

CIVIL RIGHTS POLICIES AND PROCEDURES

These policies and procedures were implemented on 4/27/18 and serve as an Addendum to Catalog 81.

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Nondiscrimination Policy

National University does not permit discrimination or harassment in its educational program or activities on the basis of race, ethnic or national origin, religion, age, sex, gender, sexual orientation, color, physical or mental disability, sexual orientation, marital or veteran status, pregnancy (including childbirth, and related medical conditions) or any other protected characteristic under applicable local, state, or federal law. Sexual misconduct and harassment are considered a form of sex/gender-based discrimination. The University also prohibits retaliation against an individual because that individual participated in any manner in a civil rights grievance proceeding. Complaints of retaliation will be subject to the process described below. For questions about discrimination or to file a complaint alleging discrimination please contact the Title IX Coordinator and/or any Deputy Title IX Coordinators at CivilRightsCompliants@nu.edu.

Sexual Misconduct/Harassment Policy

The University is committed to providing an educational and employment environment free of all forms of sex discrimination, including, but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual misconduct or harassment. The University will take immediate and appropriate steps to stop sexual misconduct, prevent its recurrence, and address its effects. Any person who violates this policy may be subject to discipline up to and including termination of employment, suspension, dismissal, and a ban from campus, depending on the circumstances and the severity of the violation. Harassment that is not sexual in nature but is based on gender, gender identity, or sexual orientation is also prohibited by the *National University Nondiscrimination* policy if it denies or limits a person’s ability to participate in or benefit from educational programs, employment, or services. Additional information about sexual harassment, sexual misconduct, domestic violence, dating violence, sexual assault, and other items covered under this policy and the *National University Nondiscrimination* policy can be found in the *Definitions* section of this document.

Applicable Laws

Title IX of the Education Amendments of 1972 (Title IX) prohibit discrimination on the basis of sex/gender in education programs or activities operated by recipients of federal financial aid. Sexual harassment and misconduct are a form of sex/gender discrimination prohibited by Title IX. Title IX prohibits sex/gender discrimination in both educational and employment settings.

The Violence Against Women Reauthorization Act of 2013 (VAWA) became effective as of March 7, 2014, and covers domestic violence, dating violence, sexual assault, and stalking. Any complaints of Sexual Misconduct or items covered under VAWA must be promptly reported to the Title IX Coordinator or Deputy(s).

Title IX Coordinator

The Title IX Coordinator, Deputy Coordinator(s) and designee(s) oversee implementation of the University's policies on harassment and nondiscrimination. The Title IX Coordinator and the Deputy Coordinators act with independence and authority, free of conflicts of interest. To raise any concern involving a conflict of interest, contact any Title IX Coordinator or Deputy.

The Title IX Coordinator and Deputy Title IX Coordinators are available to receive reports alleging violations of the *National University Nondiscrimination* policy. Inquiries about and reports regarding this policy and procedure may be made to the Title IX Coordinator or any Deputy(s):

Title IX Coordinator

Dr. Joseph Zavala
Vice President, Student Services
National University
11255 N. Torrey Pines Road
La Jolla, California 92037
Phone: 858.642.8024
Email: jzavala@nu.edu

Deputy Title IX Coordinator

Heather Tyrrell
Equity Officer
National University
11255 N. Torrey Pines Road
La Jolla, California 92037
Phone: 858-642-8087
Email: htyrrell@nu.edu

Deputy Title IX Coordinator

Dr. John Cicero
Vice Provost of Academic and Faculty Affairs
National University
11255 N. Torrey Pines Road
La Jolla, California 92037
Phone: 858-642-8075
Email: jcicero@nu.edu

Deputy Title IX Coordinator

Pedro Rubio
Director of Student Affairs
National University
11255 N. Torrey Pines Road
La Jolla, California 92037
Phone: 858-642-8097
Email: prubio@nu.edu

Inquiries may be made externally to:

Office for Civil Rights (OCR)

U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Website: <http://www.ed.gov/ocr>

Reporting Discrimination, Harassment and/or Retaliation

Reports of discrimination, harassment and/or retaliation may be made using any of the following options. There is no time limitation on the filing of allegations. However, if the responding party is no longer subject to the University's jurisdiction, the ability to investigate, respond and provide remedies may be more limited:

1. Report directly to the Title IX Coordinator or any Deputy Title IX Coordinator;
2. Report online, via the [Student Conduct page](#) or the [Office of Student Affairs page](#) by pressing the Incident Report button; and/or
3. Call or email the Title IX Coordinator and/or any Deputy Title IX Coordinators at CivilRightsCompliance@nu.edu.

