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ATHENIAN PRINCIPLES

Guided by the traditions of the Sisters of St. Joseph of Carondelet (CSJs) and the Catholic Intellectual Tradition, Mount Saint Mary's University is committed to the advancement of learning and service to society. This is best accomplished in an atmosphere of mutual respect, concern for others, and academic integrity. As integral members of the Mount Saint Mary’s community students are encouraged to:

- Commit to the pursuit of knowledge with personal integrity and academic honesty;
- Contribute to the scholarly heritage of the Mount;
- Embrace the commitment to serve all persons without distinction;
- Promote the development of a caring community where compassion for others and freedom of thought and expression are valued;
- Respect the sanctity of the learning environment and support a culture of diversity by respecting the rights of those who differ from themselves; and
- Respond to the needs of the times and prepare as a fearless visionary for a just future.

“Make a wholehearted gift of yourself to the dear neighbor.”
-CSJ Maxim 39

ATHENIANS CARE

ATHENIANS CARE SOCIAL COMMITMENT

We are called to act and care in the gracious, compassionate, and giving spirit of our founding Sisters of St. Joseph of Carondelet. As Athenians, we belong to a community of care – we are all called to protect and serve one another. Collectively supporting the health and wellbeing of our friends, our families, and our world, can be as easy and effective as committing to a routine with proactive steps.

Therefore, I commit to following Mount Saint Mary’s new health and safety guidelines including to wear a face covering, practice proper hygiene, adhere to social distancing, self-monitor and stay home if I feel unwell.

I commit to care for my community by participating in educational events and community wellness activities and to respect myself and others during this time through self-care and/or community care activities.

I place my name on the Athenians Care Commitment because I care as “dear neighbor” inspired by our Sisters of St. Joseph and want to be a part of making MSMU a healthier campus.
“Let your life be a continuous act of love.”
-CSJ Maxim 4

STUDENT COVID-19 VACCINATION POLICY

PURPOSE
In keeping with our values as a Catholic university founded by the Sisters of St. Joseph of Carondelet, we are all called to serve one another and act in the gracious, compassionate, and giving spirit of our Sisters in support of the common good for all. Therefore, we are committed to fostering a healthy and caring culture – not only for our campuses, but for the community at large by taking measures to mitigate the spread of COVID-19.

As we approach the Fall semester, COVID-19 and its variants remain a highly transmissible respiratory illness that causes symptoms ranging from mild to severe and can lead to life-threatening illness, hospitalization, and death. MSMU remains committed to support the health and safety of our students and communities. MSMU’s actions have been informed and guided by national, state, and local public health policies and guidance to reduce the spread of the COVID-19 disease on our campuses and in our communities. The COVID-19 vaccines have been carefully evaluated in clinical trials and make it substantially less likely an individual will contract COVID-19 and become seriously ill or die, and they protect not only the individuals vaccinated, but also others in the community, particularly those who are at increased risk for severe illness from COVID-19. Throughout history, vaccinations have been effective in the prevention of many diseases or lessening their effects, and today COVID-19 vaccinations provide us with a powerful tool to make a difference in the health and wellness of the Mount Community. Therefore, MSMU has made the decision to require all students (Undergraduate, Weekend Evening Online, and Graduate) coming to our campuses to be fully vaccinated for COVID-19 by August 1, 2021. We will consider exemption requests for students with qualifying medical and religious reasons on an individual basis. Where exemptions are granted, the university may require additional COVID-19 testing and other restrictions and conditions.

SCOPE
All MSMU students (Undergraduate, Weekend Evening Online, and Graduate) for whom the COVID-19 vaccine is approved/authorized by the FDA must be vaccinated against COVID-19 and show proof of vaccination, unless an exemption from this policy has been granted.

OTHER INFECTION CONTROL PROTOCOLS AND GUIDANCE
This Mandatory Student COVID-19 Vaccination Policy is a key part of the University’s overall strategy and commitment to maintaining a safe and healthy environment in light of the COVID-19 pandemic. This policy is designed for use together with, and not as a substitute for, other COVID-19 prevention mitigation measures outlined in the MSMU Moving the Mount Forward Campus Plan (https://www.msmu.edu/covid-19-information/), including but not limited to policies and guidance on:
We need your full cooperation and compliance with this and other health and safety measures to make them effective.

VACCINATION ADMINISTRATION
Students are responsible for scheduling and obtaining all recommended doses of an FDA-approved/authorized COVID-19 vaccine.

EXEMPTIONS
The COVID-19 vaccination requirement will consider individual requests for medical and religious exemptions. Individuals granted an exemption, including temporary exemptions as they complete their vaccination sequence, may be subject to additional conditions and restrictions such as use of personal protective equipment, regular COVID19 testing, daily symptom checks, quarantines and additional COVID-19 training, or other preventative measures necessary to protect the health and well-being of the community. MSMU will keep confidential any information obtained in connection with a request for an exemption and only share such information with those who have an appropriate need to know.

How can a student apply for an exemption from the vaccination requirement?
In alignment with our current vaccination policy, vaccine exemptions will be granted for qualifying medical and religious reasons. Students wishing to request an exemption may do so by completing a Vaccination Exemption Application. Please contact studenthealthservices@msmu.edu to request the Vaccination Exemption Application. Completed applications should be submitted, as soon as possible, minimally at least three weeks prior to the anticipated date needed (e.g., housing move-in day; start of classes).

RECORD OF VACCINATION
All persons covered under this policy must provide proof of vaccination, or submit a request for an exemption to Student Health Services, in a manner acceptable to MSMU no later than August 1, 2021. Students who are enrolled after August 1st must provide proof of vaccination or receive an approved exemption before permitted to access campus.

A provider certification or CDC-issued vaccination card, which include the vaccination date(s) and vaccine name, are acceptable forms of proof of vaccination. Students should use the University’s secure portal which can be found at: https://msmu.medicatconnect.com/ to submit proof of vaccination to Student Health Services. MSMU will keep any vaccination information provided confidential and only share such information with those who have a need to know.
POLICY ENFORCEMENT
Any person subject to this policy who fails to comply with the terms of this policy established deadline will not be permitted to be present on campus.

POLICY MODIFICATION
Federal, state and public health guidelines and restrictions and business industry best practices regarding COVID-19 and COVID-19 vaccines change rapidly as new information becomes available, further research is conducted, and additional vaccines are approved/authorized and distributed. MSMU reserves the right to modify this policy at any time in its sole discretion to adapt to changing circumstance and business needs, consistent to maintaining a safe and healthy environment.

POLICY QUESTIONS
Please direct any questions regarding this policy to Student Health Services at 213.477.2685 or 310.954.4110 or by email at studenthealthservices@msmu.edu.

[1] For the purpose of this policy, a COVID-19 vaccine is one that has been authorized by the FDA, or a COVID-19 vaccine granted Emergency Authorization by the FDA.
STUDENT CONDUCT CODE

I. INTRODUCTION

Mission Statement
The Office of Student Conduct, at Mount Saint Mary’s University fosters an educational and developmental approach to student conduct, focusing on learning through self-reflection and personal accountability for behavior and decisions. Our mission is to resolve allegations of misconduct in a fair, timely, and socially-just manner, through educational conversations, programs, and sanctions/resolutions to promote understanding of the standards of conduct and community expectations. We are committed to providing a transformative learning experience for students by helping to create and sustain a culture of accountability, integrity, respect and trust among all members of the University Community.

II. GENERAL GUIDELINES

The Student Conduct Code exists to provide students with information about their rights and responsibilities, about the Student Conduct Code requirements, and to provide general notice of prohibited conduct and expectations of a member of the MSMU community. Students are charged with the responsibilities of reading and abiding by the Community Standards, including the Athenians Care Social Contract. Lack of intent or awareness of the Student Conduct Code will not be accepted as an excuse or defense for violations. The Community Standards apply to individuals as well as registered organizations, clubs, teams, and club sports. Students will also be held accountable for the conduct of their Guests.

The Vice President of Student Affairs designates the Dean of Students as Chief Conduct Officer to administer, oversee, and manage the University student conduct process. The Chief Conduct Officer recruits, trains and appoints Conduct and Appeals Officers as deemed necessary in order to effectively administer the student conduct process.

The Chief Conduct Officer or designee may assemble a Conduct Hearing Board or hear the case. The membership of the Conduct Hearing Board includes University faculty and staff appointed and trained annually. The decision of whether to refer a complaint to the student Conduct Hearing Board is at the sole discretion of the Chief Conduct Officer or designee. A Conduct Hearing Board is assembled from the available pool of conduct officers, comprised of three fully trained Conduct members, who are either faculty or staff.

A. Interpretation of the Student Conduct Code
The Dean of Students serves as the Chief Conduct Officer and is designated to review and update the Student Conduct Code annually, or as needed, and develop policies and
procedures to address student conduct cases. The Student Conduct Code is intended to be read broadly and is not designed to define misconduct in exhaustive terms. Any questions of interpretation of the Student Conduct Code will be referred to the Chief Conduct Officer or designee, whose interpretation is final.

B. Jurisdiction of the University
The Community Standards are applicable to conduct that takes place from the time a student first registers for classes including periods thereafter during breaks between semesters or summer period. During breaks, including summer period, a Student subject to the Community Standards includes a person who has been enrolled during the immediately preceding fall, spring or summer term and/or is eligible for continuing enrollment or graduation. Jurisdiction extends to conduct that occurs on University Premises, in Study Away programs, and at on- or off-campus University sponsored events.

C. Inherent Authority
The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the University, its reputation and good will, and the University Community. In cases where the incident is of a dangerous nature or where the behavior seriously conflicts with or contradicts the University's mission or the Community expectations as expressed in the Community Standards, including without limitation the Student Conduct Code, the matter may be immediately referred to the Vice President for Student Affairs, the Dean of Students, or designee for action. The Vice President for Student Affairs, Dean of Students, and/or designee has the authority to take all necessary and appropriate interim action(s) prior to the matter being heard by the Conduct Officer or Conduct Hearing Board and may include an interim suspension. In cases where an interim action has been undertaken, the respondent (student or organization) will continue through the Student Conduct Process until a final merits determination has been made. Students will be notified in writing of any interim actions taken. Failure to abide by the interim action may subject the respondent to additional disciplinary action.

D. Violation of the Law and the Student Conduct Code
Students may be subject to Student Conduct Code proceedings for acts that constitute alleged violations of federal, state, and local laws and regulations. When an offense occurs over which the University has jurisdiction, proceedings under the Student Conduct Code may be carried out prior to, simultaneously with, or following criminal prosecution or civil litigation that may arise from the same incident.

E. Burden of Proof
The term “Burden of Proof” means the obligation of a party to establish by evidence a requisite degree of belief concerning the contested fact(s) in the mind of the trier of fact. Due to the nature of the student conduct process and the need to balance the rights and privileges of all members of the University community, the requisite degree of belief for decisions regarding responsibility for alleged violations of the Student Conduct Code is a
preponderance of evidence. A preponderance of evidence exists when a reasonable person(s), after evaluating the evidence presented at the time of the decision, concludes that it is more likely than not that a disputed fact or facts does or does not exist. The Conduct Officer or Conduct Hearing Board shall determine alleged violations of the Student Conduct Code by a preponderance of the evidence.

F. Limitation Period for Reporting Alleged Student Conduct Code Violation
Any person may file a report of alleged violation of the Student Conduct Code. While prompt reporting of alleged violations is encouraged, reports of alleged violations of the Student Conduct Code will be accepted until such time as the alleged respondent is no longer a student. Reports can be submitted through this link [bit.ly/MSMUIR]. The Chief Conduct Officer or designee reviews the report(s) to assess whether there is sufficient evidence or cause to initiate a Student Conduct Code proceeding.

G. Communication
The primary form of communication is through the student’s official University e-mail account. The University, at its discretion, may also communicate with students via U.S. Mail, other generally recognized delivery service, other generally recognized electronic communications channel or personal delivery. Students are held responsible and accountable for retrieving communications from their official University e-mail account on a daily basis.

H. Scheduling Student Hearings
When scheduling a conduct hearing, reasonable effort will be made to schedule any meetings and/or hearing to avoid conflict with the student’s course schedule. However, notwithstanding any actual conflict with the student’s course schedule, students involved in the Student Conduct Process are required to attend all scheduled meetings and/or hearings unless their absence is previously excused. In this latter connection, students should promptly inform conduct@msmu.edu of any unexpected circumstance affecting their attendance prior to the scheduled meeting and/or hearing.

I. Reservation of Rights
The University expressly reserves the right to revise, supplement or withdraw any section of the Student Conduct Code or portion of a University policy as it deems necessary.

III. DEFINITION OF TERMS
- The term “Appeals Committee” refers to any persons authorized to consider a review or appeal of the decisions of a Conduct Hearing Board or the Chief Conduct Officer.
- The term “Business Day” means a regular University business day. It shall not include weekends or administrative holidays.
- The term “Chief Conduct Officer” unless otherwise designated by the Vice President of Student Affairs is the Dean of Students. The Chief Conduct Officer administers, oversees, and manages the student conduct process.
• The term “Clubs and Organizations” refers to any number of persons who have complied with the formal requirements for University recognition or who are members of teams or clubs that are recognized and supported by the University.

• The term “Complainant” refers to any person, or the university itself, who submits an allegation that a student or a Student Organization is in violation of the Student Conduct Code and Community Standards.

• The term “Conduct Officer” refers to any persons authorized by the Chief Conduct Officer to determine whether a student is responsible for an alleged violation of the Student Conduct Code and to impose sanctions/resolutions.

• The term “Conduct Hearing Board” refers to a body of Conduct Officers responsible for making determinations under and in accordance with the Student Conduct Code.

• The term “Designee” refers to a staff or faculty member who is designated by an appropriate University official to carry out a responsibility, in part or in whole, under the Student Conduct Code.

• The term “Evidence” refers to testimony, writings, material objects or other things presented to the senses that are offered to prove the existence or non-existence of a fact. In the Student Conduct Process relevant evidence is used to determine whether alleged conduct or behavior violates the Student Conduct Code.

• The term “Guest” refers to all person(s) invited by a Student and/or Student Organization to be present or remain on campus or to attend University sponsored activities or events on-and-off campus.

• The term “Member of the University Community” refers to any person employed by, volunteering for, or attending the University as a student, faculty member, administrator, staff member, intern or volunteer.

• The term “MSMU” refers to Mount Saint Mary’s University, Los Angeles.

• The term “Policy” refers to any written policy, procedure, standard, regulation, rule found in, but not limited to, the Student Conduct Code or other official University sources.

• The term “Preponderance of the Evidence” refers to the standard of evidence that is used to determine responsibility under the Student Conduct Code and means such evidence as when weighed with that opposed to it has more convincing force and greater probability of truth.

• The term “Resolution” refers to a requirement a Student or Student Organization must abide by or complete when found responsible for violating the Student Conduct Code.

• The term “Respondent” refers to a student who, or Student Organization which, allegedly violated the Student Conduct Code.

• The term “Retaliation” refers to adverse, non-permitted action taken by an individual or third party against a person in response to that person engaging in protected activity including, but not limited to, reporting a violation of policy or participating in any manner in an investigation related to a report. Retaliation includes, but is not limited to visual or physical threats, verbal or written remarks, shunning and reprisals focused upon interference with opportunities for learning and living in community.

• The term “Student” refers to a person who accepts enrollment and registers for classes, including periods thereafter during breaks between semesters or summer period. During
breaks, including summer period, a Student includes a person who has been enrolled during the immediately preceding fall, spring or summer term and/or is eligible for continuing enrollment or graduation and includes all persons taking courses at the University, full-time or part-time, pursuing undergraduate, graduate or professional studies or are non-degree seeking.

