



# **Annual Security & Fire Safety Report 2025**

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## **A MESSAGE FROM THE VICE PRESIDENT OF CAMPUS SAFETY SERVICES**

At Campus Safety Services, our priority is ensuring every member of the LMU community feels safe, respected, and supported. We are dedicated to fostering an environment where students, faculty, and staff can thrive—both personally and professionally.

Our commitment to your safety is reflected in the broad range of services we provide: 24/7 patrols, emergency response, investigations, disaster preparedness, security technology and access control, and environmental health and safety. Each of these efforts works together to keep our campus secure, resilient, and vibrant.

We also believe in empowering every Lion with the knowledge and tools to stay safe. Through safety campaigns, trainings, and preparedness drills, as well as resources like the Annual Fire Safety and Security Report, we aim to give you the information and confidence to respond to challenges effectively.

Thank you for being such an important part of our community and for contributing to our shared commitment to safety and well-being. We look forward to continuing to serve you and to making LMU a wonderful place to learn, live, and work.

Let's make this year one of growth, connection, and success.

Go Lions!

Roberto Aguirre

Vice President of Campus Safety Services

## EXECUTIVE SUMMARY

LMU Campus Safety Services (Campus Safety) compiles and publishes the Annual Security and Fire Safety Report (referred to as the Annual Security Report or ASR) in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

The goal of the Clery Act is “to ensure students, prospective students, parents, and employees have access to accurate information about crimes committed on campus as well as campus security procedures.” To that end, this Annual Security Report provides the following information:

- LMU policies and procedures regarding Public Safety and security, including those that address timely warnings and emergency notifications; options for survivors of sexual assault, domestic violence, dating violence, and stalking; and campus crime reporting processes.
- Personal safety tips and on-campus LMU resources.
- LMU’s prevention, preparedness, and awareness campaigns and programs.
- Student Conduct Code Guidelines, Procedures, and Sanctions.
- Student Sexual and Interpersonal Misconduct Policies, Procedures, and Resources.
- Alcohol and Other Drug Use Policies and Resources.
- Statistics of Clery crimes reported in the last three years which occurred on LMU campus geography (on campus, in certain off-campus buildings, and on property owned or controlled by LMU).
- Information on campus fire life safety systems, fire safety tips, and statistics for the last three years.

Campus Safety Services is committed to providing a safe and secure environment for the LMU community. To ensure transparency and provide a comprehensive report for current and prospective students, parents, and employees, Campus Safety partnered with the following LMU departments and external agencies to compile this report:

- Academic Affairs
- Title IX Coordinator/EEO Specialist
- Student Affairs
- Student Housing
- Office of Student Conduct & Community Responsibility
- LMU CARES
- Internal Auditing
- Law enforcement agencies near our campus or at locations that are owned or controlled by LMU, including but not limited to the Los Angeles Police Department and the Los Angeles County Sheriff’s Department.

The full text of the Annual Security Report can be located at [safety.lmu.edu/incidents/logs](https://safety.lmu.edu/incidents/logs). You may request a copy be sent to you by calling Public Safety at 310.338.2893 or request a copy in person at LMU Public Safety, 1 LMU Drive, Foley Annex, Los Angeles, CA 90045.

## STATEMENT OF NON-DISCRIMINATION

### I. Statement of Policy

Loyola Marymount University is dedicated to fostering the education of the whole person and strives to provide an environment that encourages the search for truth and freedom of inquiry. The University recognizes the important contribution a diverse community of students, faculty, and staff makes towards the advancement of its goals and ideals. The University is committed to providing an environment that is free of discrimination and harassment as defined by federal, state, and local law, as well as under this policy. Any violations of this policy will be treated as serious misconduct and result in appropriate disciplinary action up to and including dismissal from the University.

This policy applies to all students, faculty, and staff, including but not limited to trainees, unpaid interns, volunteers, non-supervisory staff, supervisors, managers, directors, and leadership. It is also the policy of the University to protect its students, faculty and staff from unlawful harassment by vendors, guests, and other visitors to the University. It is the responsibility of every student, faculty, and staff member to follow this policy conscientiously.