The University encourages submission of complaints in written form. Complaints should clearly describe the incident, incorporate supporting documentation, and describe the desired remedies. A reporting party also has the right to file a complaint with the Office for Civil Rights of the U.S. Department of Education (contact info detailed above). A reporting party is not required to use the school's grievance process before filing such a complaint.

All reports are acted upon promptly while every effort is made by the University to preserve the privacy of reports. Additionally, all employees of National University are designated as mandated reporters and will share a report with the Title IX Coordinator and/or Deputy promptly. Confidentiality and mandated reporting is addressed more specifically below. Reporting discrimination is not limited to the individual or individuals who are subjected to the conduct; third-parties may also report a complaint. As necessary, the University may initiate a complaint, serve as the reporting party, and initiate University proceedings without a formal complaint.

Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the University President or Provost.

Office of the President

11255 North Torrey Pines Road
La Jolla, CA 92037-1011
Phone: 858.642.8802

Office of the Provost

11255 North Torrey Pines Road

La Jolla, CA 92037-1011

Phone: 858.642.8298

Jurisdiction

This policy applies to behaviors that take place on the campus, at University-sponsored events, and may also apply off-campus and to actions online when the Title IX Coordinator or Deputy Title IX Coordinator(s) determine that the off-campus conduct affects a substantial University interest. A substantial University interest is defined to include:

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

Interim Steps/Remedial Action

Upon notice of alleged discrimination, the University may implement interim remedial, responsive and/or protective actions upon notice of alleged harassment, retaliation and/or discrimination. Such actions could include but are not limited to:

- contact limitations,
- reasonable academic support,
- visa and immigration assistance,
- student financial aid counseling,
- providing a campus escort,
- no contact orders,
- reasonable academic, work schedule, and/or assignment accommodations,
- safety planning,
- referral to counseling and/or health services,
- referral to campus and community support resources.

The Title IX Coordinator or Deputy Title IX Coordinator(s), may place a student on an interim suspension pending the completion of an investigation, where there is a substantial concern for the health, safety or welfare of any person. In all cases in which an interim suspension is imposed, the student, employee or relevant party will be given the option to meet with the Title IX Coordinator and/or Deputy Title IX Coordinator(s) prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX Coordinator or Deputy Title IX Coordinator(s) has sole discretion to implement or stay an interim suspension and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to all or specifically designated University facilities/events. As determined by the Title IX Coordinator or Deputy Title IX

Coordinator(s), this restriction can include classes and/or all other University activities or privileges for which the student might otherwise be eligible.

The University will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest or visitor upon a finding that they have engaged in harassing or discriminatory behavior or retaliation. The University will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair the University's ability to provide the accommodations or protective measures.

Information for Involved Parties

If you have been a victim of domestic violence, dating violence, sexual assault, or stalking, please consider the following procedures:

Medical Attention

Medical providers in the community can treat injuries and test for pregnancy and sexually transmitted diseases (STDs). Some medical providers can perform a Sexual Assault Forensic Exam which preserves evidence for use in a criminal case.

Preservation of Evidence

To preserve evidence of a physical assault, avoid washing your body, brushing your teeth or changing your clothes. If you believe you may have been drugged and wish to have your blood or urine tested, this should be done as soon as possible at a medical facility. Be aware that some physical evidence must be collected close in time to the incident.

Police Reporting

It is the reporting party's decision whether or not to report to the police. For the quickest police response, dial 911. Even if you already cleaned up or if the incident occurred in the past, you can still report to the police. You may wish to talk with a person who can support you, while maintaining confidentiality. In San Diego County, you can contact the Center for Community Solutions, which provides free comprehensive services to victims of sexual assault, relationship violence, and stalking. You can reach them by phone at 888.385.4657 or on the web at <http://www.ccssd.org/get-help/hotline/>.