- The term “Support Person” refers to an MSMU currently registered student or full time faculty or staff who accompanies a respondent or a complainant for the limited purpose of providing support and guidance (refer to Student Conduct Process for details).
- The term “University” and “Institution” refers to Mount Saint Mary’s University, Los Angeles.
- The term “University Official” refers to any person employed with or contracted by MSMU and operating within the scope of their responsibilities.
- The term “University Property” refers to all land, buildings, facilities, areas and other property in the possession of, owned or controlled, whether leased or rented, by the University.
- The term “University-Sponsored Activities/Events” refers to any activity/event on-or-off campus that is initiated, authorized or supervised by the University or a Student Organization.
- The term “Weapon” refers to any object intended for use to inflict harm or cause injury.
- The term “Will or Shall” are used in the imperative. The term “May” is used in the permissive sense.
- The term “Witness” refers to any person called upon to provide information related to an incident or matter who is not the Complainant or Respondent.

IV. ROLES AND RESPONSIBILITIES

Within the student conduct process several members of the University Community play a critical role and have varying responsibilities.

Conduct Hearing Board:
- Comprised of three Conduct Officers who meet with students and review the evidence related to the alleged Student Conduct Code violations.
- Makes Student Conduct Code determinations.

Conduct Officers:
- An appropriately trained MSMU staff or faculty member.
- Reviews incident reports and conducts Student Conduct Code processes and proceedings.
- Participate in annual trainings.
- Serve on Conduct Hearing Boards.

Appeals Committee:
- Determines appeals under the Student Conduct Code.
- Members: Three faculty/staff as designated by the Vice President for Student Affairs.
Chief Conduct Officer:
- Oversees student conduct process.
- Recruits, trains, and advises Conduct Officers and Appeals Committee.
- Conducts an annual review of the student conduct process

If you have any questions about the Student Conduct Code, please contact the Office of Student Conduct: Chalon: 310.954.4130 - Doheny: 213.477.2570 or email conduct@msmu.edu.

V. PROHIBITED CONDUCT
The following is a non-exhaustive list of conduct considered to be in violation of the MSMU Student Conduct Code. Violations of University policy by Students are also violations of the Student Conduct Code and subject to Student Conduct Code proceedings.

A. Acts of Dishonesty
Intentional act of dishonesty including, but not limited to, furnishing false information to any designated MSMU official or to the University, falsification of records or documents, personal misrepresentation.

B. Controlled Substances
Use, possession, storage, distribution, or being under the influence or knowingly being in the presence of any controlled substance or illegal drug; misuse of prescription drug(s); non-prescription medications; and drug-related paraphernalia, including, but not limited to, drug pipes, bongs, roach clips, and are prohibited.

C. Disorderly Conduct
Engaging in disorderly conduct, public intoxication, or lewd, indecent, obscene behavior, or physical fighting on University premises or at University-sponsored events.

D. Falsification of Documents
Unauthorized use, possession, forgery, or unauthorized alteration of any government issued or MSMU document, including but not limited to, instruments of identification, parking permits, or student employment timecard or similar records.

E. Fireworks/Incendiary Materials
Use, possession or storage of fireworks, torches or other incendiary materials on, or within reasonably close proximity to MSMU premises or at MSMU sponsored activities.

F. Harm to Community
MSMU is concerned about the well-being of all students and the university community. The University takes seriously any behavior on MSMU premises or at MSMU activities, including
verbal statements, which demonstrate or imply that a student may harm others. Therefore, intentionally or recklessly causing harm to any person, causing reasonable apprehension of such harm, endangering others, holding someone against their will or harassing any member of the MSMU community, on or off campus.

G. Interfering with University Programs
Behavior or conduct that intentionally or recklessly interferes with normal University life and sponsored activities, including, but not limited to: studying, teaching, research, classroom instruction, University operations, conduct proceedings, study abroad or other university-sponsored travel, or fire, police, or emergency services.

H. Non-Compliance with University Official
Students are expected to comply with the directives of University officials, including paraprofessional and professional staff of the University, in performance of their University duties and responsibilities.

I. Retaliation
Any act of Retaliation.

J. Tampering with University Life Safety and Fire Protection Equipment & Systems
Initiating a false alarm, including making a false call to the fire department or tampering with fire safety equipment, blocking emergency exit paths, disconnecting smoke detectors in rooms, stairwells, or hallways, disconnecting automatic door closures, misusing or propping open fire doors, unauthorized use/possession of a fire extinguisher or fire suppression equipment, removing exit signs, pulling out fire hoses, hanging anything on fire sprinklers, removing sprinklers and tampering with blue emergency phones.

K. Theft
Theft of property, funds, or the misuse or misappropriation of services or knowingly possessing stolen property.

L. Unauthorized Access
Unauthorized access, presence in or use of MSMU systems, premises, facilities, or property, including, but not limited to, life safety and fire protection systems, computer systems, buildings, labs, roofs, balconies, ledges, and trellises

M. Vandalism/Damage
Vandalism or intentionally or recklessly destroying or damaging University systems or property or the property of others, and misusing, covering or damaging University life safety, fire protection systems and equipment, doors, or signs on University premises or at University-sponsored activities.
N. Weapons
Use or possession of Weapons including by way of example but not limitation, firearms, knives, swords, laser guns, paintball guns, water guns, or any other plastic guns or facsimiles thereof on campus (including residence halls), other University premises or University-sponsored events. The prohibition extends to and includes all weapons including any weapons otherwise authorized for carry by permits (e.g. concealed weapons permits “CCW”).

VI. STUDENT CONDUCT PROCESS

A. Reporting Alleged Violations
Suspected violations of the Student Conduct Code should be reported to conduct@msmu.edu. Persons submitting reports are requested to submit all evidence and information pertaining to the alleged violation(s) and may be asked to appear before the Conduct Officers or the Conduct Hearing Board. Failure to provide sufficient evidence of the reported violations may result in a declination to initiate Student Conduct Code proceedings.

B. Review of Reports
Except for cases involving allegations of Title IX Sexual Harassment, the Chief Conduct Officer or designee will promptly review and investigate reports and determine whether to initiate and conduct Student Conduct Code proceedings. In accordance with applicable Title IX regulations, in cases involving allegations of Title IX Sexual Harassment, the Title IX Coordinator shall make the determination of whether a Formal Complaint will move to the Title IX conduct process. The process and procedures relating to the adjudication of allegations of Title IX Sexual Harassment can be found in the Student-on-Student Title IX Policy. (www.msmu.edu/about-the-mount/title-ix/).

C. Notification of Alleged Student Conduct Code Violation & Conduct Hearing
An electronic notice of alleged Student Conduct Code violation(s) shall be sent to Respondent(s) via their University email, no less than seven business days prior to the conduct hearing. The email will come from Maxient@msmu.edu. For students who fail to appear for a scheduled conduct hearing, the Conduct Hearing Board will review the evidence relating to the charges to determine findings and, when appropriate, issue sanctions/resolutions. Failure to check one’s University e-mail account is not sufficient justification for not attending a scheduled hearing. This electronic notice includes the following:

- A statement of alleged facts respecting the asserted Student Conduct Code violation(s) including, without limitation, the date(s), time(s) and location(s) of the alleged violation(s);
- An opportunity to review the evidence respecting the alleged violation(s);
- Date, time and location of the scheduled conduct hearing with a video conferencing option;
- A copy of the:
  - Statement of charges respecting the asserted Student Conduct Code violation(s);
  - Athenian Principles; and
D. Preparing for the Conduct Hearing

1. Students receiving a Notice of Alleged Student Conduct Code Violation & Conduct Hearing may contact conduct@msmu.edu if they have any questions prior to or after the hearing.

2. Students may have the assistance of a Support Person during the hearing. Students who wish to have the assistance of a Support Person must send an email to conduct@msmu.edu at least two business days prior to the scheduled hearing. The following requirements pertain to a Support Person:
   - Only current registered students, full time faculty or staff can act as a Support Person. Off-campus individuals may not act as a Support Person or attend a hearing.
   - The Support Person’s role is to assist and support students in the conduct process and during the hearing.
   - The Support Person may not directly address the Conduct Hearing Board, question witnesses, or otherwise actively participate in the Conduct hearing process.
   - Requests to change proposed hearing dates to accommodate a Support Person’s schedule will not normally be granted.

3. Students and/or the Conduct Hearing Board may also request the participation of Witnesses that have information relevant to the charges. Students who wish to have Witnesses must inform conduct@msmu.edu in writing, at least two business days prior to the scheduled date of the hearing. The following guidelines pertain to a Witness:
   - Witnesses must have information relevant to the charges.

E. During the Conduct Hearing

- The Conduct Hearing Board shall:
  1. again specify the nature of the alleged misconduct and the basis for the charge, including the date, time, and place where it is alleged to have occurred;
  2. explain the University’s conduct process; and
  3. make available the Student Conduct Code.

- The Complainant and Respondent shall:
  1. have the opportunity to present evidence relevant to the alleged misconduct and to respond to the information gathered by the University in support of the charge(s), including the right to offer counter or explanatory information;
  2. have the opportunity to present Witness possessing information relevant to the charges; and
  3. respond to other Witnesses, evidence and information presented by the Complainant or the University.

If an additional hearing is necessary, the Conduct Hearing Board shall schedule a further hearing.
Students participating in the Conduct Hearing may not use recording devices (audio and/or video) of any kind for any purpose during the Conduct Hearing.

F. After the Conduct Hearing Has Concluded
Once the hearing has concluded, the Conduct Hearing Board will meet to determine findings and propose sanctions/resolutions.
• The Conduct Hearing Board’s determination shall be made based on a preponderance of the evidence standard.
• If the Respondent is found not responsible for the misconduct, the complaint will be dismissed.
If the Respondent is found responsible for the misconduct, the Respondent shall receive a written statement summarizing the evidence in support of the finding of responsibility along with a statement of the sanctions/resolution.

G. Notification Following Hearing
Within ten business days from the date of the conclusion of the hearing(s), the written decision of the Conduct Hearing Board will be issued to the student via their University email.

H. Hearing Process for Misconduct Potentially Resulting in Severe Sanctioning (suspension or dismissal from the University)
Students charged with violations of the Student-on-Student Sexual or Interpersonal Misconduct Policy and Protocol that do not constitute Title IX Sexual Harassment, and/or whose alleged misconduct and asserted Code violations may result in severe sanctioning (suspension or dismissal from the University), will have their Student Code Conduct proceedings conducted as follows:
1. The electronic notice of misconduct charges and notice of investigation shall include in addition to the matters stated above, a scheduled meeting with the Chief Conduct Officer;
2. If a Support Person has been identified, the Support Person will be copied on all communication regarding scheduling of pre-hearing meetings, review of reports and scheduling of the hearing with cross examination;
3. The Conduct Office will schedule and conduct interviews with the Complainant, Respondent and any Witnesses. Prior to the completion of the investigation, both the Complainant and the Respondent and their Advisors will be provided an opportunity to review the investigation report.
4. A pre-hearing meeting at which:
   a. The Respondent (and separately the Complainant if applicable) may review all the information gathered by the University, including time, date and place where the alleged behavior/misconduct is alleged to have occurred, that makes up the basis for the charge(s);
   b. The Respondent/Complainant may ask the Chief Conduct Officer questions regarding the conduct process;
   c. Either the Respondent or the Complainant (if applicable) may provide the
names of Witnesses not yet interviewed whose statements may have value to the proceedings. In the event either a Respondent or Complainant provides Witnesses during the pre-hearing meeting, then the names of those Witnesses will be provided to the investigator for formal interview, and the investigation report will be supplemented with their statements. Once the investigation report is updated with any additional Witness interviews and information, both Respondent and Complainant will be permitted another opportunity to review the updated report, evidence and information. If a Witness fails to meet with the investigator for a formal interview, any prior or subsequent statements will not be utilized nor relied upon by the Conduct Hearing Panel in rendering its decision;
d. The Chief Conduct Officer shall explain the hearing processes to the parties including cross examination processes and procedures and Student rights and make available the Student Conduct Code. 

5. Respondents and Complainants who wish to have the assistance of a Support Person should inform the Chief Conduct Officer in writing at least two business days prior to the scheduled date of the pre hearing meeting. The Support Person’s role is to assist Students in understanding the conduct process during pre-hearing meetings and hearings with cross examination. Support Persons may not address the Conduct Hearing Panel or play any other role during hearings. All communication involving Support Persons during hearings must be between the Support Person and Student. A Support Person may not appear in lieu of the Student at either the pre-hearing meeting or the hearing with cross examination;

6. A hearing with cross examination (conducted via videoconferencing) during which the Conduct Hearing Panel shall specify the nature of the alleged misconduct and provide the Respondent and the Complainant the opportunity to again review the information and evidence gathered by the University that make up the basis for the charge(s). Students shall have the opportunity to present evidence relevant to the alleged misconduct and to respond to the information gathered by the University, including the right to offer counter information and/or call appropriate Witnesses.

The hearing Process will proceed where a Respondent fails to appear after timely notice and a determination of the charged misconduct made based upon the facts and evidence submitted in support of the alleged misconduct at that hearing (failure to check one’s e-mail is not sufficient justification for not attending a scheduled hearing). A Student Complainant who fails to appear after timely notice will be deemed to have abandoned their complaint and the charges will be dismissed unless the University is presenting the case and the facts and evidence presented in support of the charged misconduct independent of the Complainant warrants the continuation of the conduct process;

7. The Respondent, via videoconferencing, will be permitted the opportunity to provide questions to be asked of the Complainant, and any Witnesses that appear either at the request of the Respondent, the Complainant or the University, in
order to assess the credibility of the information offered. The Respondent will be asked to provide their questions in advance of the hearing, and the Conduct Officers on the Hearing Panel will be permitted to disallow a question asked by the Respondent if the Respondent is unable to provide sufficient rationale for the relevancy of the question.

The Complainant, via videoconferencing, will be permitted the opportunity to provide questions to be asked of the Respondent, and any Witnesses that appear either at the request of the Complainant, the Respondent or the University, in order to assess the credibility of the information offered. The Complainant will be asked to provide their questions in advance of the hearing, and the Conduct Officers on the Hearing Panel will be permitted to disallow a question asked by the Complainant if the Complainant is unable to provide sufficient rationale for the relevancy of the question;

8. Both the Respondent and the Complainant will be permitted the opportunity to make a closing statement at the conclusion of the evidentiary portion of the hearing;
   a. If a further hearing is necessary, a supplemental proceeding will be scheduled;
   b. Respondents, Complainants or the Hearing Panel may submit new and or additional evidence and call appropriate Witnesses at the supplemental proceeding. Students shall have the opportunity to respond to any new or additional evidence that is presented for the first time at the supplemental proceeding;

9. Respondents and Complainants may utilize the assistance of a Support Person during the supplemental hearing;

10. Sanctions shall be levied if it is determined that the Student is responsible for the violation(s). If not, the charge(s) will be dismissed.

   Student charged with violations of the Student-on-Student Sexual or Interpersonal Misconduct Policy and Protocol that do not constitute Title IX Sexual Harassment, and/or MSMU Community Standards whose alleged misconduct and asserted policy violations may result in severe sanctioning (suspension or dismissal from the University), are accorded the following procedural protections:

11. Complaints will be promptly investigated and adjudicated following the procedures set out in the Code;

12. For compliance with Clery Act record retention requirements, all official conduct-related correspondence will be retained for a minimum of seven years;

13. A Student’s conduct history and record are cumulative; therefore increased sanctions may be imposed to take into consideration the Student’s overall record of violations of all types, not just those of a similar type.

I. Appeal Process
A decision finding a Respondent responsible for the charged misconduct and corresponding sanctions/resolutions may be appealed on the following grounds:
- New relevant evidence is available which, in the exercise of reasonable diligence, could not have been produced at the time of the hearing.
- The procedures provided for in this policy were not materially followed, resulting in significant prejudice to the Respondent.
- The decision is not supported by the evidence.
- The sanctions/resolution is grossly disproportionate to the offense.

All appeals must be in writing and sent to conduct@msmu.edu or submitted online via the link contained in the resolution letter to the attention of the Appeals Committee.

a. Appeals must be submitted via student’s MSMU email within seven business days from the date of the email notification of the decision.

b. Failure to appeal within the allotted time will render the original decision final and binding.

c. A decision on the appeal will be given within seven business days from the date the appeal was received.

d. All decisions by the Appeals Committee are final and binding.