### II. Definitions

**"Bias-Motivated Incidents"** are acts, which do not violate the State Penal Code, but originate in bias against someone's actual or perceived sex, gender, gender identity and expression, race, color, religion, national origin, ancestry, disability, age, sexual orientation, marital status, military status, veteran status, pregnancy, genetic information, or any other protected classification.

**"Discrimination"** means conduct resulting in differential treatment in the terms or conditions of an individual's participation in LMU educational programs or activities, including employment, based on a legally protected characteristic.

**"Harassment"** is unwelcome verbal, non-verbal, physical or visual conduct based on any legally protected characteristic, outlined below in Section 3, that has the purpose or effect of unreasonably interfering with academic or work performance or creating an intimidating, hostile or offensive, living, academic or work environment.

**"Hate Crimes"** are acts of physical force, threats, or intimidation that are willfully or knowingly committed because of the victim's actual or perceived disability, gender, nationality, race or ethnicity, religion or sexual orientation. Hate crimes are expressed in several ways, sometimes physical violence and sometimes violence against property. (California Penal Code, §§422.55 and 422.6).

These policy definitions are not intended to and do not limit the University's ability to discipline or otherwise respond to conduct which does not necessarily violate the law, but which the University determines is a violation of this policy.

### **III. Policies/Procedures**

#### **Equal Opportunity & Non-Discrimination**

The University seeks to ensure a positive living, learning and working environment for all LMU community members. Specifically, this policy prohibits unwelcome, harassing or discriminatory conduct on the basis of race, religious creed (including religious dress and grooming practices), color, national origin (including language and language use restrictions), ancestry, disability (mental and physical) including HIV and AIDS, legally protected medical condition (cancer-related or genetic characteristics), denial of Family and Medical Care Leave, marital status, sex (including pregnancy, childbirth, breastfeeding or related medical condition), gender, gender identity, gender expression, age 40 or over, military or veteran status, sexual orientation, genetic information or any other bases protected by federal (including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990), state or local law. The University does not discriminate on these bases, or any other basis protected by law, in the administration of any of its education or admissions policies, scholarship or loan programs, athletics, and other school-administered policies and programs, or in its employment policies and practices. All University policies, practices, and procedures are administered in a manner consistent with LMU's Jesuit identity and character.

#### **Non-Discrimination on the Basis of Sex**

LMU does not discriminate on the basis of sex and prohibits sex discrimination in any education, program, or activity that it operates as required by Title IX, including admission and employment. Inquiries about Title IX should be directed to the University's Interim Title IX Coordinator, Rick Olshak, at Human Resources, 1 LMU Drive, Suite 1900, Los Angeles, CA 90045, phone: 310.568.6105 or email: [titleix@lmu.edu](mailto:titleix@lmu.edu) or to the Assistant Secretary for Civil Rights, U.S. Department of Education at U.S. Department of Education, Office for Civil Rights, 400 Maryland Avenue SW, Washington, D.C. 20202-1100, phone: 1-800-421-3481, FAX: 202-453-6012; TDD: 1-800-877-8339, Email: [OCR@ed.gov](mailto:OCR@ed.gov), or to both.

#### **Non-Discrimination on the Basis of Disability**

Section 504 of the Rehabilitation Act of 1973 of the U.S. Department of Health and Human Services regulations implementing the act states that, "no otherwise qualified disabled individual . . . shall, solely by reason of his [or her] disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination



under any program or activity receiving Federal financial assistance," such as Financial Aid. Section 504 administration and compliance are coordinated through Academic Affairs, Disability Support Services for students, and through Human Resources for faculty and staff.

The University provides reasonable accommodation of qualified individuals with mental and/or physical disabilities whose needs are made known. A student seeking an accommodation should contact the student's academic advisor or Disability Support Services. A faculty or staff member seeking an accommodation should contact the faculty or staff member's supervisor or Human Resources.