In California, you can contact CALCASA (California Coalition Against Sexual Assault) at 888.922.5227 or on the web at <http://calcasa.org>; they can direct you to support in your county. Outside of California, you can contact RAINN (Rape, Abuse & Incest National Network) at 202.544.3064 <https://www.rainn.org/>.

Nationwide Resources

- Sexual Assault Hotline: 800.656.4673
- Domestic Violence Hotline: 800.799.7233
- Center for Victims of Crime Hotline: 202.467.8700

These organizations can provide support and information on what types of conduct are prohibited by law and can assist you with information about reporting to the police or in applying for a civil protection order (a legal directive that someone not have contact with you). Importantly, these organizations can assist a victim in considering all of the available options.

Accessing National University Support

If a reporting party is not affiliated with National University as a student, faculty, or staff member, or if the reporting party chooses not to identify the responding party, the University can still assist the reporting party with a referral to outside counseling and other support services and may assist in rescheduling course requirements, assigning an incomplete in a class or allowing the reporting party to transfer class sections.

Confidentiality and Reporting of Offenses

All University employees (faculty, staff, administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate university officials – thereby offering options and advice without any obligation to inform an outside agency or campus official unless a reporting party has requested information to be shared. Other resources exist for reporting parties to report crimes and policy violations and these resources will act when an incident is reported to them. The following describes the reporting options at National University:

Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- On-Campus: The University Ombudsman. The Office of the University Ombudsman serves as a neutral, impartial, and unaligned party in the resolution of complaints and/or concerns. All communications with the Ombudsman are held in strict confidence. You may contact the National University Ombudsman at (858) 642-8368 or ombuds@nu.edu. Please note that the security of electronic communication cannot be guaranteed. Calling the Ombudsman’s confidential line is the most secure communication method.
- Off-campus:
 - Licensed professional counselors
 - Local rape crisis counselors
 - Domestic violence resources
 - Local or state assistance agencies
 - Clergy/Chaplains

All of the above-listed individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. University employees listed above will submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client.

Formal Reporting Options

All University employees have a duty to report, unless they fall under the “Confidential Reporting” section above. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared with the Title IX Coordinator or Deputy(s). Employees must promptly share all details of the reports they receive. Generally, climate surveys, classroom writing assignments or discussions, human subjects research, or advocacy events do not provide Notice to the University that must be reported to the Title IX Coordinator by employees, unless the reporting party clearly indicates that they wish a report to be made. Remedial actions may result from such disclosures without formal University action.

If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator, who will evaluate the request in light of the duty to ensure the safety of the campus and comply with federal law. The University’s ability to remedy and respond to a reported incident may be limited if the reporting party does not want the institution to proceed with an investigation.

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

Formal reporting still affords privacy to the Reporter, and only a small group of officials who need to know will be told, including but not limited to: Campus-based personnel, Student Services officials, Academic officials, Human Resources, Compliance, the Equity Officer, the Director of Security, etc. Information will also be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy.

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sex/gender harassment or discrimination of which they become aware is a violation of University policy and can be subject to disciplinary action for failure to comply.

Equity Resolution Process for Allegations of Harassment, Sexual Misconduct, and Other Forms of Discrimination

The University will act on any formal or informal allegation or notice of violation of *National University Nondiscrimination* policy, that is received by the Title IX Coordinator, Deputy or member of the administration, faculty, or other employee. The procedures described below apply to all allegations of harassment or discrimination on the basis of protected class involving students, staff or faculty members. These procedures may also be used to address collateral misconduct occurring in conjunction with harassing or discriminatory conduct. All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the respective student, faculty and staff handbooks or Codes of Conduct.

Reporting Misconduct

Any member of the community, guest or visitor who believes that the *National University Nondiscrimination* policy has been violated should contact the Title IX Coordinator or Deputy(s). It is also possible for employees to notify a supervisor, or for students to notify an academic advisor or faculty member. Any member of the community, including visitors, may contact University Security to make a report. These individuals will in turn notify the Title IX Coordinator or Deputy(s).

All employees receiving reports of a potential violation of this University policy are expected to promptly contact the Title IX Coordinator or Deputy(s) within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with privacy: specific information on any allegations received by any party will be reported to the Title IX Coordinator, but, subject to the University's obligation to redress violations, every effort will be made to maintain the privacy of those initiating an allegation. In all cases, the University will consider the reporting party with respect to how the reported misconduct is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution even when a reporting party chooses not to initiate or participate in the resolution process.