VII. LIST OF SANCTIONS/RESOLUTIONS
When students are found in violation of the Student Conduct Code, a multitude of sanction/resolution options are considered all while addressing the education and well-being of all students involved. Conduct outcomes are divided into three categories: status, educational/restorative, and restrictive. The sanctions/resolutions listed below may be applied separately or in combination. Other appropriate sanctions/resolutions, which would enhance the educational value of disciplinary proceedings, may be applied in any given case. Sanctions/resolutions are determined based upon severity of the violation, any aggravating or mitigating factors, and past conduct history. A Student/Student Organization conduct history and record are cumulative; therefore, increased sanctions/resolutions may be imposed to take into consideration the student’s overall record of violations of all types, not just those of a similar type.

A. Status Sanctions/Resolutions: Status sanctions/resolutions are an indication of the student’s relationship with the University. The status resolution typically escalates with each violation and is determined based upon the nature of the violation.

- **Warning:** A warning specifies that certain conduct or actions are in violation of University policies, rules, or procedures and that future misconduct may result in further disciplinary action. A warning has no end date.

- **Non-Academic Probation:** A non-academic probation specifies that repeated or severely inappropriate and unacceptable actions have occurred and that future violations may result in suspension or dismissal from the University. Probation is a status that may involve restrictions, conditions, or terms assigned for a period of time. Restrictions, conditions, or terms of probation may include, but are not limited to, ineligibility to participate in University activities or events; required meetings with a designated member of the University staff; restrictions on access to University facilities; and change or loss of housing.
assignment. Failure to comply with the terms and conditions of the probation, or additional violations of the Student Conduct Code during the probationary period, may result in more serious disciplinary action.

- **Suspension**: The student is separated from the University for a specified period of time. During the suspension, the student shall not participate in any University sponsored activities taking place on or off campus and may be restricted from University premises. A restriction from campus can be temporarily lifted for business purposes and may be granted by the Chief Conduct Officer or designee. Suspension requires the review and approval by the Vice President of Student Affairs or designee who may alter the resolution.

- **Dismissal**: The student is permanently separated from the University. The student is restricted from University premises and the student’s presence at any University-sponsored activity or event is prohibited. Students who are dismissed from the University are not entitled to any refund and notification may appear on the student’s academic transcript. Dismissal requires the review and approval by the Vice President for Student Affairs or designee who may alter this resolution.

**B. Educational and Restorative Resolutions**

Educational and restorative resolutions are designed to enhance the educational experience of the students participating in the Student Conduct Process. Educational and restorative resolutions frequently serve to repair harm to individuals or communities, provide additional education on a given subject, or aid students in considering their educational and personal goals and priorities.

- **Community Service**: Community work, work on campus, or other appropriate learning experiences may be assigned.

- **Completion of Alcohol Edu for Sanctions (Part 1 and/or 2)**: This online alcohol educational course is designed to teach students about the effects of alcohol on the body and mind, and to assist students in making safer and healthier decisions. This online educational course is coupled with a reflection paper.

- **Completion of EverFi**: This online educational course is designed to teach students about a number of topics related to University Life. This online educational course is coupled with a reflection paper.

- **Educational Program/Project**: Research, complete a reading, prepare and present a program, attend an educational program, and/or engage in other educational activities related to the misconduct. This educational program/project is coupled with a reflection paper.

- **Meeting with a Conduct Officer**: The student will meet with a Conduct Officer to discuss their progress with assigned resolutions and/or their experience with the conduct process. In addition, this meeting will allow for any referrals to be made to support the student.

- **Reflection Paper**: The nature of each written assignment varies based on the students’ conduct history and the type of violation they are found responsible for. The topic and questions encourage students to reflect upon and provide thoughtful and genuine answers about their experience.
C. Restrictive Sanctions/Resolutions
Restrictive sanctions/resolutions modify a student’s privileges on campus. These sanctions/resolutions are typically not the primary sanctions/resolutions used by the University. However, repeated or serious violations may warrant one or more restrictive sanctions/resolutions.

- **Fines:** A monetary fine may be assessed. The fine amount is dependent upon the circumstances of a particular case. A financial hold may be placed on a student’s account until the fine has been paid. The fine amount may also be added to the balance of a student’s account.

- **Ineligibility for Graduation Ceremonies or Honors Recognition Programs:** A student with pending Student Conduct Code charges prior to graduation or honors recognition may not participate in graduation ceremonies or honors recognition programs until the case has been resolved and sanctions/resolutions completed.

- **Loss of Privilege:** Limitation on University-related activities or services for a specific period of time, consistent with the violation committed, including but not limited to:
  - eligibility to hold or run for an office in a campus organization and/or participate in sport-club functions;
  - residence hall privileges;
  - restriction from using specific facilities and services;
  - restricted from specific areas in the University;
  - campus motor vehicle parking and operating privileges;
  - hold on enrollment;

- **No Contact Order:** The student is prohibited from having other than necessary academic contact with another member of the community. This includes but is not limited to physical, verbal, written, via third party, or electronic communication.

- **Restitution:** Reimbursement for damage to, or misappropriation of property or cost of University resources. This may take the form of monetary, time, or material replacement, not in excess of the loss incurred.

D. University Housing Sanctions/Resolutions
University housing sanctions/resolutions are assigned when a student’s behavior also violates the terms and conditions of their housing license agreement. These sanctions/resolutions are usually in combination with other sanctions/resolutions.

- **University Housing Reassignment:** The student is reassigned to another University-provided housing facility. The Chief Conduct Officer or designee will decide on the reassignment details.

- **University Housing Probation:** The student is put on official notice that, should further violations of Residence Hall or University policies occur during a specified probationary period, the student may be immediately removed from University provided housing.

- **Temporary Loss of University Housing:** The student is removed from University housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to University housing may be specified. Under this resolution, a student is required to vacate University provided housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion
of, the Chief Conduct Officer or designee.

- **Permanent Loss of University Housing**: The student’s privilege to live in, or visit, any University-provided housing structure is permanently revoked. Under this resolution, a student is required to vacate University-provided housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Chief Conduct Officer or designee.

**E. Other Sanctions/Resolutions**
The Vice President of Student Affairs and the Chief Conduct Officer may exercise their discretion to modify sanctions/resolutions as they deem appropriate under the prevailing circumstances.

**F. Failure to Follow Through on Conduct Sanctions/Resolutions**
As members of the University community, all students are expected to comply with conduct sanctions/resolutions within the time frame specified on the conduct resolution letter. In most cases, not following through on conduct sanctions/resolutions by the due date, whether by refusal, neglect, or any other reason, may result in additional sanctions/resolutions assigned and referral to the Dean of Students.

**VIII. STUDENT CONDUCT RECORDS**
In compliance with Clery Act, all official Conduct correspondence is kept for a minimum of seven years from the date of the final resolution letter notice. Conduct records are stored digitally. Cases that resulted in a resolution of suspension or dismissal from the University are kept indefinitely. In compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA), all conduct records are considered confidential records, with exceptions noted in FERPA.
POLICIES

Mount Saint Mary’s University is committed to providing a safe campus environment consistent with the university’s mission and conducive to teaching, learning and personal development. As member of Mount Saint Mary’s University, we share in the responsibility for creating and maintaining a healthy and productive environment for work, study and living. Mount Saint Mary’s University encourages students to adopt responsible and healthy behaviors.

ALCOHOL POLICY

Members of Mount Saint Mary’s University are subject to and must comply with local, state and federal laws regarding the possession, consumption and distribution of alcohol. The alcohol policy applies to all students, guests and student groups associated with Mount Saint Mary’s University.

The following is MSMU’s policy regarding alcohol:

In accordance with California Law,
- Only persons 21 years of age or older may consume alcoholic beverages;
- It is a crime to sell, furnish, give, or cause to be sold, furnished, or given away any alcoholic beverage to any person under the age of 21 years old (California Business & Professional Code 25658 & 25602).
- Any person under the age of 21 years who has any alcoholic beverage in her/his possession on any street or highway or in any public place open to the public is guilty of a misdemeanor (Business and Professional Code, Section 25658 & 25662).
- It is a crime to be intoxicated in a public place (California Penal Code 647(f)).

Other University Alcohol Regulations
- Students who are of legal drinking age — 21 years of age or older — are permitted to possess and consume alcohol in designated University housing, select University dining facilities where alcohol is served, or at approved University-sponsored events where alcohol is served. Students who are of legal drinking age may not share with or provide alcohol to any students, employees, or guests who are under 21 years of age.
- Alcohol permits: no alcohol permits will be issued to MSMU students for events that occur on campus.
- Drinking games are not permitted on campus at any time.
- Falsification of age, verbally or otherwise, will lead to a more severe disciplinary conduct resolution.
- The serving of alcohol to an intoxicated person or to the point of intoxication is prohibited.
• University officials have the right to inquire about the age of any student/guest who is 
transporting, consuming, or possessing alcohol.
• University officials can confiscate alcohol due to (1) underage possession, (2) consumption 
of alcohol in the presence of an underage person.
• All violation of federal, state, and local laws regarding alcohol usage or consumption will 
be referred to Campus Security.
• Safety: the inability to exercise care for one’s own safety or the safety of others due in 
whole or in part to alcohol consumption is also considered a violation of policy.

DRUG POLICY

The Mount Saint Mary’s University Drug Policy prohibited the following on campus, at 
University sponsored events, and in campus operated residences:
• Possession, use or distribution of illicit drugs (including marijuana and medical marijuana 
and inappropriate use of prescription medication).
• Unlawful manufacture, distribution, dispensation, possession, or use of controlled 
substances.
• Possession of unauthorized drug paraphernalia, including but not limited to: water pipes, 
scales, needles, clips, rolling papers, bongs; any device that may be associated with 
unlawful drug use, regardless of whether it is purchased or handmade.

As a private institution, Mount Saint Mary’s University prohibits marijuana use, distribution or 
storage on its campus, premises or at university sponsored events. Individuals found in 
possession of, using, or under the influence of marijuana will be subject to disciplinary action 
under the Student Conduct Code.

HEALTH EFFECTS OF ALCOHOL AND DRUG USE
The University affirms that illegal drug use is harmful and detrimental to the educational 
objectives of the University. The illegal use of drugs and the abuse of alcohol by students 
could result in cognitive deficits and other health and safety risks. These risks include an 
increased incidence of accidents, personal injuries and, in some cases, death.

WARNING SIGNS OF ALCOHOL AND DRUG ABUSE
The use and abuse of alcohol and drugs are serious issues that should not be ignored or 
minimized, and we should not sit back and hope they just go away. If left untreated, use and 
abuse can develop into drug dependence or alcoholism. As a result, it is important to 
recognize the signs and symptoms of alcohol and drug abuse early. If you’re worried that a 
friend or family member might be abusing alcohol or drugs, here are some of the warning 
signs to look for:

Physical and health warning signs of drug abuse
• Eyes that are bloodshot or pupils that are smaller or larger than normal.
• Frequent nosebleeds could be related to snorted drugs (meth or cocaine).
• Changes in appetite or sleep patterns.
• Sudden weight loss or weight gain.
• Seizures without a history of epilepsy.
• Deterioration in personal grooming or physical appearance.
• Injuries/accidents and they won’t or can’t tell you how they got hurt.
• Unusual smells on breath, body, or clothing.
• Shakes, tremors, incoherent or slurred speech, impaired or unstable coordination.

Behavioral signs of alcohol or drug abuse
• Drop in attendance and performance at work or school; loss of interest in extracurricular activities, hobbies, sports or exercise; decreased motivation.
• Complaints from co-workers, supervisors, teachers or classmates.
• Unusual or unexplained need for money or financial problems; borrowing or stealing; missing money or valuables.
• Silent, withdrawn, engaging in secretive or suspicious behaviors.
• Sudden change in relationships, friends, favorite hangouts, and hobbies.
• Frequently getting into trouble (arguments, fights, accidents, illegal activities).
• Psychological warning signs of alcohol or drug abuse
• Unexplained change in personality or attitude.
• Sudden mood changes, irritability, angry outbursts or laughing at nothing.
• Periods of unusual hyperactivity or agitation.
• Lack of motivation; inability to focus, appears lethargic or “spaced out.”
• Appears fearful, withdrawn, anxious, or paranoid, with no apparent reason.

REFERRAL INFORMATION
The Dean of Students Office is available for all students who seek information, resources and support regarding drug and alcohol use. All students may obtain confidential health care and counseling through Health Services. Students are encouraged to seek assistance and/or support for themselves and others through any of the following resources:
• Dean of Students Office studentaffairs@msmu.edu deanofstudents@msmu.edu or 310.954.4130
• Health Services 310.954.4110 or 213.477.2685
• Counseling and Psychological Services 310.954.4114 or 213.477.2668
• MSMU-CPS 24/7 Crisis Line 310.954.4CPS or 310.954.4277
• Alcoholics Anonymous http://www.aa.org
• Los Angeles Addiction Treatment Centers 877.345.3281
• National Institute on Alcohol Abuse and Alcoholism (NIAAA) http://www.niaaa.nih.gov/
GOOD SAMARITAN AND SELF-REPORTING POLICY

The purpose of this policy is to encourage students to promptly notify the appropriate staff and/or local emergency services in the event of such need without fear of disciplinary action for related policy violations. The well-being, health, and safety of our students is of the utmost importance at Mount Saint Mary’s University. Students or their guests in need of medical attention, who are intoxicated or under the influence of alcohol, marijuana, or a controlled substance, should always seek appropriate assistance from Campus Security, Residence Life and Housing Services staff, Student Health Services or other local emergency services.

Under this policy, the University will mitigate the resulting disciplinary actions for the student(s) in crisis and who provide resources and support to the student(s) in need of help. The student(s) in crisis will be referred to an educational, recovery, and/or developmental program so that they learn and grow from the situation; and, reduced or no sanctions/resolutions will be imposed. Students who do not complete the educational, recovery, and/or developmental program recommendations may be subject to disciplinary action consistent with the Student Conduct Code.

Severe or repeated incidents of alcohol or drug violations will merit consideration of more severe sanctions/resolutions from the Conduct Hearing Board. This policy only applies to alcohol, marijuana and other drug violations and does not excuse behaviors which go beyond alcohol, marijuana and other drug intoxication (these may include, but are not limited to, disorderly conduct, failure to comply, physical assault, Sexual Assault, sexual violence, other sexual misconduct, vandalism, property damage). Action or investigations by police, or other law enforcement personnel are not covered under this policy. The Policy does not grant immunity to possession with intent to distribute drugs or other related crimes.

ANTI-HAZING POLICY

All acts of hazing by a Student, team or recognized student organization, including their members, alumni or associated individuals are prohibited. Asserted hazing violations will subject Student Conduct Code processes and violators may be subject to severe sanction including suspension, dismissal and loss of University recognition.

Definition: Hazing is defined in California Penal Code section 245.6(b) as any method of initiation or pre-initiation into a Student Organization or Student Body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective Student of any school, community college, college, university or other educational institution in this state. For purposes of this Policy, Hazing is defined broadly to include any actions or activities which fall within the California legal definition as well as actions or activities often associated with initiations which do not contribute to the positive development of a person or which inflict or
intend to cause mental, physical or emotional harm or anxieties; or which demean, degrade or disgrace any person. This policy is applicable regardless of location, intent or consent of participants.

Examples: Such activities may include, but are not limited to the following:
- Bodily danger
- Excessive, unlawful or inappropriate use of alcohol
- Excessive, unlawful or inappropriate consumption of food, liquids, drugs or other substances

Physical Harm/Discomfort
- Paddling, whipping, beating in any form
- Creation of excessive fatigue such as sleep deprivation or repetitive activity
- Physical or psychological shocks
- Placing harmful substance on a student
- Exposure to elements
- Confinement in a small space
- Excessive or inappropriate Exercise

Emotional Harm/Discomfort
- Any activity that intimidates or threatens a student with ostracism.
- Any activity that subjects a student to extreme mental stress, shame or humiliation such as driving around for long periods of time with eyes closed.

