prevent the recurrence of any sex-based harassment and/or sexual misconduct, and remedy the effects of the sex-based harassment and/or sexual misconduct on the complainant and the University community. Such measures may include, but are not limited to, the supportive measures as well as counseling, training, and other preventative measures.

### **Y. Educational Training, Awareness, and Prevention Programs**

The University offers a variety of training, awareness and prevention programs to help prevent sex-based harassment and/or sexual misconduct within the La Sierra University community. The University strives to ensure that such programming is culturally relevant; inclusive of diverse communities and identities; sustainable; responsive to community needs; informed by research or assessed for value, effectiveness, or outcome; and considers environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

### **Z. Information Related to this Policy**

If you have any questions about this policy, you may contact the Title IX Coordinator by phone 951.785.2849, or email [titleix@lasierra.edu](mailto:titleix@lasierra.edu).

You may also visit the Title IX office located at: 11498 Pierce St., Suite AA, Riverside, CA 92505.

This policy may be found online on the 'About' page of La Sierra's website:

<https://lasierra.edu/sexual-misconduct/>. Online reporting is available through the site.