Preliminary Inquiry

Following receipt of notice or a report of misconduct, a panel of the Deputy Title IX Coordinators will assign civil rights investigator(s) to engage in a preliminary inquiry to determine if there is reasonable cause to believe the

National University Nondiscrimination policy has been violated. Any inquiry and/or investigation will be conducted by individuals who have received specialized training in conducting civil rights-based investigations. The inquiry may include interviews with the parties, interviews with relevant witnesses, the identification, solicitation and review of any information relevant to the investigation, including educational or personnel records and available police reports, and consultation with expert witnesses as the investigators deem necessary.

The preliminary inquiry is typically 1 to 2 weeks in duration. This inquiry may also serve to help the panel of Deputy Title IX Coordinators to determine if the allegations evidence violence, threat, pattern, predation and/or weapon, if the reporting party has asked for no action to be taken. In any case where violence, threat, pattern, predation, and/or weapon is not evidenced, the Deputy Title IX Coordinators may respect a reporting party's request for no action and will investigate only so far as necessary to determine appropriate remedies. As necessary, the University reserves the right to initiate resolution proceedings without a formal report or participation by the reporting party.

In cases where the reporting party wishes to proceed, or the University determines it must proceed, and the preliminary inquiry shows that reasonable cause exists, the panel of Deputy Title IX Coordinators will direct a formal investigation to commence and the allegation will be resolved through:

1. Conflict Resolution – typically used for less serious offenses and only when both parties agree to conflict resolution; and
2. Equity Resolution Process (ERP) - for all other allegations of harassment, sexual misconduct, and other forms of discrimination.

The process followed considers the preference of the parties but is ultimately determined at the discretion of the panel of Deputy Title IX Coordinators. Conflict Resolution may only occur if selected by all parties, otherwise the Equity Resolution Process (ERP) applies.

If conflict resolution is desired by the reporting party and appears appropriate given the nature of the alleged behavior, then the report does not proceed to investigation, unless a pattern of misconduct is suspected or there is an actual or perceived threat of further harm to the community or any of its members.

Once a formal investigation is commenced, the Title IX Coordinator, Deputy or designee will provide written notification of the investigation to the responding party at an appropriate time during the investigation. The University aims to complete all investigations within a sixty (60) calendar day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties as appropriate.

If, during the preliminary inquiry or at any point during the formal investigation, the panel of Deputy Title IX Coordinators determine that there is no reasonable cause to believe that this policy has been violated, the process will end unless the reporting party requests that the Title IX Coordinator makes an extraordinary determination to re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator.

Investigation

Once the decision is made to commence a formal investigation, the Deputy Title IX Coordinator(s) or designee will assign the previously appointed trained civil rights investigator(s) to proceed with a full investigation. The Deputy

Title IX Coordinator(s) or assigned Title IX Investigators will send a Notice of Investigation to both parties. Investigations are completed expeditiously, normally within 1 month, though some investigations take weeks or even months longer, depending on the nature, extent and complexity of the allegations, availability of witnesses, police involvement, and other factors.

All investigations will be thorough, reliable, impartial, prompt and fair. Investigations entail interviews with the reporting party, the responding party, all other relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, as necessary. The investigators will typically take the following steps, if not already completed (not necessarily in order):

- In coordination with the Title IX Coordinator, Deputies or designees, initiate or assist with any necessary remedial actions;
- Determine the identity and contact information of the reporting party;
- Identify all policies allegedly violated;
- Assist the panel of Deputy Title IX Coordinators with an immediate preliminary inquiry to determine if there is reasonable cause to believe the responding party has violated policy.
 - If there is insufficient evidence to support reasonable cause, the inquiry should be closed with no further action;
- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview;
- Prepare the notice of allegations based on the preliminary inquiry;
- Meet with the reporting party to finalize their statement;
- If possible, provide written notification to the parties prior to their interviews that they may have the assistance of an advisor of their choosing present for all meetings attended by the advisee;
- Provide reporting party and responding party with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result;
- Prior to the conclusion of the investigation, provide the reporting party and the responding party with a list of witnesses whose information will be used to render a finding;
- Allow each party the opportunity to suggest questions they wish the investigators to ask of the other party and witnesses.
- Provide parties with all relevant evidence to be used in rendering a determination and provide each with a full and fair opportunity to address that evidence prior to a finding being rendered;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
- Recommend findings to Title IX and Deputy Coordinators, based on a preponderance of the evidence standard (more likely than not);
- Finalize and present the findings to the parties, without undue delay between notifications;