Personal Degradation
- The wearing of apparel which is conspicuous, inappropriate and not normally in good taste.
- Engaging in morally degrading or humiliating games and activities or any other activities not consistent with national, organizational or local policies, or the policies of the University.

STUDENT FREEDOM OF EXPRESSION POLICY

Preamble
As a private university primarily for women, founded by the Sisters of St. Joseph of Carondelet, Mount Saint Mary’s University is committed to the education, support and development of the whole person. Grounded by the Catholic intellectual tradition to engage in dialogue with respect and an openness to all, we believe that student freedom of expression across all spaces within the university environment is paramount to the learning experience and the University’s overall mission of building the next generations of leaders.
The open exchange of ideas, even those that might be offensive to some, are an integral and necessary part of the University learning experience. Learning to disagree peacefully and to welcome disparate opinions is core to any democratic society. As part of our commitment to the development of a dynamic and diverse community, Mount Saint Mary's University values and encourages the expression and exchange of ideas.

**Freedom of Expression**
Freedom of expression applies to all forms of speech including, but not limited to, debates, speeches, posting of signs, posting on social media, petitioning, information dissemination, the formation of groups, participation in activities, artistic displays and the invitation of guest speakers to address the University community.

All expression should be understood to be that of the speaker alone and not that of the University. While the University shall not censure or punish student expression and communication based on viewpoint, expression that violates university standards surrounding harassment, sexual, racial, gender, sexual orientation, religious bigotry or discrimination, or results in damage to property is not so protected.

**Core Principles**
Everyone shall have the right to freedom of expression. This right shall include freedom to seek, receive and impart information and ideas of all kinds (political or apolitical), regardless of the platform. This includes orally, in writing, in print, in the form of art or through any other form of expression or media of choice.

MSMU’s mission reflects the teachings of the Sisters of St. Joseph of Carondelet (CSJs). In line with the Catholic intellectual tradition’s embrace of rigorous debate, the University will not censor or punish student freedom of expression that some may find inconsistent with Catholic teachings or the values of the CSJs.

It is inevitable that students will be exposed to varying points of view and will encounter others who think differently, or whose views they believe to be wrong, distasteful, hateful and/or offensive. MSMU values rigorous debate, robust discussion, and even strong disagreement on issues. It is imperative that we enter into challenging conversations and vigorously engage ideas, while respecting those with whom we disagree, and welcome diverse voices and perspectives into the conversation.

**Demonstrations, protests, marches**
The right to peaceful assembly is granted to all current students of Mount Saint Mary’s University. The University may establish reasonable time, place and manner restrictions for the purpose of avoiding disruption to, or substantial interference with, the University’s regular and essential operations and activities. The University retains the right to ensure the safety of all individuals, the protection of property and the continuity of the educational process. Only reasonable time, place and manner restrictions will be enforced by the University. Students will
not be censored based on content.

Student organizations should follow established campus event policies and procedures for reserving use of University grounds and facilities for demonstrations, protests and/or marches. The process serves to facilitate the timely use and organization of university space, parking, or other logistics.

Closing
Mount Saint Mary’s University is committed to the free expression of ideas and viewpoints. Students are encouraged to engage in discourse around issues and topics and to do so in ways that further their growth and development as leaders.

Freedom of expression is fundamental to the advancement of truth and learning. By adopting this policy, MSMU seeks to ensure the protection of freedom of expression for students, and embody the mission of the CSJs to support students to become all they are capable of being.

Questions or requests for additional information regarding this policy should be directed to the Division of Student Affairs.

STUDENT TITLE IX POLICY

I. INTRODUCTION
Mount Saint Mary’s University, Los Angeles (“MSMU”) is committed to providing a learning, working, and living environment free of discrimination on the basis of sex. MSMU recognizes the significant, unacceptable and nationwide existence of Sexual Harassment on college campuses. The University does not condone and will not tolerate sexual harassment from any member of the University community, and is committed to taking all appropriate steps to eliminate sexual harassment, prevent its recurrence, and address its effects. Each member of the University community is responsible for conducting themselves in accordance with this Policy. The University also encourages all members of the University community to participate in the process of creating a safe, welcoming and respectful campus environment free from sexual harassment for all. Accordingly, MSMU encourages Students and University Community members to report instances of Sexual Harassment so that the University can take appropriate responsive action.

Title IX of the Education Amendments of 1972, and the regulations regarding Title IX released by the Department of Education in May of 2020 (“Title IX 2020 Regulations” or “Title IX”) is a federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities. Under the Title IX 2020 Regulations, discrimination on the basis of sex includes unwelcome conduct of a sexual nature that is severe, pervasive and objectionably offensive to the extent of denying an individual equal access to education, as well as student-on-student and student on faculty or staff Sexual Assault,
Dating Violence, Domestic Violence and Stalking.

In instances where sexual misconduct occurs that does not meet the definition of Sexual Harassment under the Title IX 2020 Regulations, the incident may be adjudicated under MSMU’s Student-on-Student Sexual and Interpersonal Misconduct Policy (“SIM Policy”). More information about the hearing process under the SIM Policy can also be found in MSMU’s Student Conduct Code.

The Division of Student Affairs has created this Title IX Policy pursuant to the Title IX 2020 Regulations to assist and respond to complaints of Student Sexual Harassment under Title IX. Students should report all forms of Sexual Harassment and Sexual Assault (student-on-student; Student and non-student; faculty/staff-on-student), as well as Dating Violence, Domestic Violence and Stalking by filing a report with the MSMU Department of Campus Security, the Title IX Coordinator, or an administrator, regardless of whether the Student believes the misconduct meets the definition of Sexual Harassment under Title IX.

If you have any questions regarding Title IX or reporting sexual or interpersonal misconduct, please contact MSMU’s Interim Title IX Coordinator, Megan Staudenraus, who can be reached at TitleIX@msmu.edu or 213.477.2803.

II. DEFINITIONS

A. For the purpose of Reports and Formal Complaints filed under Title IX, a COMPLAINANT is the individual who is alleged to be the victim of conduct that may constitute Title IX Sexual Harassment.

B. For the purpose of this policy, CONSENT is defined as the unambiguous and willing participation or cooperation in act, behavior or attitude that is commonly understood to be consistent with the exercise of free will. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative Consent of the other(s) to engage in the sexual activity. Consent requires participants who are lawful adults, fully conscious, equally free and legally competent to act, have clearly communicated their willingness, cooperation or permission to participate in the specific sexual activity engaged in, are positive and clear about their desires and are able to cease ongoing consensual activity at any time.

Refusal to Consent does not have to be verbal; it can be expressed with clear gestures, body language or attitude. Lack of protest or resistance does not mean Consent, nor does silence mean Consent. Prior sexual history between the Complainant and Respondent, by itself, does not constitute continuing Consent nor Consent to new or additional sexual activity, nor does consenting to sexual activity with one person imply Consent to sexual activity with another person.

1. Consent is not freely given if:

   a. It is obtained through the use of force, through the fear of or the threat of force, through the abuse of a power position over another (such as employment status or position within an organization) or by
b. A reasonable person, in the position of the alleged perpetrator at the time the alleged conduct occurred, should have known that the other person was unable to give Consent for any of the following reasons:

   i. The individual is unable to make an informed decision as a result of the use of alcohol, drugs or other substances (including, but not limited to, predatory drugs or prescribed medications); or
   
   ii. The individual is unable to consciously respond for whatever reason including lack of consciousness, sleep, illness or shock; or
   
   iii. The individual is under the age of 18 and therefore legally incapable of giving Consent; or
   
   iv. The individual is known by reason of impairment, mental condition or developmental or physical disability to be reasonably unable to Consent.
   
   v. The individual has acted or spoken in a manner that expresses a lack of Consent or a refusal to Consent.

2. The following are invalid excuses for failing to obtain affirmative Consent from the Complainant:

   a. The Respondent’s belief in affirmative Consent arose from the intoxication or recklessness of the Respondent; or
   
   b. The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

C. For the purpose of this policy, **DATING VIOLENCE** is defined as violence committed by a person:

   1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
   
   2. where the existence of such a relationship shall be determined based on a consideration of the following factors:

      a. The length of the relationship;
      
      b. The type of relationship;
      
      c. The frequency of interaction between the persons involved in the relationship.

D. For the purpose of this policy, **DOMESTIC VIOLENCE** is defined as a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the
E. For the purpose of Formal Complaints filed under Title IX, **EDUCATION PROGRAM OR ACTIVITY** is defined as locations, events or circumstances over which MSMU has substantial control over both the Respondent and the context in which the Title IX Sexual Harassment occurs.

E. For the purpose of this policy, **FORMAL COMPLAINT** is defined as a document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that MSMU investigate the allegation of Title IX Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in an education program or a University-sponsored Activity, with which the Formal Complaint is filed. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail.

The term “document filed by a Complainant” is defined as a document or electronic submission that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party to the case.

G. For the purpose of this policy, **PREPONDERANCE OF THE EVIDENCE** means such evidence as when weighed with that opposed to it has more convincing force and the greater probability of truth.

H. For the purpose of Formal Complaints filed under Title IX in regard to this policy, **RESPONDENT** is defined as an individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Harassment.

I. For the purpose of this policy, **REASONABLY PROMPT TIME FRAME** is defined as the amount of time necessary for the Title IX Coordinator to file the Formal Complaint; Investigator(s) to schedule and conduct the relevant and necessary interviews, so as to put together a comprehensive investigative Report that includes inculpatory and exculpatory evidence; the time needed to schedule and meet with the Complainant, Respondent, Witnesses and Advisors to present the evidence and investigation Report to them and explain the Title IX hearing process; to give the Complainant, Respondent and Advisors seven business days to review and respond to the evidence and investigative Report; to schedule and conduct the Title IX hearing; and to write the final decision letter. The same time frame applies to the appeals process as well as the informal resolution process. In normal circumstances and assuming timely cooperation from the parties and witnesses, staff will use their best efforts to complete this process within 120 days.

While MSMU strives to make decisions as quickly as possible, given the sensitivity of the allegations at hand, MSMU recognizes that good cause delays may occur.
Good cause delays include, but are not limited to, the following: absence of a party, a party’s Advisor or a Witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. MSMU will communicate in writing to the Complainant, Respondent and relevant participants, if a good cause delay occurs.

J. For the purpose of this policy, REPORT is defined as an allegation of Title IX Sexual Harassment that is brought to the attention of the Title IX Coordinator by either the individual who experienced the Title IX Sexual Harassment or someone other than the person who experienced the Sexual Harassment. A Report becomes a Formal Complaint when it is signed by either the Complainant or the Title IX Coordinator.

K. For the purpose of this policy, RETALIATION is defined as adverse, non-permitted action taken by an individual or a third party against a person who Reports a violation of this policy, assists someone with a Report of a violation of this policy or participates in any manner in an investigation or resolution of a Report of a violation of this policy. Retaliation may, among other non-permitted conduct or behaviors, include threats, intimidation, coercion, harassment, spreading negative information about an individual, exclusions from academic and non-academic programs and/or adverse actions related to employment.

L. For the purpose of this policy, SEXUAL ASSAULT is defined as engaging in sexual intercourse, or any of the sexual activities listed below, with another person without that person’s Consent. Sexual Assault includes, but is not limited to, rape, sexual battery, anal intercourse, oral copulation or penetration of a body cavity by a foreign object. Sexual intercourse includes the penetration, however slight, of the vagina or anus with any object or body part and of the mouth with a body part and/or object in a sexual manner.

M. For the purpose of Formal Complaints filed under Title IX, TITLE IX SEXUAL HARASSMENT is defined as unwelcome conduct by an employee conditioning the provision of an MSMU educational aid, benefit or service on an individual’s participation in unwelcome sexual conduct; or unwelcome conduct on the basis of sex against a person in the United States determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to an MSMU education program or activity.

N. For purposes of this policy, STALKING is defined as engaging in a course of conduct directed at a specific person(s) that would cause a reasonable person under similar circumstances and with similar identities to the Complainant to fear for their safety or the safety of others; or suffer substantial emotional distress.

For the purposes of this definition course of conduct means 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
For the purposes of this definition substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

O. For the purpose of this policy, SUPPORTIVE MEASURES is defined as non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to MSMU’s education program without unreasonably burdening the other party, including measures designed to protect the safety of all parties, MSMU’s educational environment, and/or deter Title IX Sexual Harassment.

P. For the purpose of this policy, TITLE IX COORDINATOR is defined as MSMU’s authorized employee who coordinates the University’s efforts to comply with its responsibilities under Title IX, including, but not limited to, receiving Reports of Title IX Sexual Harassment. To file a Report, or to ask any questions about Title IX, please contact MSMU’s Title IX Coordinator, who can be reached at 213.477.2803, 310.954.4351, or TitleIX@msmu.edu.

Deputy Title IX Coordinators include:

1. **Title IX Deputy/Associate Provost**
   - Contact: Michele Starkey
   - Phone: 310.954.4086
   - Email: mstarkey@msmu.edu

2. **Title IX Deputy/Director of Human Resources**
   - Contact: Dana Lopez
   - Phone: 310.954.4037
   - Email: dlopez@msmu.edu

3. **Title IX Deputy/Assistant Vice President for Student Affairs**
   - Contact: Rosalyn Kempf
   - Phone: 213.477.2571
   - Email: rkempf@msmu.edu

### III. TITLE IX LAW

Title IX is a federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities.

MSMU does not discriminate on the basis of sex. MSMU encourages prompt Reporting of Title IX Sexual Harassment. Under Title IX, MSMU has a responsibility to respond promptly and equitably to address Title IX Sexual Harassment.
Once MSMU has actual knowledge of a Report of Title IX Sexual Harassment, MSMU will take immediate action to eliminate the Title IX Sexual Harassment, MSMU will move to provide support and resources to the Complainant and, in the instance of a Formal Complaint being filed, MSMU will provide supportive resources to the Respondent, provide an equitable investigation and conduct process, including offering supportive resources to the Respondent, intended to restore equal access to education for all involved participants.

If you believe that MSMU does not respond appropriately to your allegations of Title IX Sexual Harassment as defined by Title IX after you have filed a Report with the Title IX Coordinator or designee or gone through the conduct process, you have the option to file a complaint with the Office for Civil Rights.

A. You may file a complaint:
   1. In person: via telephone 800.421.3481; or
   2. Online: via e-mail: OCR@ed.gov; or
   3. By mail, write letter to:
      U.S. Department of Education Office for Civil Rights Lyndon Baines Johnson
      Department of Education Building
      400 Maryland Avenue, S.W. Washington, D.C. 20202-1100

B. For more information about filing a complaint please visit:
   www2.ed.gov/about/offices/list/ocr/complaintintro.html

IV. COMPLAINANT AND RESPONDENT RIGHTS
A. In accordance with Title IX, MSMU has instituted a grievance process that is intended to be fair and equitable to both the Complainant and Respondent. In observance of that goal of equity, both Complainants and Respondents in Title IX Sexual Harassment cases have the right to:
   1. Access to an Advisor, if they do not have one of their own choosing, to assist with the conduct process (in particular cross examination during a conduct hearing). Complainants and Respondents may select the Advisor of their choice, regardless of family relationship or lack of affiliation to the University (see Section VI(B)(3));
   2. Receive a written notification of available on-and off-campus counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available as well as notification of the procedures for institutional disciplinary action and their rights and options as defined in Title IX Sexual Harassment cases;
   3. Request and receive Supportive Measures as approved by the Dean of Students in collaboration with the Title IX Coordinator;
   4. File a Report with the Title IX Coordinator, or designee;
5. File a police report and take legal action separate from and/or in addition to filing a Title IX Sexual Harassment Report;
6. Notice, in writing, that a Formal Complaint has been filed;
7. Present material and/or expert Witnesses;
8. Have their Advisor cross-examine the opposing party and any Witnesses during a Title IX hearing to determine credibility of information;
9. Be informed of the disciplinary finding (responsible or not responsible) as well as the reasoning behind the decision in writing; and
10. Appeal rights as outlined in this policy, Section VII.