### **Hate Crimes and Bias-Motivated Incidents**

The University will not tolerate hate crimes or bias-motivated incidents and will respond to them with appropriate sanctions which may include for students expulsion, suspension, or exclusion from the campus and for faculty and staff disciplinary action up to and including termination. Students, faculty, or staff who experience or witness any form of hate crime or bias-motivated incident should immediately report the incident to the Department of Public Safety at 310.338.2893 [x82893 on campus/x222 emergency line] (Westchester and Playa Del Rey campuses, hereinafter "Westside Campuses") / Campus Safety & Security at 213.736.1121 (Law School).

Students, faculty and staff who have questions regarding the University's policy of equal opportunity and non-discrimination should contact the University's EEO Officer, Janet Lindsay, at Human Resources, 1 LMU Drive, Suite 1900, Los Angeles, CA 90045, phone: 310.338.5345 or email: [Janet.Lindsay@lmu.edu](mailto:Janet.Lindsay@lmu.edu).

Students, faculty and staff who have questions regarding Section 504 administration and compliance should contact the Vice President for Human Resources, Nancy Pluzdrak, who is the University's designated ADA Coordinator, at Human Resources, 1 LMU Drive, Suite 1900, Los Angeles, CA 90045, phone: 310.338.5118, or email: [Nancy.Pluzdrak@lmu.edu](mailto:Nancy.Pluzdrak@lmu.edu).

- Statement of Non-Discrimination:  
<https://lmu.app.box.com/s/sqxpciz2wj9atjdbfcy5emzvadgsoycc>
- Discriminatory Harassment, Retaliation, and Sexual and Interpersonal Misconduct Complaint Process:  
<https://lmu.app.box.com/s/c9z0a8cqze2q30ikbc5072nntukp3bl9>
- LMU Bias Incident Response Team:  
<https://www.lmu.edu/dei/biasincidentresponseteam/birt/>

- LMU Diversity Equity & Inclusion: <https://resources.lmu.edu/dei/>
- LMU Student Sexual and Interpersonal Misconduct Policy: <https://lmu.app.box.com/s/n8o56hqp4f7l6qroftzpkz29xs26oo2o>
- LMU Student Title IX Sexual Harassment Policy: <https://lmu.app.box.com/s/36kcjhc81fegu4vijxna0oy0jltm9fsm>
- LMU Faculty and Staff Title IX Policy: <https://lmu.app.box.com/s/efm5999cti3313syo9sd99z58ihopnkt>
- Reporting Sex-Based Discrimination/Sexual Harassment/Sexual and Interpersonal Misconduct <https://lmu.app.box.com/s/y85banwynjp687d11unktnriv5xr228o>
- Reporting Child Abuse <https://lmu.app.box.com/s/crdx9dawii2a526lzvo3v6eruyfzifbp>

## INTRODUCTION

### Loyola Marymount University

Loyola Marymount University offers rigorous undergraduate, graduate, and professional programs to academically ambitious students committed to lives of meaning and purpose. We benefit from our location in Los Angeles, a dynamic city that brings into sharp focus the issues of our time and provides an ideal context for study, research, creative work, and active engagement. By intention and philosophy, we invite all individuals diverse in talents, interests, and cultural backgrounds to enrich our educational community and advance our mission:

- The encouragement of learning
- The education of the whole person
- The service of faith and the promotion of justice

The university is institutionally committed to Roman Catholicism and takes its fundamental inspiration from the combined heritage of the Jesuits, the Marymount Sisters, and the Sisters of St. Joseph of Orange. This Catholic identity and religious heritage distinguish LMU from other universities and provide touchstones for understanding our threefold mission.

#### IV. Quick Facts about LMU

- 8,922 students are enrolled at LMU (7,094 undergraduate students and 1,828 graduate students).
- Approximately 3,600 students live in on-campus residence halls.
- LMU employs over 2,000 faculty and staff.
- The LMU Children's Center, which is located on campus enrolls approximately 100 children ages six weeks to five years, and employs over 20 full time staff.

### Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

The Jeanne Clery Act is a consumer protection legislation enacted in 1990. The goal of the Clery Act is "to ensure students, prospective students, parents, and employees have access to accurate information about crimes committed on campus as well as campus security procedures." This law requires all colleges and universities that receive federal funding to share information about crimes that occur on campus as well as information regarding the college or University's efforts to improve Public Safety. (For more information, please visit the [Clery Center](#)).

## **V. About the Annual Security Report**

Loyola Marymount University Campus Safety compiles and publishes this Annual Security and Fire Safety Report (referred to as the Annual Security Report or ASR) in accordance with the Jeanne Clery Act.

This Annual Security Report is organized in eight sections:

1. Personal safety tips and on-campus, LMU resources
2. LMU policies and procedures regarding Public Safety and security, including those that address timely warnings and emergency notifications; options for survivors of sexual assault, domestic violence, dating violence, and stalking; and campus crime reporting processes
3. LMU's prevention, preparedness, and awareness campaigns and programs
4. Student Conduct Code Guidelines, Procedures, and Sanctions
5. Student Sexual and Interpersonal Misconduct Policies, Procedures, and Resources
6. Alcohol and Other Drug Use Policies and Resources
7. Statistics of Clery crimes reported in the last three years, which occurred on LMU campus geography (on campus, in certain off-campus buildings, and on property owned or controlled by LMU)
8. Information on campus fire life safety systems, fire safety tips, and statistics for the last three years.

The Annual Security Report provides information for the previous calendar year; this Annual Security Report reflects 2024 information. Campus Safety publishes the Annual Security Report annually at [safety.lmu.edu/incidents/logs](https://safety.lmu.edu/incidents/logs) by October 1, as required by the Clery Act.

You may access it online, request a copy be sent to you by calling Campus Safety at 310.338.2893, or request a copy in person at LMU Campus Safety Services, 1 LMU Drive, Foley Annex Suite #100, Los Angeles, California, 90045.

Campus Safety issues an email notification to all enrolled students, current faculty and staff notifying the LMU community that the Annual Security Report is available and provides directions on how to access it online or obtain a hard copy. LMU Undergraduate and Graduate Admissions are provided with this information with the intent of making the Annual Security Report readily available to prospective students and parents and prospective faculty and staff, respectively.

## **LMU SAFETY AND SECURITY POLICIES AND PROCEDURES**

### **I. Public Safety Security Authority**

Campus Safety's mission is to create a safe and secure environment where members of the Loyola Marymount University community feel safe and respected in their interactions with our staff. The department's mission extends to all members of the LMU community, including students, faculty, staff and guests. Campus Safety consists of four units: Public Safety, Emergency Management, Environmental Health and Safety, and Security Technology and Access Control. The department is open 24 hours a day, 7 days a week, 365 days per year.

Public Safety responds to, investigates and documents known dangerous incidents or those that may cause a significant emergency. To facilitate this, Public Safety supervisors, in addition to leaders throughout the department and the campus, have been trained in the Incident Command System. When a significant emergency or dangerous incident is reported to Public Safety, Public Safety personnel will respond to the location (if safe to do so) and will relay facts observed in-person, through the radio communication system, the department Microsoft Teams communication thread, and cellular phone communications. Communications Officers monitor the situation using cameras if available at the impacted location and notify Public Safety chain of command of the incident. If it is unsafe for Public Safety personnel to respond to the scene, as in the case of an active shooter on campus, Public Safety staff member will assess if a legitimate emergency or dangerous situation exists based on information provided through reports from witnesses, cameras, and reports from Public Safety officers on patrol. As necessary, Public Safety coordinates its response with the Los Angeles Police Department and the Los Angeles Fire Department in addition to other local agencies depending on the nature of the event.

The highest-ranking Public Safety staff member who is on campus or an assigned designee will be notified of the facts gathered from field personnel (and outside agencies, if applicable). This individual will initiate an internal notification process, beginning with the vice president of Campus Safety and Security or designee. If necessary, Public Safety may convene department representatives and/or outside agencies that may have a role in confirming the incident, responding to it, and/or managing the recovery. When he/she has enough information to verify that a legitimate emergency or dangerous situation exists, he/she will immediately initiate the emergency notification/timely warning process.