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

Witnesses (as distinguished from the parties) are expected to cooperate with and participate in the University's investigation process. Witnesses may provide written statements in lieu of interviews during the investigation and

may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person or if the investigators determine that timeliness or efficiency dictate a need for remote interviewing. Parties who elect not to participate in the investigation or to withhold information from the investigation do not have the ability to offer evidence later during the appeal if it could have been offered during the investigation. Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence. No unauthorized audio or video recording of any kind is permitted during investigation meetings or proceedings.

Advisors

Each party is allowed to have an advisor of their choice present with them for all related meetings and proceedings, from intake through to final determination. The parties may select whomever they wish to serve as their advisor as long as the advisor is eligible and available, and usually otherwise not involved in the resolution process, such as serving as a witness. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is available and eligible. Witnesses cannot also serve as advisors. The parties may choose advisors from inside or outside the campus community.

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

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting or interview unless invited to. The advisor may not make a presentation or represent the reporting party or the responding party during any meeting or proceeding and may not speak on behalf of the advisee to the investigators. The parties are expected to ask and respond to questions on their own behalf, without representation by their advisor. Advisors may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation.

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

The University expects an advisor to adjust their schedule to allow them to attend University meetings when scheduled. The University does not typically change scheduled meetings to accommodate an advisor's inability to attend. The University will, however, make reasonable provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available. A party may elect to change advisors during the process and is not locked into using the same advisor throughout. The parties must advise the investigators of the identity of their advisor at least one (1) day before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties must provide timely notice to investigators if they change advisors at any time.

Resolution

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with University policy. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose and should discuss doing so with their advisors.

Conflict Resolution

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

Conflict resolution will not be the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the formal process is completed should the parties and the Title IX Coordinator believe that it could be beneficial. Mediation will not be used in cases of sexual violence.

ERP Resolution

ERP resolution relies on the evidence, information and recommended findings within the investigation report to render a determination. Upon completion of the investigation, the investigators will provide the panel of Deputy Title IX Coordinators with a written report summarizing the evidence gathered and examined, including an assessment of credibility of the parties and witnesses, an analysis of the information, and recommended findings and sanctions (if applicable). The panel can request any additional necessary information and investigation as needed and will render/finalize a determination in accordance with the procedures below. The panel of Deputy Title IX Coordinators will consider, but is not bound by, the recommendations of the investigation.

Any evidence that the panel of Deputy Title IX Coordinators believe is relevant and credible may be considered, including history and pattern evidence. The panel of Deputy Title IX Coordinators may exclude irrelevant or immaterial evidence and may choose to disregard evidence lacking in credibility or that is improperly prejudicial.

Unless the panel of Deputy Title IX Coordinators determine it is appropriate, the investigation and the finding will not consider: (1) incidents not directly related to the possible violation, unless they show a pattern, (2) the sexual history of the reporting party (though there may be a limited exception made in regards to the sexual history between the parties), (3) or the character of the reporting party. While previous conduct violations by the responding party are not generally admissible as information about the present allegation, the investigators will supply panel of Deputy Title IX Coordinators with information about previous good faith allegations and/or findings to consider as evidence of pattern and/or predatory conduct.

The panel of Deputy Title IX Coordinators will base the determination(s) on the preponderance of the evidence, whether it is more likely than not that the responding party violated policy as alleged. The responding party may choose to admit responsibility for all or part of the alleged policy violations at any point during the investigation or ERP process. If the responding party admits responsibility, the panel of Deputy Title IX Coordinators will render a determination that the individual is in violation of University/College policy.

If the responding party admits the violation, or is found in violation, the panel of Deputy Title IX Coordinators, in consultation with the Title IX Coordinator and others as appropriate, will determine an appropriate sanction(s) or responsive action(s), will implement it, and act promptly and effectively to stop the harassment or discrimination, prevent its recurrence and remedy the effects of the discriminatory conduct.