V. REPORTING A TITLE IX COMPLAINT
Choosing to Report a Title IX complaint takes bravery and MSMU encourages all Students to Report Title IX Sexual Harassment (including Sexual Assault), Dating Violence, Domestic Violence or Stalking, regardless of the amount of time that has passed since the alleged misconduct occurred.

Once a Report is received, the Title IX Coordinator, or designee, will explain to the Complainant the process for filing a Formal Complaint, as well as discuss the availability of Supportive Measures (regardless of whether the Complainant chooses to file a Formal Complaint). A Report becomes a Formal Complaint once the Complainant or, in some instances, the Title IX Coordinator, signs the complaint. MSMU provides Supportive Measures to every Complainant and Respondent, regardless of whether a Formal Complaint is ever filed, and regardless whether a Student agrees to be interviewed by Campus Security.

A. HOW TO MAKE A REPORT
Any person may report sex discrimination, including Title IX Sexual Harassment, regardless of whether or not the person Reporting is the person alleged to be the victim of the conduct that could constitute sex discrimination or Title IX Sexual Harassment.

Complainants, Mandated Reporters, and any other person who wishes to make a report of sexual harassment to the University under this Title IX – Sexual Harassment Policy may do so at any time (including during non-business hours), in person, by email, by regular mail, by telephone, or by any other means, using the contact information for Campus Security, the Title IX Coordinator and Deputies identified above in Section III, provided that the method of reporting results in the Title IX Coordinator or Deputies receiving the person’s verbal or written report.

Reports of sexual harassment to the University under this Title IX – Sexual Harassment Policy may also be made by submitting a report through the Harassment, Discrimination (Including Sexual Misconduct), and Retaliation online Reporting Form (bit.ly/MSMUtitleix)

If Campus Security, or a Deputy Title IX Coordinator, receives the report, they will promptly
notify the Title IX Coordinator, or designee. Once the Title IX Coordinator, or designee, receives the report, the Title IX Coordinator, or designee, will contact the Complainant to explain the process for filing a Formal Complaint, as well as discuss the availability of Supportive Measures (regardless of whether the Complainant chooses to file a Formal Complaint). A complaint becomes a Formal Complaint once the Complainant or, in some instances, the Title IX Coordinator signs the complaint.

If a Complainant elects not to file a Formal Complaint once the Title IX Sexual Harassment is Reported, the Complainant will be contacted by the Title IX Coordinator, or designee, to discuss filing a Formal Complaint and the availability of Supportive Measures, even if a Formal Complaint is not filed. If the Complainant chooses not to file a Formal Complaint, they may still receive Supportive Measures, and they retain the right to revisit filing a Formal Complaint at a later date.

In line with the Good Samaritan Self Reporting Policy found in the Community Standards Book, violations of the Student Conduct Code regarding underage or excessive consumption of alcohol and/or marijuana or use or possession of illegal substances will not be utilized to commence disciplinary proceedings against a Complainant if the information is divulged through the process of reporting Title IX Sexual Harassment. The University does reserve the right to refuse to grant amnesty to Reporters under certain extenuating circumstances. Criminal investigations and other police action may still occur at the discretion of the law enforcement agency responding to the incident.

B. SUPPORTIVE MEASURES
Complainants and/or Respondents are entitled to receive Supportive Measures, including Complainants who opt not to file a Formal Complaint. Supportive Measures shall be designed and implemented in a manner intended to achieve their purpose while at the same time limiting, to the extent practicable, any adverse effect to the Complainant’s and/or Respondent’s education program. Supportive Measures provided to either the Complainant or Respondent are kept private, to the extent that maintaining privacy does not impair MSMU’s ability to provide the Supportive Measures.

Supportive Measures may include, but are not limited to, counseling, academic, residential, transportation and/or employment accommodations, as well as mutual restrictions on contact between the Complainant and Respondent. Supportive Measures can extend through the pendency of conduct procedures and potentially beyond as necessary.

Any such Supportive Measure shall not be referred to or offered as evidence at the hearing on the underlying charge.

C. ATHENIAN RESOURCE COORDINATORS (ARC)
When an allegation of Title IX Sexual Harassment is brought to the attention of MSMU, the Deputy Title IX Coordinator, or designee, will assign an Athenian Resource Coordinator (“ARC”) to both the Complainant and the Respondent (if a Respondent has been identified).
Complainants will be assigned an ARC regardless of whether they file a Formal Complaint or participate in any conduct process.

The ARCs are members of the Division of Student Affairs who are trained to assist the Complainant and Respondent in identifying University and external resources and facilitating Supportive Measures for Complainants and/or Respondents. The role of the ARC is to:

1. Provide information, in writing, regarding resources on and off campus such as the Student Health Services (“SHS”), Counseling and Psychological Services (“CPS”), Campus Ministry, Residence Life and Housing Services, Office of the Dean of Students, Campus Security, proper law enforcement authorities, the Rape Treatment Center at Santa Monica-UCLA Medical Center, and Peace Over Violence.
2. Explain all stages of the Title IX and/or University conduct process, including potential outcomes for both Complainant and Respondent;
3. Provide information, explanation and review so that the Complainant and Respondent can make an informed decision about the options available to them, including Reporting to law enforcement, filing a Formal Complaint, filing and responding to Student Conduct Code complaints, documenting their decisions and requesting Supportive Measures;
4. Follow up with the Student throughout the Title IX and/or University conduct process and thereafter to ensure that no Retaliation is taking place and to continue to provide the Student access to the resources that the Student requires.

VI. TITLE IX CONDUCT PROCESS
Once a Formal Complaint is received, MSMU will address allegations of Title IX Sexual Harassment through the conduct process outlined below. MSMU’s Title IX conduct process strives to treat Complainants and Respondents equitably by adhering to the conduct process outlined in the 2020 Title IX Regulations.

Disciplinary sanctions for Title IX Sexual Harassment range from disciplinary warning up through dismissal from the University.

A. FORMAL COMPLAINT PROCESS AND INVESTIGATIONS
1. Notice of Allegations
Upon receipt of a Formal Complaint, MSMU will provide written notice to both the Complainant and Respondent of the following:
   a. Notice of MSMU’s conduct process;
   b. Notice of the allegations of Title IX Sexual Harassment (including Sexual Assault, Dating Violence, Domestic Violence and Stalking) and sufficient details known at the time;
   c. Notice that the Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility can be made at the
conclusion of the conduct process;

d. Notice that the Complainant is presumed to be acting in good faith in making their Formal Complaint of Title IX Sexual Harassment;

e. Notice that the Complainant and Respondent may have an Advisor of their choice;

f. Notice that the Complainant and Respondent may inspect and review evidence gathered during the investigation of the alleged behavior; and

h. Notice of MSMU’s prohibition on knowingly making or submitting false statements during the conduct process. If, in the course of an investigation, MSMU decides to investigate allegations about the Complainant or Respondent that are not included in the initial notice of allegations, MSMU will provide notice of the additional allegations in writing to all parties whose identities are known at the time.

2. Dismissal of Formal Complaint

MSMU will investigate all allegations that are included in a Formal Complaint. However, if the conduct alleged in the Formal Complaint does not constitute Title IX Sexual Harassment including Sexual Assault, Dating Violence, Domestic Violence and Stalking as defined in the 2020 Title IX Regulations, then MSMU is required under the 2020 Title IX Regulations to dismiss the Formal Complaint.

Such a dismissal does not preclude pursuit of the allegations under MSMU’s Student-on-Student Sexual and Interpersonal Misconduct Policy or MSMU’s Student Conduct Code.

Additionally, MSMU may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:

a. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;

b. The Respondent is no longer enrolled by MSMU; or

c. MSMU is prevented from gathering sufficient evidence to reach a determination as to the Formal Complaint, including, but not limited to, a Complainant ceasing to participate in the Conduct process.

Upon dismissal of a Formal Complaint, MSMU will send written notice of the dismissal and reason(s) as to why the dismissal occurred, simultaneously to both Complainant and Respondent.

Complainants and/or Respondents are able to appeal the dismissal of a Formal Complaint by submitting their appeal in writing to the Title IX Coordinator or designee within seven business days of receiving a decision regarding the dismissal. Upon receipt of the appeal, the Title IX Coordinator or designee will review all applicable information...
reasonably in their possession and will submit a written determination to the Complainant and/or Respondent.

3. Title IX Investigation of a Formal Complaint
Once a Formal Complaint is filed, MSMU will conduct an investigation of the allegations.

During the investigation, the Title IX office will schedule and conduct interviews with the Complainant, Respondent and any fact or expert Witnesses. In order to ensure the grievance process is conducted in a reasonably prompt time frame, it is essential that all participants respond promptly to interview request(s).

Interview requests will be submitted in writing to participants and will give participants sufficient time to prepare to participate. The Complainant and Respondent are able to be accompanied to any related meeting or proceeding by the Advisor of their choice, subject to certain restrictions as outlined below. During the investigation, the Complainant and Respondent are encouraged to gather and present relevant evidence. Prior to the completion of the investigation, both the Complainant and the Respondent and their Advisors will be provided an opportunity to inspect and review any evidence obtained as part of the investigation.

The Complainant and Respondent will have seven business days to submit a written response to the evidence, which the Investigator will consider prior to completion of an investigative Report.

Upon expiration of the seven business days, the investigator(s) will create an investigative Report summarizing all relevant evidence and, at least seven business days prior to a hearing, make the investigative Report available to both the Complainant and the Respondent and their Advisors, for their review and written response.

All evidence subject to the participants’ inspection and review will be made available during the Title IX hearing so that both the Complainant and the Respondent have an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

B. TITLE IX HEARING PROCEDURE
Students charged with violations of Title IX Sexual Harassment are accorded the following procedural protections:
1. Written or electronic notice (generally, via the official University e-mail account) of misconduct charges, the location of the Student Title IX Policy, a scheduled pre-hearing meeting with a Title IX representative or the instructions on how to schedule the pre-hearing meeting and timely notice of that pre-hearing meeting;
2. A pre-hearing meeting at which:
   a. The Complainant/Respondent may ask the Title IX representative questions

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b. The Title IX representative shall also explain the private nature of the conduct process (Except for appeals, external judicial challenges and where relevant to other student conduct proceedings,) and the fact that the hearing will become part of the file relating to the case;

c. The Complainant is informed that no conduct record will be generated in regard to the Complainant, however the Complainant may be permitted future access to the conduct case file.

3. Complainants and Respondents are required to have the assistance of an Advisor during the hearing to perform cross-examination. Complainants and Respondents who have not previously identified their Advisor during the investigation process will be required to inform the Title IX office of the identity of their Advisor prior to scheduling the Title IX hearing. If a Student does not have an Advisor, MSMU will appoint an Advisor to serve with the Student and perform cross-examination during the Title IX hearing on the Student’s behalf. The Advisor’s role is to assist Students in understanding the conduct process during the investigation and Title IX conduct process. Advisors may not represent the Student during any meeting or hearing during the investigation or Title IX conduct process, outside of the Advisor’s role in cross-examination. An Advisor may not appear in lieu of the Student to either the pre-hearing meeting or the Title IX hearing.

4. A Title IX hearing (conducted via videoconferencing) during which the Hearing Panel shall specify the nature of the alleged misconduct and provide the Complainant and the Respondent the opportunity to again review the information and evidence gathered by the University that make up the basis for the charge(s). Students shall have the opportunity to respond to the information gathered by the University, including the right to offer counter information and/or call appropriate fact and/or expert Witnesses.

The Hearing Process will proceed where a Respondent fails to appear after timely notice and a determination of the charged misconduct will be made based upon the facts and evidence submitted in support of the alleged misconduct at that hearing (failure to check one’s e-mail is not sufficient justification for not attending a scheduled hearing). A Student Complainant who fails to appear after timely notice will be deemed to have abandoned their complaint and the charges will be dismissed unless the University is presenting the case and the facts and evidence presented in support of the charged misconduct independent of the Complainant warrants the continuation of the conduct process;

5. The Respondent’s Advisor, via videoconferencing, will be permitted the opportunity to ask questions of the Complainant, and any Witnesses that appear either at the request of the Complainant, the Respondent or the University, in order to assess the credibility of the information offered. Conduct Officers on the Hearing Panel will review each question after it has been asked and may be permitted to disallow a question asked by the Respondent’s Advisor if the Respondent’s Advisor is unable to
provide sufficient rationale for the relevancy of the question.

The Complainant’s Advisor, via videoconferencing, will be permitted the opportunity to ask questions of the Respondent, and any Witnesses that appear either at the request of the Complainant, the Respondent or the University, in order to assess the credibility of the information offered. Conduct Officers on the Hearing Panel will review each question after it has been asked, and may be permitted to disallow a question asked by the Complainant’s Advisor if the Complainant’s Advisor is unable to provide sufficient rationale for the relevancy of the question;

6. Both the Complainant and the Respondent will be permitted the opportunity to make a closing statement at the conclusion of the evidentiary portion of the hearing;

7. If a further hearing is necessary, a supplemental proceeding will be scheduled:
   a. Complainants, Respondents or the Hearing Panel may submit new and or additional evidence and call appropriate fact and/or expert Witnesses at the supplemental proceeding. Students shall have the opportunity to respond to any new or additional evidence that is presented for the first time at the supplemental proceeding;
   b. Complainants and Respondents may utilize the assistance of an Advisor during the supplemental hearing;

8. Sanctions shall be levied if it is determined that the Respondent is responsible for the violation(s). If not, the charge(s) will be dismissed;

9. Complaints will be promptly investigated and adjudicated following the procedures herein outlined;

10. For compliance with Clery Act record retention requirements, all official conduct-related correspondence will be retained for a minimum of seven years;

11. A Student’s conduct history and record is cumulative; therefore, increased sanctions may be imposed to take into consideration the Respondent’s overall record of violations of all types, not just those of a similar type;

12. Unless required by law, privacy laws prevent notification or disclosure to Student Complainants about the prior conduct history, if any, of the Respondent.

C. HEARING PROCEDURES FOR TITLE IX CONDUCT PROCESS

The following procedural guidelines shall be applicable in Title IX conduct proceedings:

1. Title IX Hearings will generally be private except for the Hearing Panel, parties and Advisors. Title IX hearings will be recorded via videoconferencing software utilized by the Hearing Panel only. Recording devices (audio and/or video) of any kind are not permitted for use by the Students, Witnesses or Advisors. The recording of the hearing will be part of the conduct file and may be accessible to both the Complainant and Respondent by contacting the Title IX office;

2. The Hearing Panel shall exercise control over the procedures to avoid needless consumption of time. Any person, including an Advisor, who is disruptive during the Title IX hearing, refuses to follow the rules or procedures and/or fails to adhere to the admonitions and rulings of the Hearing Panel may be excluded from the proceedings. If an Advisor is excluded during a Title IX hearing, the hearing will be halted and
rescheduled at a later date to accommodate the Student procuring a different Advisor of their choice or being provided an Advisor by MSMU;

3. The decision of the Hearing Panel shall include an identification of the initial allegations, a brief description of the procedural steps followed by MSMU to respond to the allegations, a summary of the testimony and evidence in support of the findings, the findings, decision and applicable sanction(s) and additional supportive measures for the Complainant (if any). The decision shall be sufficiently detailed to permit review as provided in the Code and as authorized or required by law will be sent to both the Respondent and the Complainant;

4. Prior to the hearing, Students may challenge a Hearing Panel member on the grounds of personal bias. Any such challenge must be made in writing to the Chief Conduct Officer, or designee, not less than two business days prior to the hearing. The disqualification challenge of a Hearing Panel member shall be determined by the Dean of Students, or designee. If a challenge is sustained, the charge shall be referred to another Hearing Panel member;

5. Witnesses shall be required to affirm that their testimony is truthful and may be subject to charges of providing false information pursuant to section VI(E) of the Student Conduct Code. If a Witness refuses to participate in the Title IX hearing, their prior or subsequent statements will not be utilized or relied upon by the Hearing Panel in coming to a decision;

6. The burden of proof shall be upon MSMU who must establish the responsibility of the Respondent by a Preponderance of the Evidence;

7. Except as provided herein, formal rules of evidence and discovery shall not be applicable in proceedings conducted pursuant to the Code. The Hearing Panel shall give effect to recognized rules of privacy (including the Family Educational Rights and Privacy Act [FERPA]) and privilege but shall otherwise admit all matters into evidence that a reasonable person would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may not be considered in the decision;

8. Written statements, absent testimony by the Witness that is subject to cross-examination, shall not be admitted into evidence nor used for any purpose.