The panel of Deputy Title IX Coordinators or designee will inform the parties of the final determination within 1 week of the resolution, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official University records; or emailed to the parties' email account in University records. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The notification of outcome will specify the finding on each alleged policy violation, any sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law. The notice will also include information on when the results are considered by the University to be final, any changes that occur prior to finalization, and any appeals options that are available.

Sanctions

The panel of Deputy Title IX Coordinators will review the recommended sanctions in the investigation report, and ultimately determine sanctions/responsive action based on factors that may include:

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

Appeals

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within three (3) days of the delivery of the final investigation report. Any party may appeal the findings and/or sanctions only under the grounds described below.

A three-member appeals panel chosen from the Investigator pool, and will be designated by the Title IX Coordinator from those who have not been involved in the process previously. Any party may appeal, but appeals are limited to the following grounds:

1. A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
2. To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
3. The sanctions imposed fall outside the range of sanctions the University has designated for this offense and the cumulative record of the responding party.

The appeals panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately. When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies), who may file a response within three (3) days and/or bring their own appeal on separate grounds. If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within three (3) days. These response or appeal requests will be shared with each party.

Where the appeals panel finds that at least one of the grounds is met by at least one party, additional principles governing the hearing of appeals will include the following:

- Decisions by the appeals panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings of the allegation. In most cases, appeals are confined to a review of the written documentation or record of the investigation, and pertinent documentation regarding the grounds for appeal. An appeal is not an opportunity for appeals panelists to substitute their judgment for that of the original investigators merely because they disagree with its finding and/or sanctions.
- Appeals granted based on new evidence should normally be remanded to the investigators for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, heard by the three-member appeals panel.
- The Title IX Coordinator will confer with the appeals panel, incorporate the results of any remanded grounds, and render a written decision on the appeal to all parties within three (3) days of the resolution of the appeal or remand.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand.
- All parties will be informed in writing within three (3) days of the outcome of the Appeals Panel, without significant time delay between notifications, and in accordance with the standards for notice of outcome as defined above.
- In rare cases where a procedural or substantive error cannot be cured by the original investigators, the appeals panel may recommend a new investigation, with new investigators. The results of a remand cannot be appealed.
- In cases where the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the responding party to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Long-Term Remedies/Actions

Following the conclusion of any investigation, the Title IX Coordinator and Equity Officer may utilize long-term remedies or actions stop the harassment or discrimination, remedy its effects and prevent their reoccurrence. These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Education to the community

- Providing campus escorts
- Climate surveys
- Policy/Process modifications
- Implementing long-term contact limitations between the parties
- Offering reasonable adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, Equity Officer or designee, long-term remedies may also be provided even when the responding party is found not responsible. The institution will maintain as confidential any long-term remedies/actions or protective measures, provided confidentiality does not impair the institution's ability to provide the actions or protective measures.

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

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

Records

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept by the Title IX Coordinator, Deputies, Investigators, and designees indefinitely in the Maxient database.

Statement of the Rights of the Parties

Reporting Party's rights:

- The right to investigation and appropriate resolution of all credible allegations of sexual misconduct or discrimination made in good faith to University officials;
- The right to be informed in advance of any public release of information regarding the incident;
- The right not to have any personally identifiable information released to the public, without their consent;
- The right to have University policies and procedures followed without material deviation;
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence;
- The right not to be discouraged by University officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities;
- The right to be informed by University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the reporting party so chooses. This also includes the right not to be pressured to report, as well;
- The right to have reports of sexual misconduct responded to promptly and with sensitivity by campus law enforcement and other campus officials;
- The right to be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services, both on campus and in the community;