D. PRIVACY
MSMU will keep private the identity of any individual who has made a Report or complaint alleging Title IX Sexual Harassment as defined by the 2020 Title IX Regulations, as well as the name of the Complainant(s), Respondent(s) or any Witnesses of the alleged behavior to the extent practicable to fulfill the requirements of the 2020 Title IX Regulations. Once a Formal Complaint has been filed, MSMU will maintain the privacy of involved individuals to extent practicable to fulfill the grievance process outlined by the 2020 Title IX Regulations.

VII. TITLE IX APPEAL PROCEDURES
A. Any decision by the Hearing Panel or disciplinary sanction assigned may be appealed
by the Respondent or the Complainant to the Chief Conduct Officer, or designee. Appeals are limited to one or more of the following grounds:

1. The sanction is substantially disproportionate to the offense;
2. The procedures provided for in the Code were not materially followed resulting in significant prejudice to the Appellant;
3. New relevant evidence is available, which in the exercise of reasonable diligence could not have been produced at the time of the hearing;
4. The decision is not supported by substantial evidence; or
5. The Title IX Coordinator, Investigator(s) or Conduct Officer(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 of the matter.

B. All petitions for appeals shall be submitted to:
   Chief Conduct Officer
   c/o The Office of the Dean of Students
   Chalon Campus, Humanities 200
   Deanofstudents@msmu.edu

C. Appeal petitions must be submitted by the involved Student party (Respondent or Complainant) via written statement and received by the Chief Conduct Officer c/o ODSL within seven business days from the date of the imposition of the original decision. Appeal petitions may not be submitted by Advisors or third parties (including, without limitation, lawyers) on behalf of the involved Student party. Failure to file the appeal petition within the seven-day limitations period results in the decision becoming final and conclusive.
   Failure to comply with these procedures may result in the rejection of an appeal petition.

D. Pursuant to Section VII(A) the appeal petition must be accompanied by a written statement in support of the appeal. Upon notification of the receipt of a proper and timely appeal petition, the Chief Conduct Officer, or designee, shall convene the Appeals Committee. The non-appealing party (either Complainant or Respondent) will be notified of an appeal and be afforded the opportunity to submit a timely written statement in opposition to the appeal.

E. Pursuant to Section VII(A), the Appeals Committee will review the video and audio recording of the live hearing, the findings, decision and recommended sanctions (if applicable), the Respondent’s disciplinary history and the written statement of the Respondent and of the Complainant filed with the appeal petition or in response to the appeal petition.

F. The Appeals Committee may, but is not required to, request the Hearing Panel or the involved Student parties to submit additional information in writing. If the Hearing Panel or any Student parties is/are requested to submit additional information, the Student parties not so requested shall be entitled to reply in writing to the additional written information supplied to the Appeals Committee.

G. So long as supported by the evidentiary record, the Appeals Committee shall give deference to the determinations of the Hearing Panel, and may make one of the
following recommendations:

1. Recommended sanctions may be reduced, if found to be substantially disproportionate to the offense or affirmed;

2. The case may be referred back to the Vice President for Student Affairs, or designee, for reassignment to a new Hearing Panel if bias was detected and/or if specified procedural errors in interpretation of the Code were so substantial as to effectively deny the Student a fair hearing, or for reassignment to the original Hearing Panel if significant new evidence became available, which could not have been discovered by a properly diligent Student before or during the original hearing;

3. The determination should be reversed, if the decision is not supported by substantial evidence;

4. The Appeals Committee shall not alter the underlying decision of the Hearing Panel if supported by substantial evidence and reasonable inferences arising therefrom.

H. Both parties shall have the opportunity to submit an appeal and absent an appeal by both parties, the non-appealing party shall have the opportunity to submit a written statement in either support or opposition to the extant appeal petition. Both parties will be notified of the results of the appeal.

I. Concurrent with the filing of an appeal petition, Complainants or Respondents may challenge a member of the Student Conduct Committee on the grounds of personal bias. All disqualification challenges of the Appellate Authority shall be determined by the Vice President for Student Affairs, or designee. If a challenge is sustained, the proceedings will continue without the participation of the disqualified member in the event that a quorum exists with the remaining members. If disqualification results in the lack of a quorum a new Committee will be assembled without the previously challenged member.

J. Except as provided herein, formal rules of evidence and discovery shall not be applicable in these proceedings conducted pursuant to the Code. The Appellate Authority shall give effect to the recognized rules of privacy (including FERPA) and privilege but may otherwise admit matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

K. The Appeals Committee may take presumptive notice of matters that would be of general knowledge to other University Students.

L. The Appeals Committee shall be provided copies of the Student’s disciplinary record when reference to the Student’s disciplinary history is included in the decision made by the Hearing Panel.

M. A quorum for the Appeals Committee shall be a three members with a minimum of one faculty or staff member.

N. Procedural, evidentiary and final recommendations of the Appeals Committee shall be by majority vote of the members present and voting. A tie vote in an appeal proceeding will result in affirmation of the original decision. Procedural or evidentiary issues in any hearing before the Appeals Committee shall be
determined by the Committee’s Presiding Officer in accordance with the Code.

VIII. TITLE IX INFORMAL RESOLUTION PROCESS
If the Complainant and Respondent both agree to go through the informal resolution process, the Title IX office may opt to postpone initiation of the Title IX conduct process in matters deemed potentially appropriate for an informal resolution process.

The Title IX informal resolution process at MSMU is voluntary for all participants, and the appropriateness of such process must be concurred in by the University and allows a Respondent to accept responsibility for the harm caused. As part of the successful completion of the informal resolution process, the Respondent will not be charged with a violation of the Student Conduct Code. The Title IX informal resolution process is designed to redress the harm caused by the underlying conduct and prevent its recurrence in a manner that meets the needs of the Complainant and effected parties while still maintaining the safety of the overall campus community.

Upon receipt of a Formal Complaint, the Complainant may be offered the opportunity to resolve the complaint through an informal resolution process. Should a Complainant or Respondent wish to bring their complaint through the informal resolution process, they will need to let the Title IX Coordinator, or designee, know in writing. Prior to the resolution of the informal process, the Complainant and/or Respondent are permitted to request the informal resolution process end and go through the Title IX conduct process.

The initial determination of eligibility for the informal resolution process will be left to the Assistant Vice President for Student Affairs or designee, and the Assistant Vice President for Student Affairs, or designee, reserves the right to terminate the process at any time

Prior to the process beginning, the Complainant and Respondent will need to provide their voluntary written Consent to move forward with the informal resolution process. If one party does not agree to go through the process, then the formal conduct process will commence.

Once the voluntary, written Consent is provided, the Complainant and Respondent will be provided written notice disclosing the allegations and the requirements of the informal resolution process.

If the informal resolution process is not accepted or fully completed by all parties, then the matter may be referred back to the Title IX Coordinator, or designee, and the Title IX grievance process will be initiated.
IX. RETALIATION
Retaliation is strictly prohibited and will not be tolerated by MSMU.

All persons, including University faculty and staff, are prohibited from taking any retaliatory action against any other member of the University Community including, but not limited to, the Complainant, Respondent or Witnesses to an alleged incident of sexual or interpersonal misconduct. Any Student engaging in any retaliatory action(s) will be subject to discipline under the Student Conduct Code and appropriate sanctions for determined violations may include dismissal from the University.

Retaliation by non-students will be adjudicated and determined in accordance with the Policy Prohibiting Unlawful Discrimination, Harassment and/or Retaliation. Any Student who believes that they have been retaliated against for having filed, or being named in, a complaint for sexual or interpersonal misconduct or having participated in the investigation of such a complaint, should promptly notify Campus Security at 310.954.4123 or 213.477.2502 or the Title IX Coordinator. Any person who believes that they have been retaliated against for the above-mentioned reasons by a faculty or staff member as an individual or on behalf of the University should contact the Title IX Coordinator at TitleIX@msmu.edu or 213.477.2803.

MSMU STUDENT-ON-STUDENT SEXUAL AND INTERPERSONAL MISCONDUCT POLICY AND PROTOCOL

I. INTRODUCTION
Mount Saint Mary's University, Los Angeles ("MSMU") is committed to providing a learning, working, and living free of discrimination on the basis of sex. MSMU recognizes the significant, unacceptable and nationwide existence of Sexual Harassment on college campuses. The University does not condone and will not tolerate sexual harassment from any member of the University community, and is committed to taking all appropriate steps to eliminate sexual harassment, prevents its recurrence, and address its effects. Students are responsible for conducting themselves in accordance with this Policy. The University also encourages all members of the University community to participate in the process of creating a safe, welcoming and respectful campus environment free from sexual harassment for all. Accordingly, MSMU encourages Students and University Community members to report instances of Sexual Harassment so that the University can take appropriate responsive action.

Title IX of the Education Amendments of 1972 ("Title IX") is a federal law that prohibits discrimination on the basis of sex in education programs and activities. For more information regarding Title IX, and the MSMU policy regarding Title IX Sexual Harassment, please see the Student Title IX Policy. This policy deals with sexual
A Student Conduct Code case for alleged student-on-student sexual or interpersonal misconduct that is not covered under the Title IX Policy will be initiated and adjudicated under the relevant provisions of the Student Conduct Code.

Should a Complainant wish to move forward with the conduct process, the Complainant and Respondent will each have separate meetings with a representative from the Office of the Dean of Students (OSDL) prior to the hearing to review the investigative reports and address the conduct process format. Following these pre-hearing meetings, a hearing with cross-examination will be scheduled in a format utilizing video-conferencing. OSDL makes every effort to adjudicate these matters promptly, usually within 120 days, assuming timely cooperation of all parties.

The Hearing Process will proceed where a Respondent fails to appear after timely notice and a determination of the charged misconduct will be made based upon the facts and evidence submitted in support of the alleged misconduct at that hearing (failure to check one’s e-mail is not sufficient justification for not attending a scheduled hearing). A Student Complainant who fails to appear after timely notice will be deemed to have abandoned their complaint and the charges will be dismissed unless the University is presenting the case and the facts and evidence presented in support of the charged misconduct independent of the Complainant warrants the continuation of the conduct process.

Sexual or interpersonal misconduct involving a Student and any non-student in the University Community is handled under the Policy Prohibiting Unlawful Discrimination, Harassment, and/or Retaliation, (www.msmu.edu/about-the-mount/title-ix/) Should a Student report sexual or interpersonal misconduct that occurred to the Student when they were a child, MSMU is required to contact local law enforcement to report the child abuse.

All persons, including University faculty and staff, are prohibited from taking any
Upon the declaration of a campus emergency, or in the event that campus is closed due to emergency circumstances, all student policies and procedures remain in effect. However, the Vice President for Student Affairs, or designee, may temporarily suspend and/or revise existing policies, procedures or processes for the health and safety of the campus community and to assist and support the University’s efforts during the emergency and subsequent recovery.

For additional information on sexual and interpersonal misconduct awareness, prevention and training, including bystander intervention, programming and events on campus intended to bring awareness to these issues and opportunities for you to get involved, please visit the Lotus Initiative website (www.msmu.edu/titleix). The Lotus Initiative is the Mount’s dedicated education, support, and training efforts to create a campus culture where students are confident and comfortable identifying, preventing, intervening, and seeking help for incidents of sexual violence, domestic violence, dating violence and stalking.

II. DEFINITIONS

A. For purposes of this policy, **SEXUAL ASSAULT** is defined as engaging in sexual intercourse, or any of the sexual activities listed below, with another person without that person’s consent. Sexual Assault includes, but is not limited to, rape, sexual battery, anal intercourse, oral copulation or penetration of a body cavity by a foreign object. Sexual intercourse includes the penetration, however slight, of the vagina or anus with any object or body part and of the mouth with a body part and/or object in a sexual manner.

B. For purposes of this policy, **SEXUAL MISCONDUCT** is defined as unwelcome conduct of a sexual nature including, but not limited to, unwelcome sexual advances, unsolicited requests for sexual favors, or physical conduct of a sexual nature, such as making contact with an intimate body part (including, but not limited to: the mouth; the sex organs; the anus; the groin; the buttocks and/or the breasts) of another person without that person’s consent, including as a result of sexual coercion.

For purposes of this policy, Sexual Misconduct includes, but is not limited to, exposing one’s genitals in non-consensual circumstances, coercing another against their will to expose their genitals or breasts and prostituting another person.

C. For purposes of this policy, **SEXUAL EXPLOITATION** is defined as sexual misconduct that occurs when a person takes unjust or abusive sexual advantage of another for their
benefit or for the benefit of anyone other than the exploited party; and that behavior does not otherwise constitute Sexual Assault. Examples of Sexual Exploitation include, but are not limited to, invasion of sexual privacy, audio or video recording or photographing of a sexual nature utilizing webcam, camera, Internet exposure, etc., without knowledge and consent of all persons, going beyond the boundaries of consent (such as letting another person hide and watch you have consensual sex without the knowledge of the other party), engaging in unconsented voyeurism, coercing another against their will to expose their genitals or breasts and prostituting another person.

D. CONSENT is defined as the unambiguous and willing participation or cooperation in act, behavior or attitude that is commonly understood to be consistent with the exercise of free will. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative Consent of the other(s) to engage in the sexual activity. Consent requires participants who are lawful adults, fully conscious, equally free and legally competent to act, have clearly communicated their willingness, cooperation or permission to participate in the specific sexual activity engaged in, are positive and clear about their desires and are able to cease ongoing consensual activity at any time. Refusal to Consent does not have to be verbal; it can be expressed with clear gestures, body language or attitude. Lack of protest or resistance does not mean Consent, nor does silence mean Consent. Prior sexual history between the Complainant and Respondent, by itself, does not constitute Consent, nor does consenting to sexual activity with one person imply Consent to sexual activity with another person.

1. Consent is not freely given if:
   a. It is obtained through the use of force, through the fear of or the threat of force, through the abuse of a power position over another (such as employment status or position within an organization) or by kidnap; or
   b. A reasonable person, in the position of the alleged perpetrator at the time the alleged conduct occurred, should have known that the other person was unable to give Consent for any of the following reasons:
      i. The individual is unable to make an informed decision as a result of the use of alcohol, drugs or other substances (including, but not limited to, predatory drugs or prescribed medications); or
      ii. The individual is unable to consciously respond for whatever reason including lack of consciousness, sleep, illness or shock; or
      iii. The individual is under the age of 18 and therefore legally incapable of giving Consent; or
      iv. The individual is known by reason of impairment, mental condition or developmental or physical disability to be reasonably unable to Consent.
c. The individual has acted or spoken in a manner that expresses a lack of Consent or a refusal to Consent.

2. The following are invalid excuses for failing to obtain affirmative Consent from the Complainant:
   a. The Respondent’s belief in affirmative Consent arose from the intoxication or recklessness of the Respondent; or
   b. The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

E. For purposes of this policy, **DOMESTIC VIOLENCE** is defined as a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under California law or by any other person against an adult or youth victim who is protected from that person’s acts under California law.