- The right to a campus no contact order (or a trespass order against a non-affiliated third party) when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the reporting party or others;
- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual misconduct incident, if so requested by the reporting party and if such changes are reasonably available (no formal report, or investigation, campus or criminal, need occur before this option is available). Accommodations may include:
 - Reasonable Exam (paper, assignment) rescheduling;
 - Taking an incomplete in a class;
 - Transferring class sections;
 - Temporary withdrawal;
 - Alternative course completion options.
- The right to have the University maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures;
- The right to be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report;
- The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
- The right to be informed of the names of all witnesses whose information will be used to render a finding, in advance of that finding, except in cases where a witness's identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the reporting party, which will always be revealed);
- The right not to have irrelevant prior sexual history admitted as evidence;
- The right to have reports addressed by investigators who have received training;
- The right to preservation of privacy, to the extent possible and permitted by law;
- The right to meetings and/or interviews that are closed to the public;
- The right to petition that any University representative in the process be recused on the basis of demonstrated bias or conflict-of-interest;
- The right to bring an advisor of the reporting party's choosing to all phases of the investigation and resolution proceeding;
- The right to be promptly informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;
- The right to be informed in writing of when a decision by the University is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the University.

Responding Party's rights:

- The right to investigation and appropriate resolution of all credible reports of sexual misconduct and/or discrimination made in good faith to University administrators;
- The right to be informed in advance, when possible, of any public release of information regarding the report;
- The right to have University policies and procedures followed without material deviation;

- The right to be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services, both on campus and in the community;
- The right to timely written notice of all alleged violations, including the nature of the violation, the applicable policies and procedures and possible sanctions;
- The right to be informed of the names of all witnesses whose information will be used to render a finding, prior to final determination, except in cases where a witness's identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the reporting party, which will always be revealed);
- The right not to have irrelevant prior sexual history admitted as evidence in a campus resolution process;
- The right to have reports addressed by investigators who have received training;
- The right to petition that any University representative be recused from the resolution process on the basis of demonstrated bias and/or conflict-of-interest;
- The right to meetings and interviews that are closed to the public;
- The right to have an advisor of their choice to accompany and assist throughout the campus resolution process;
- The right to a fundamentally fair resolution, as defined in these procedures;
- The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- The right to be promptly informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;
- The right to be informed in writing of when a decision of the University is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the University.

Disabilities Accommodation in the Equity Resolution Process

The University is committed to providing qualified students, employees or others with disabilities with reasonable accommodations and support needed to ensure equal access to educational programs and processes. Anyone needing such accommodations or support should contact the [Office of Student Accessibility Services](#), who will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator and/or Equity Officer/Deputy Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation.

Policy Updates and Revisions

These policies and procedures will be reviewed and updated periodically by the Title IX Coordinator and Deputy Coordinators. The University reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. The Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. The Title IX Coordinator may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred. Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy. If government regulations change in a way

that impacts this document, this document will be construed to comply with government regulations in their most recent form. This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such codes generally.

Amnesty for Reporting Party and Witnesses

The University encourages the reporting of misconduct and crimes by reporting parties and witnesses. Sometimes, reporting parties or witnesses are hesitant to report to University officials or participate in resolution processes because they fear that they themselves may be accused of other policy or conduct violations. It is in the best interests of this community that reporting parties choose to report to University officials, and that witnesses come forward to share what they know. To encourage reporting, National University offers an amnesty policy for reporting parties and witnesses from minor policy violations related to the incident.

Reporting parties and witnesses will not be subject to disciplinary sanctions for a violation of the University's student conduct policy at or near the time of the incident, unless the institution determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty. While policy violations cannot be overlooked, the university will provide educational options, rather than punishment, to those who offer their assistance to others in need.

False Allegations

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action per the Student Code of Conduct, Faculty Handbook, or other applicable policies.

Definitions

Discriminatory and Bias-Related Harassment

Harassment constitutes a form of discrimination that is prohibited by University policy as well as the law. University condemns and will not tolerate discriminatory harassment against any employee, student, visitor or guest on the basis of any status protected by policy or law. National University will remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. When harassment rises to the level of creating a hostile environment, National University may also impose sanctions on the harasser through application of the Equity Resolution Process (ERP). National University's harassment policy explicitly prohibits any form of harassment, defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any member or group of the community.

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

The University reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature not on the basis of a protected status. Addressing such behaviors may not result in the imposition of discipline under National University policy, but will be addressed through respectful confrontation, remedial actions, education and/or effective conflict resolution mechanisms. For assistance with conflict resolution techniques, individuals should contact the University Ombudsman.

Sexual Harassment

The Department of Education's Office for Civil Rights (OCR) and the Equal Employment Opportunity Commission (EEOC) regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. The University has adopted the following definition of sexual harassment, in order to

address the special environment of an academic community, which consists not only of employer and employees, but of students as well.