F. For purposes of this policy, **DATING VIOLENCE** is defined as violence committed by a person:
   1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
   2. Where the existence of such a relationship shall be determined based on the Complainant’s statement and with consideration of the following factors:
      a. The length of the relationship;
      b. The type of the relationship;
      c. The frequency of interaction between the persons involved in the relationship.

   Dating Violence includes, but is not limited to, sexual or physical abuse or threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

G. For purposes of this policy, **Stalking** means engaging in a course of conduct directed at a specific person(s) that would cause a reasonable person under similar circumstances and with similar identities to the Complainant to fear for their safety or the safety of others; or suffer substantial emotional distress.

   For the purposes of this definition course of conduct means 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.

   For the purposes of this definition substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

H. **COMPLAINANT** means the individual(s) who file(s) a Student Conduct Code complaint with the University.
I. **RESPONDENT** means the individual(s) against whom a Student Conduct Code complaint is made.

J. **“RETAILIATION”** means adverse, non-permitted action taken by an individual or a third party against a person who reports a violation of this policy, assists someone with a report of a violation of this policy or participates in any manner in an investigation or resolution of a report of a violation of this policy. Retaliation may, among other non-permitted conduct or behaviors, include threats, intimidation, coercion, Harassment, spreading negative information about an individual, exclusions from academic and non-academic programs and/or adverse actions related to employment.

III. **CALIFORNIA LAW**

The following excerpts are only partially explanatory of certain California laws pertaining to sexual and interpersonal misconduct. These excerpts are not intended to be an exhaustive description or list of California laws pertaining to sexual misconduct, inappropriate or criminal sexual behavior or interpersonal misconduct.

A. **Excerpts from Sections 11165.1 and 261 of the California Penal Code: Sexual Assault** includes rape, statutory rape, rape in concert, incest, sodomy, lewd or lascivious acts upon a child, oral copulation, sexual penetration, child molestation and the following:
   1. Penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is emission of semen.
   2. Sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.
   3. Intrusion by one person into the genitals or anal opening of another person, including the use of an object for this purpose, except that, it does not include acts performed for a valid medical purpose.
   4. The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs and buttocks or the clothing covering them, of a child, or of the perpetrator by a child, for purposes of sexual arousal or gratification, except that it does not include acts which may reasonably be construed to be normal caretaker responsibilities; interactions with, or demonstrations of affection for, the child; or acts performed for a valid medical purpose.
   5. The intentional masturbation of the perpetrator’s genitals in the presence of a child.

Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:
   1. Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal Consent, and this is known or reasonably should be known to the person committing the act.
   2. Where it is accomplished against a person’s will by means of force, violence,
duress, menace or fear of immediate and unlawful bodily injury on the person
or another.
3. Where a person is prevented from resisting by any intoxicating or
anesthetic substance, or any controlled substance, and this condition was
known, or reasonably should have been known by the accused.
4. Where a person is at the time unconscious of the nature of the act, and this is
known to the accused.

As used in this paragraph, “unconscious of the nature of the act” means incapable of
resisting because the victim meets one of the following conditions:
1. Was unconscious or asleep.
2. Was not aware, knowing, perceiving or cognizant that the act occurred.
3. Was not aware, knowing, perceiving or cognizant of the essential
characteristics of the act due to the perpetrator’s fraud in fact.
4. Was not aware, knowing, perceiving or cognizant of the essential
characteristics of the act due to the perpetrator’s fraudulent representation
that the sexual penetration served a professional purpose when it served no
professional purpose.
5. Where a person submits under the belief that the person committing the act is
someone known to the victim other than the accused, and this belief is induced
by any artifice, pretense or concealment practiced by the accused, with the
intent to induce the belief.
6. Where the act is accomplished against the victim’s will by threatening to
retaliate in the future against the victim or any other person, and there is a
reasonable possibility that the perpetrator will execute the threat. As used in
this paragraph, “threatening to retaliate” means a threat to kidnap or falsely
imprison, or to inflict extreme pain, serious bodily injury or death. Where the
act is accomplished against the victim’s will by threatening to use the authority
of a public official to incarcerate, arrest or deport the victim or another, and the
victim has a reasonable belief that the perpetrator is a public official. The
perpetrator does not actually have to be a public official.

California law also states that “The essential guilt of rape consists in the
outrage to the person and feelings of the victim of the rape. Any sexual
penetration, however slight, is sufficient to complete the crime” (Penal Code
section 263). California law further defines both marital rape (Penal Code
section 262) and “statutory rape” (Penal Code section 261.5). Though laws
vary from state to state, intercourse in which Consent was not obtained or
was obtained under coercive conditions will usually be considered rape.

B. Excerpt from Section 67386 of the California Education Code:
The governing boards of independent postsecondary institutions shall adopt a policy
concerning Sexual Assault, Domestic Violence, Dating Violence and Stalking, as defined in
the federal Higher Education Act of 1965 involving a Student, both on and off campus.
This policy shall include an affirmative Consent standard in the determination of whether Consent was given by both parties to sexual activity.

“Affirmative Consent” means affirmative, conscious and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative Consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean Consent, nor does silence mean Consent. Affirmative Consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of Consent.

A current or previous dating or marital relationship shall not be sufficient to constitute Consent where Consent is at issue in a prosecution under Section 261, 262, 286, 287 or 289. Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of Consent. In prosecutions under Section 261, 262, 286, 287 or 289, in which Consent is at issue, evidence that the victim suggested, requested or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of Consent, is not sufficient to constitute Consent.

D. Excerpts from Section 646.9 of the California Penal Code:
Any person who willfully, maliciously and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for their safety, or the safety of their immediate family is guilty of the crime of Stalking, punishable by:
1. Imprisonment in a county jail for not more than one year, or
2. By a fine of not more than $1,000, or
3. By both that fine and imprisonment, or by imprisonment in the state prison.

For the purposes of this section, “harasses” means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments or terrorizes the person, and that serves no legitimate purpose. For the purposes of this section, “course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”

E. Excerpts from Section 13700 of the California Penal Code and 6211 of the California Family Code:
“Domestic Violence” means abuse committed against an adult or a minor who is a
spouse, former spouse, cohabitant, former cohabitant or person with whom the suspect has had a child or is having or has had a dating or engagement relationship, a child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected or any other person related by consanguinity or affinity within the second degree.

For purposes of this subdivision, “cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabitating include, but are not limited to: terrorizes the person, and that serves no legitimate purpose. For the purposes of this section, “course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”

F. Excerpts from Section 13700 of the California Penal Code and 6211 of the California Family Code:
“Domestic Violence” means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant or person with whom the suspect has had a child or is having or has had a dating or engagement relationship, a child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected or any other person related by consanguinity or affinity within the second degree.

For purposes of this subdivision, “cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to:
1. Sexual relations between the parties while sharing the same living quarters;
2. Sharing of income or expenses;
3. Joint use or ownership of property;
4. Whether the parties hold themselves out as spouses;
5. The continuity of the relationship; and
6. The length of the relationship.

IV. PRIVACY

A. MSMU identifies “responsible employees” as those who are obligated to report all details of an incident, including the identities of those involved, to Campus Security and/or the Title IX Coordinator whenever that information is brought forward to the employee. Campus Security will notify the Title IX Coordinator when a report has been filed.
Students reporting an incident of sexual or interpersonal misconduct to a responsible employee may request that their information be kept private. Students should be aware that if they request for their information to remain private, then the University’s ability to effectively investigate and adjudicate the instance(s) of sexual or interpersonal misconduct may be impaired. The University cannot guarantee privacy in this instance, and the following factors will be considered by the Title IX Coordinator in consultation with the Vice President for Student Affairs, or designee, in determining whether the privacy request can be honored or if an investigation is necessary:

1. The Respondent has known prior allegations of sexual or interpersonal misconduct and a potential for a campus safety risk exists; or
2. The location in which the alleged incident occurred is a location where previous complaints of sexual or interpersonal misconduct occurred creating the potential for an unsafe environment for the MSMU community; or
3. A threat to the campus community at large or a particular community member has been identified; or
4. The sexual or interpersonal misconduct was perpetrated with a weapon; or
5. The victim is a minor; or
6. Some combination of the above factors exists.

The Title IX Coordinator, in consultation with the Vice President for Student Affairs or a designee, is responsible for determining whether the request of the Complainant to have information kept private can be honored. If the decision is made that confidentiality cannot be honored, then the University will only inform the necessary individuals and entities on campus required to perform a thorough investigation and adjudication of the complaint. The University will respond to any accusations of Retaliation against the Complainant or Witnesses brought upon by the investigation or adjudication of the misconduct.

B. Responsible employees include faculty, administrative staff and some student staff. Responsible employees do not include the following:

1. Professional, licensed counselors, such as the psychologists at Counseling and Psychological Services (CPS) 310.954.4114/Chalon or 213.477.2668/Doheny, are not required to report any information regarding an alleged sexual or interpersonal misconduct to Campus Security, the Title IX Coordinator or any other reporting body, without consent from the Student.

   Catholic priests and women religious are not required to report any information regarding an alleged sexual or interpersonal misconduct to Campus Security, the Title IX Coordinator or any other reporting body, without Consent from the Student provided they receive the information in performance of their pastoral duties.

2. Student Health Services (SHS) Staff, such as doctors and nurse practitioners at SHS 310.954.4110 or 213.477.2685/Doheny, are not required to report any information regarding an alleged sexual or interpersonal misconduct to Campus Security, the Title IX Coordinator or any other reporting body on
V. SEXUAL & INTERPERSONAL MISCONDUCT POLICY

A. Any Student alleged to have participated in sexual or interpersonal misconduct will be referred to the Office of the Dean of Students (ODS) and, if found responsible, will be subject to disciplinary action. Complainants of sexual and interpersonal misconduct are not required to be members of the MSMU community; they may be third parties or others unaffiliated with the University. If a Complainant chooses not to participate in the University conduct process, the University reserves the right to initiate the conduct process if, in the opinion of ODSL, sufficient evidence exists without the participation of the Student Complainant to present the case to the Conduct Officers and obtain a determination of a violation by the alleged Respondent utilizing the Preponderance of the Evidence standard. Outcomes related to sexual and interpersonal misconduct cases run the full spectrum as outlined in Section IV of the Student Conduct Code and include disciplinary warning through suspension or dismissal from the University.

B. All alleged incidents of student-on-student sexual and interpersonal misconduct will be adjudicated in accordance with the Student Conduct Code utilizing the Preponderance of the Evidence standard and will involve a hearing with cross examination. Student Conduct Code proceedings shall be prompt, fair and impartial and adjudicated by officials that have received regular training regarding incidents of this nature.

C. In cases alleging sexual and interpersonal misconduct the Vice President for Student Affairs, or designee, may institute supportive measures, including, but not limited to, academic, residential, transportation and/or employment accommodations, intended to ensure the well-being of the Complainant, the Respondent, the investigatory process and/or the University Community while the complaint is being investigated and prior to the determination on the charge. Any such supportive measures shall not be referred to or offered as evidence at the hearing on the underlying charge. Any such supportive measures shall be designed and implemented in a manner intended to achieve their purpose while at the same time limiting, to the extent practicable, any adverse effect to the Complainant’s and/or Respondent’s educational program. Any such supportive measures shall remain confidential, to the extent practicable to achieve the measure. Both Complainant and Respondent will receive written notification of their access to supportive measures.

D. No Contact Orders (NCO) will also be utilized by Campus Security both during the investigation and through the completion of the disciplinary process. Both parties will be expected to sign a document stating their awareness of the NCO and the stipulations of no contact; however failure or refusal to sign an NCO by either party does not impact the enforcement of the NCO. Public Safety will
E. In line with the Good Samaritan Policy found in this Community Standards Booklet, violations of the Student Conduct Code regarding underage or excessive consumption of alcohol and/or marijuana or use or possession of illegal substances will not be utilized to commence disciplinary proceedings against a Complainant if the information is divulged through the process of reporting sexual or interpersonal misconduct. The University does reserve the right to refuse to grant amnesty to Reporters under certain extenuating circumstances. Criminal investigations and other police action may still occur at the discretion of the law enforcement agency responding to the incident.

F. Student Conduct Code proceedings respecting alleged incidents of sexual and interpersonal misconduct will in the first instance be adjudicated by a panel of not less than two staff Conduct Officers. These Conduct Officers will be regularly trained in the adjudication of these types of incidents. A pre-hearing meeting will be scheduled separately with both the Complainant and the Respondent, where both parties will be permitted to review the DPS investigatory report and supporting evidence, identify additional Witnesses and ask questions about the conduct process. All Student Conduct Code proceedings involving allegations of sexual and interpersonal misconduct will include a hearing with cross examination. Complainants and Respondents will be permitted to ask questions of the opposing party and Witnesses.

   All Conduct Officers receive training regarding the adjudication of sexual and interpersonal misconduct. For information regarding what training is conducted please contact the ODSL at 310.954.4130/Chalon or 213.477.2570/Doheny.

G. Prior sexual history of Complainant or Respondent with people outside of each other will not be utilized as evidence in these disciplinary proceedings.

H. Once a Student Conduct Code determination of the charges has been made, a determination notification letter will be concurrently sent to Complainant and Respondent.

I. Complainants are encouraged to report all instances of sexual or interpersonal misconduct regardless of the amount of time that has passed since the alleged misconduct occurred. The University reserves the right to take disciplinary action regarding allegations involving current MSMU Students irrespective of the length of time since the alleged misconduct occurred.

J. Student Conduct Code proceedings are independent from criminal or civil proceedings and will normally proceed without regard to the pendency or potential pendency of criminal or civil proceedings.

VI. REPORTING SEXUAL AND INTERPERSONAL MISCONDUCT

Choosing to report sexual or interpersonal misconduct takes bravery and MSMU encourages all Students to report sexual or interpersonal misconduct regardless of the amount of time that has passed since the alleged misconduct occurred.
Once a report is received, the Title IX Coordinator, or designee, will discuss with you the availability of supportive measures (regardless of whether the Complainant agrees to be interviewed by Campus Security).

If you believe you have experienced sexual or interpersonal misconduct, you are encouraged to file a report with Campus Security (either in person, by phone, 310.954.4123 (Chalon) or 213.477.2502 (Doheny), or through their online Report Form, bit.ly/MSMUtitleix), the Title IX Coordinator. Students who are unsure whether what they experienced, witnessed or what has been reported to them constitutes sexual or interpersonal misconduct, should contact Campus Security or the Title IX Coordinator and report the incident. Campus Security or the Title IX Coordinator will take appropriate responsive action based on the information provided.

Per MSMU’s Good Samaritan Policy, assisting students who report sexual or interpersonal misconduct is of the utmost importance to the University. In order to facilitate reporting, the University will not hold Students responsible for making a report that does not go through the Conduct Process, so long as the report was made in good faith.

VII. COMPLAINANT/RESPONDENT RIGHTS

A. Complainants and Respondents in a sexual or interpersonal misconduct case have the right to:
   1. Access to an Advisor, if they do not have one of their own choosing, to assist with the conduct process. Complainants and Respondents may select the Advisor of their choice, regardless of family relationship or lack of affiliation to the University (see Section IX for more details);
   2. Receive a written notification of available on- and off-campus counseling, health, mental health, victim advocacy, legal assistance, visa and immigration consultation, Student financial aid and other services available as well as notification of the procedures for institutional disciplinary action and their rights and options as defined in sexual and interpersonal misconduct cases;
   3. Request and receive supportive measures as approved by the Dean of Students in collaboration with the Title IX Coordinator;
   4. Make a complaint to Campus Security;
   5. File a police report and take legal action separate from and/or in addition to filing a Student Conduct Code complaint seeking disciplinary action;
   6. Be informed of the disciplinary finding (responsible or not responsible) in writing;
   7. Present material Witnesses to the alleged incident;
   8. Appeal rights as outlined in the Student Conduct Code (Section VI(J));
   9. Opportunity to cross examine the opposing party and any Witnesses to determine credibility of information;
   10. Refuse any/all of the above. If Complainant refuses to participate in a hearing with cross examination, the University will not proceed with the conduct
process unless sufficient evidence exists without the participation of the Student Complainant. If Respondent refuses to participate in a hearing with cross examination, the University will nonetheless proceed with the conduct process and, if supported by the evidence presented, hold the Respondent accountable for proved violations of the subject Student Conduct Code charges.

VIII. CONDUCT PROCESS FOR STUDENT-ON-STUDENT SEXUAL OR INTERPERSONAL MISCONDUCT POLICY AND PROTOCOL

Student charged with violations of the Student-on-Student Sexual or Interpersonal Misconduct Policy and Protocol, and/or whose alleged misconduct and asserted Code violations may result in severe sanctioning (suspension or dismissal from the University), are accorded a variety of protections. Please review Student Conduct Code Section VI(I) for more information.

In instances where severe sanctioning is not a possible disciplinary sanction, students will go through the non-severe sanctioning conduct process. Please review Student Conduct Code Section VI(I)(C) for more information.

1. The electronic notice of misconduct charges shall include in addition to the matters stated above, a scheduled pre-hearing meeting with the Chief Conduct Officer;
2. If a Support Person has been identified, the Support Person will be copied on all communication regarding scheduling of pre-hearing meetings, review of reports and scheduling of the hearing with cross examination;
3. Investigation
4. A pre-hearing meeting at which:
   a. The Respondent (and separately the Complainant if applicable) may review all the information gathered by the University, including time, date and place where the alleged behavior/misconduct is alleged to have occurred, that makes up the basis for the charge(s);
   b. The Respondent/Complainant may ask the Chief Conduct Officer questions regarding the conduct process;
   c. Either the Respondent or the Complainant (if applicable) may provide the names of Witnesses not yet interviewed whose statements may have value to the proceedings. In the event either a Respondent or Complainant provides Witnesses during the pre-hearing meeting, then the names of those Witnesses will be provided to the investigator for formal interview, and the investigation report will be supplemented with their statements. Once the investigation report is updated with any additional Witness interviews and information, both Respondent and Complainant will be permitted another opportunity
to review the updated report, evidence and information. If a Witness fails to meet with the investigator for a formal interview, any prior or subsequent statements will not be utilized nor relied upon by the Conduct Hearing Panel in rendering its decision;

d. The Chief Conduct Officer shall explain the hearing processes to the parties including cross examination processes and procedures and Student rights and make available the Student Conduct Code.

5. Respondents and Complainants who wish to have the assistance of a Support Person should inform the Chief Conduct Officer in writing at least two business days prior to the scheduled date of the pre hearing meeting. The Support Person’s role is to assist Students in understanding the conduct process during pre-hearing meetings and hearings with cross examination. Support Persons may not address the Conduct Hearing Panel or play any other role during hearings. All communication involving Support Persons during hearings must be between the Support Person and Student. A Support Person may not appear in lieu of the Student at either the pre-hearing meeting or the hearing with cross examination;

6. A hearing with cross examination (conducted via videoconferencing) during which the Conduct Hearing Panel shall specify the nature of the alleged misconduct and provide the Respondent and the Complainant the opportunity to again review the information and evidence gathered by the University that make up the basis for the charge(s). Students shall have the opportunity to present evidence relevant to the alleged misconduct and to respond to the information gathered by the University, including the right to offer counter information and/or call appropriate Witnesses.

The hearing Process will proceed where a Respondent fails to appear after timely notice and a determination of the charged misconduct made based upon the facts and evidence submitted in support of the alleged misconduct at that hearing (failure to check one’s e-mail is not sufficient justification for not attending a scheduled hearing). A Student Complainant who fails to appear after timely notice will be deemed to have abandoned their complaint and the charges will be dismissed unless the University is presenting the case and the facts and evidence presented in support of the charged misconduct independent of the Complainant warrants the continuation of the conduct process;

7. The Respondent, via videoconferencing, will be permitted the opportunity to provide questions to be asked of the Complainant, and any Witnesses that appear either at the request of the Respondent, the Complainant or the University, in order to assess the credibility of the information offered. The Respondent will be asked to provide their questions in advance of the hearing, and the Conduct Officers on the Hearing Panel will be permitted to disallow a question asked by the Respondent if the Respondent is unable to provide sufficient rationale for the relevancy of the question.

The Complainant, via videoconferencing, will be permitted the
Should a Complainant wish to move forward with the conduct process, the Complainant and Respondent will each have separate meetings with a representative from the Office of the Dean of Students (OSDL) to discuss the conduct process. Both the Complainant and Respondent will each have separate meetings with Investigators/Conduct Officers to gather evidence and facts related to the complaint. Prior to the hearing, both Complainant and Respondent will be able to review the investigative reports produced by Investigators/Conduct Officers and provide feedback. Each party will have a pre-hearing meeting with the Chief Conduct Officer to review and address the conduct process format. Following these pre-hearing meetings, a hearing with cross-examination will be scheduled in a format utilizing video-conferencing. OSDL makes every effort to adjudicate these matters promptly, usually within 120 days, assuming timely cooperation of all parties.

The Hearing Process will proceed where a Respondent fails to appear after timely notice and a determination of the charged misconduct will be made based upon the facts and evidence submitted in support of the alleged misconduct at that hearing (failure to check one’s e-mail is not sufficient justification for not attending a scheduled hearing). A Student Complainant who fails to appear after timely notice will be deemed to have abandoned their complaint and the charges will be dismissed unless the University is presenting the case and the facts and evidence presented in support of the charged misconduct independent of the Complainant warrants the continuation of the conduct process.
Students have the right to appeal the decision and/or the sanctions assigned. Please review Student Conduct Code Section VI(J) for more information.

IX. ADVISOR
In cases of sexual and/or interpersonal misconduct, that are going through the MSMU Student Conduct process, Complainants and Respondents may choose an Advisor of their choice; however, the Advisor must not be serving in any other capacity in the conduct process (i.e., Witness or Conduct Officer). If Complainants or Respondents want a trained Advisor from the University community, they may obtain a referral from their assigned Athenian Resource Coordinators (see section X). Advisors will assist Students in understanding the conduct process but will not serve as representation for Students in Student Conduct Code proceedings.

If the Student chooses an Advisor for incidents involving sexual and/or interpersonal misconduct, that Advisor is still subject to the requirements set forth in Section VI(E2) of the Student Conduct Code.

X. ATHENIAN RESOURCE COORDINATORS
When an allegation of Title IX Sexual Harassment is brought to the attention of MSMU, the Deputy Title IX Coordinator, or designee, will assign an Athenian Resource Coordinator (“ARC”) to both the Complainant and the Respondent (if a Respondent has been identified). Complainants will be assigned an ARC regardless of whether they file a Formal Complaint or participate in any conduct process. The ARCs will make themselves available, separately, to assist both the Complainant and Respondent in identifying University and external resources that are available to them in the context of alleged sexual or interpersonal misconduct. ARCs will also review with Complainants what supportive measures may be available to them (as outlined in Section V(C) of this policy). Complainants will be assigned an ARC regardless of whether they provide MSMU with the name of the Respondent or willingly participate in the conduct process. The ARCs are members of the Division of Student Affairs who are trained to assist the parties in identifying University and external resources and explaining the University’s conduct process in cases of alleged Student Conduct Code violations relating to sexual and interpersonal misconduct. The role of the ARC is to:

A. Provide information, in writing, regarding resources on and off campus such as Student Health Services (“SHS”), Counseling and Psychological Services (CPS), Campus Ministry, Residence Life and Housing Services, Office of the Dean of Students, Campus Security, proper law enforcement authorities, Rape Treatment Center at Santa Monica-UCLA Medical Center, and Peace Over Violence.

B. Explain all stages of the MSMU Student Conduct Code process, including potential outcomes for both Complainant and Respondent;
C. Provide information, explanation and review so that the parties can make an informed decision about the options available to them, including reporting to law enforcement, filing and responding to Student Conduct Code complaints, documenting their decisions and requesting supportive measures;

D. Follow up with the Student throughout the Student Conduct Code process and thereafter to ensure that no Retaliation is taking place and to continue to provide the Student access to the resources that the Student requires.

XI. RETALIATION
The University will respond to any accusations of Retaliation against the Complainant, Respondent or Witnesses brought upon by the investigation or adjudication of the misconduct. As previously mentioned, Retaliation is prohibited and will not be tolerated by the University. Any person(s) engaging in any retaliatory action(s) will be subject to discipline under the Student Conduct Code and appropriate sanctions for determined violations may include dismissal from the University.

All persons, including University faculty and staff, are prohibited from taking any retaliatory action against any other member of the University Community including, but not limited to, the Complainant, Respondent or witnesses to an alleged incident of sexual or interpersonal misconduct. Any Student engaging in any retaliatory action(s) will be subject to discipline under the Student Conduct Code and appropriate sanctions for determined violations may include dismissal from the University.

Retaliation by non-students will be adjudicated and determined in accordance with the Policy Prohibiting Unlawful Discrimination, Harassment, and Retaliation. Any Student who believes that they have been retaliated against for having filed, or being named in, a complaint for sexual or interpersonal misconduct or having participated in the investigation of such a complaint, should promptly notify Campus Security or the Title IX Coordinator. Any person who believes that they have been retaliated against for the above-mentioned reasons by a faculty or staff member as an individual or on behalf of the University should contact the Title IX Coordinator at 213.477.2803.
MSMU Policy on Prohibited Romantic, Sexual and/or Dating Relationships Between Faculty-Staff and Students

INTRODUCTION
As a University dedicated to fostering the dignity of each person, Mount Saint Mary's strives to encourage academic excellence, professionalism, respect, integrity, diversity, faith and service. The University seeks to create an environment that is free of exploitation and unlawful harassment or discrimination that undermines the integrity of the institution.

There are special risks in any sexual, romantic or dating relationship between individuals in inherently unequal positions, and parties in such a relationship assume those risks. In the university context, such positions include (but are not limited to) teacher and student, supervisor and employee, senior faculty and junior faculty, mentor and trainee, adviser and advisee, teaching assistant and student and individuals who supervise the day-to-day student living environment and their students.

Because of the potential for conflict of interest, exploitation, favoritism, harassment, discrimination and bias, such relationships may undermine the real or perceived integrity of the supervision and evaluation provided. Such relationships may also have unintended, adverse effects on the climate of an academic program or work unit, thereby impairing the learning or working environment for others – both during such a relationship and after any break-up.

STATEMENT OF POLICY
For all of the above-stated reasons, romantic, sexual or dating relationships—whether officially recognized by marriage or civil registration or otherwise—between individuals in a Direct/Power relationship should in general be avoided and in many circumstances are strictly prohibited by this policy. Since these relationships can occur in multiple contexts on campus, this policy addresses certain contexts specifically. However, the policy covers all sexual and romantic relationships involving individuals in Direct/Power relationship, even if not addressed explicitly in what follows. Mount Saint Mary's University prohibits consensual romantic, sexual or dating relationships between faculty or staff and any Student with whom the faculty or staff member is or will be in a Direct/Power relationship. This policy applies to all romantic, sexual relations including those civilly recognized by marriage or civil registration when one member of the consensual relationship is in the role of student.

REPORTING PROCEDURES
When a sexual or romantic relationship between a university employee and a student is prohibited by this policy – or if a relationship not previously prohibited becomes prohibited due to a change in circumstances – the employee must both recuse himself or herself from any supervisory or academic responsibility over the student, and notify their supervisor, Provost,
Academic Department Chair, or Program Director who must report the situation to the Title IX Office, Human Resources or the Office of Diversity, Equity, and Inclusion. In this instance, the resolution must support the progression of the student in their academic program. Failure to disclose the relationship in a timely fashion will itself be considered a violation of policy.

Reporting of suspected violations of this policy may be made to Campus Security, the Title IX Office, Human Resources, or through the Office of Diversity, Equity, and Inclusion.

DEFINITIONS RELATED TO POLICY

- **Direct/Power Relationship** - Faculty– or staff–Student relationships in which the faculty or staff member is in a position of actual or apparent authority in activities including without limitation, teaching, advising, mentoring, supervising, directing, evaluating, conducting research and/or providing financial advisement with the Student.

- **Faculty** - An employee of the University who has instructional, advisory, evaluative, supervisory, and/or other professional responsibilities. The category of Faculty includes: Full-Time, Instructor, Continuing Instructor, Assistant Professor, Associate Professor, Professor, Emeritus Faculty, Visiting Professor, Part-time, Lecturer, Adjunct Professor, Clinical Professor, Clinical Supervisor, Teaching Assistant, or Graduate Teaching Assistants.

- **Staff** - An employee of the University other than Faculty which includes MSMU Administrators and Student employees. For purposes of this policy, this category includes Independent Consultants and Vendors who maintain a contract with the University.

- **Student** - An individual enrolled, or eligible to continue, in any full-time or part-time undergraduate, Weekend Evening Online, certificate or graduate program of Mount Saint Mary’s University.

The Policy Prohibiting Romantic, Sexual, and/or Dating Relationships Between Faculty-Staff and Students does not alter, but is in addition to all federal and state laws regulating sexual harassment and interpersonal misconduct.
UNIVERSITY STUDENT RESOURCES

WHEN YOU WANT TO REPORT:

A COMPLAINT/CONCERN REGARDING A STUDENT
Dean of Students Office
310.954.4130

A COMPLAINT/CONCERN REGARDING A STAFF
Dana Lopez, Director of Human Resources
310.954.4037
213.477.2843

A COMPLAINT/CONCERN REGARDING A FACULTY
Michele Starkey, Associate Provost
310.954.4086
213.477.2648

A CRIME ON CAMPUS
Campus Security
310.954.4123
213.477.2502

A COMPLAINT OF SEXUAL MISCONDUCT
Megan Staudenraus, Title IX Coordinator
310.954.4351
213.477.2803

EMERGENCY MANAGEMENT AND ENVIRONMENTAL HEALTH AND SAFETY ISSUES
Tremonisha Smith, Director
213.477.2940

EMERGENCY ON CAMPUS:
Campus Security:
Chalon: 310.954.4123
Doheny: 213.477.2502

TO REPORT SUSPICIOUS ACTIVITIES:
Campus Security:
Chalon: 310.954.4123
Doheny: 213.477.2502

TO REPORT A BIAS INCIDENT ANONYMOUSLY:
diversity@msmu.edu

COMMUNITY OF CARE:
deanofstudents@msmu.edu
Chalon: 310.954.4130
Doheny: 213.477.2570

FOR LIFE THREATENING EMERGENCIES:
911
QUESTIONS RELATED TO:

ATHENIANS CARE
Mark Spellmire, Director for Sports and Wellness 310.954.4452

CHALON ACADEMIC SUPPORT CENTER
Silvie Garcia-Martin, Director 310.954.4470

DOHENY STUDENT RESOURCE CENTER
Leslie Robles, Director 213.477.2832

CAMPUS MINISTRY
Campus Ministry 310.954.4125

CAMPUS SECURITY
Campus Security 310.954.4123 213.477.2502

COUNSELING AND PSYCHOLOGICAL SERVICES
Susan Salem, Director 310.954.4112

DISABILITY SERVICES
Silvie Garcia-Martin, Director for Academic Support Center 310.954.4470
Leslie Robles, Associate Director for Student Resource Center 213.477.2832

GRADUATE STUDENTS
Robert Perrins, Provost 213.477.2831

RESIDENCE LIFE AND HOUSING SERVICES
Michelle Saldana, Director 310.954.4327

STUDENT HEALTH SERVICES
Neyda Brodnansky, Director 310.954.4111

TRADITIONAL UNDERGRADUATE STUDENTS
Lacey Smith, Baccalaureate Dean 310.954.4017
Amanda Romero, Associate in Arts Dean 213.477.2510

WEEKEND, EVENING, AND ONLINE COLLEGE
Suzanne Williams, WEOC Dean 213.477.2861

This Resource Information is subject to change.
For the latest version, visit Student Affairs.