Sexual harassment is:

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

Anyone experiencing sexual harassment in any University program is encouraged to report it immediately to the Title IX Coordinator or a Deputy Title IX Coordinator. Remedies, education and/or training will be provided in response. Sexual harassment may be disciplined when it takes the form of *quid pro quo* harassment, retaliatory harassment and/or creates a hostile environment.

A hostile environment is created when sexual harassment is:

- Severe, or
- persistent or pervasive, and
- objectively offensive, such that it:
 - unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the University's educational programs

Quid Pro Quo Sexual Harassment

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

Retaliation

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

Sexual Misconduct

State law defines various violent and/or non-consensual sexual acts as crimes. While some of these acts may have parallels in criminal law, the University has defined categories of sex/gender discrimination as sexual misconduct, as stated below, for which action under this policy may be imposed. The University considers Non-Consensual Sexual Intercourse violations to be the most serious of these offenses, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. However, the University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sexual misconduct or other sex/gender-based offenses, including intimate partner (dating and/or domestic) violence, non-consensual sexual contact and/or stalking based on the facts and circumstances of the particular allegation. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, sexual orientation and/or gender identity of those involved. Violations include:

- 1. Sexual Harassment**
- 2. Non-Consensual Sexual Intercourse**
 - any sexual intercourse
 - however slight

- with any object
- by a person upon another person
- that is without consent and/or by force

Sexual intercourse includes:

- Vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.

3. Non-Consensual Sexual Contact

Defined as:

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

Sexual touching includes:

- Intentional contact with the breasts, groin, or genitals, mouth or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- Any other bodily contact in a sexual manner.

Sexual Exploitation

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

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

Force and Consent

Force

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent

Coercion

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

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

Consent

Consent is knowing, conscious, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. Both parties are responsible for taking reasonable steps to determine whether another individual has affirmatively consented.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Lack of protest or resistance does not mean consent, nor does silence mean consent. Consent can be withdrawn once given, as long as the withdrawal is clearly communicated.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.

Incapacitation

A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

It is not an excuse that the responding party was intoxicated and, therefore, did not realize the incapacity of the reporting party. Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.

The age of consent in California is 18. It is illegal for anyone to engage in sexual intercourse with a minor (someone under the age of 18), unless they are that person’s spouse. This means that sexual contact by an adult with a person younger than 18 years old may be a crime, and a potential violation of this policy, even if the minor wanted to engage in the act.

Other Civil Rights Offenses

In addition to the forms of sexual misconduct described above, the following behaviors are also prohibited as forms of discrimination when the act is based upon the reporting party’s actual or perceived membership in a protected class.

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive, limit or deny other members of the community of educational or employment access, benefits or opportunities;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);
- Bullying, defined as

- Repeated and/or severe
- Aggressive behavior
- Likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally
- That is not speech or conduct otherwise protected by the 1st Amendment.
- Intimate Partner Violence, defined as violence or abuse between those in an intimate interaction and/or relationship to each other;
- Stalking
 - Stalking 1:
 - A course of conduct
 - Directed at a specific person
 - On the basis of actual or perceived membership in a protected class
 - That is unwelcome, and
 - Would cause a reasonable person to feel fear
 - Stalking 2:
 - Repetitive and Menacing
 - Pursuit, following, harassing and/or interfering with the peace and/or safety of another

Conduct That May Be Criminal in Nature

The University has the authority to address these complaints in a non-criminal context. The University process is completely separate from the police and courts. For any incident that potentially involves criminal activity, a Reporting party may wish to report directly to law enforcement in addition to, or instead of, reporting to the University. In addition, in some cases there may be time-sensitive considerations for reporting to law enforcement, such as the option to have medical or other evidence collected and preserved. A Reporting party may pursue both the University process and the criminal process simultaneously. In addition, state law may require a University official to report certain crimes to law enforcement if police have not already been notified.

When a police or criminal matter occurs simultaneous to the University process, in most cases the University will not wait until the criminal case is resolved before proceeding with the University process. The University's fact-finding investigation may be delayed for a short period of time upon a request from law enforcement, but the University will promptly resume the investigation as soon as possible.