Public Safety officers have the authority to ask persons for identification and to determine whether individuals have lawful business at LMU. Public Safety officers are non-sworn and thus do not possess arrest authority.

The geographical jurisdiction of Public Safety officers is limited to the core Westchester campus area. Any criminal incidents will be referred to the local law enforcement agencies that have jurisdiction on the campus. Public Safety maintains a highly professional working relationship with the Pacific Division of the Los Angeles Police Department. LMU and LAPD have entered into a written Memorandum of Understanding (MOU) establishing the respective duties of LMU and LAPD relating to the investigation and reporting of crimes on and around the LMU Campus. Additionally, LMU Public Safety, LAPD and the Rape Treatment Center at Santa Monica-UCLA Medical Center have entered into a written MOU for purposes of addressing Sexual and Interpersonal Misconduct incidents. All crime victims and witnesses are strongly encouraged to immediately report crimes to local law enforcement and Public Safety. Prompt reporting will assure timely support to those impacted by the incident as well as timely warning notices and disclosure of crime statistics.

Emergency management, including: preparedness, response, recovery, mitigation and protection are priorities on our campus. Campus Safety works to build a more resilient LMU by focusing on individual preparedness and campus readiness, including Continuity of Operations.

LMU maintains a comprehensive Emergency Operations Plan, which is coordinated and maintained by Campus Safety with significant input from units across the university. The plan includes the expectations of departments during an emergency; department operational responsibilities; the process for establishing incident priorities; incident Command Structure for field response; and Emergency Operations Center (EOC) procedures and protocols. The University practices and tests the Emergency Operations Plan and response procedures through numerous drills, tabletop, functional exercises and tests of the emergency notification system.

Emergency Management is also responsible for the maintenance, training, and support of the Emergency Notification System.

## **II. LMU Partnership with Local Law Enforcement**

LAPD Pacific Division  
12312 Culver Blvd  
Los Angeles, CA  
90066 (310) 482-6334

LASD Marina del Rey Station  
13851 Fiji Way  
Marina del Rey, CA  
90292 (310) 823-7762

Public Safety liaises with local law enforcement agencies on an ongoing basis, including cooperating in crime prevention strategies and, in accordance with LMU's law enforcement MOU, exchanging information. The police also help to maintain a safer campus by providing extra campus patrols for special events that attract large crowds. Additionally, Public Safety relies on its close working relationships with LAPD and LASD to receive information about incidents involving students or any member of the LMU Community, and will actively investigate crime information it receives concerning or involving a member of the campus community. If Public Safety is notified of a situation in which a campus community member is the victim of a crime, the department may issue a Public Safety Advisory, detailing the incident and providing tips so that other community members may avoid similar incidents.

Public Safety regularly confers with the captain(s) of the local division(s) regarding any police activity on and around campus. Public Safety seeks cooperation of local law enforcement agencies in collecting crime statistics pursuant to the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

In addition, a list of registered sex offenders in California is available at the Los Angeles Police Department and Los Angeles County Sheriff's Department, or online at [meganslaw.ca.gov](http://meganslaw.ca.gov).

### **III. Campus Access**

LMU maintains an open campus, controlling access from 11pm – 7am daily. Students, faculty and staff have unrestricted access to academic, recreational and administrative facilities on campus from 7am – 11pm. Access to the residence halls is limited to resident students and their guests, in accordance with University policy as stated in the Student Housing Policies. Access to the residence halls by University employees is limited to an “as-needed” basis.

The general public has access to the LMU campus, and may attend educational, cultural and recreational events. The campus library permits public access with certain restrictions on the use of library materials and resources. Computer lab use is restricted to use by LMU students, faculty, and staff personnel only.

Parking on LMU's campus is restricted and controlled 24 hours a day. LMU charges for parking Monday through Friday, 8am until 8pm. Permits may be obtained by visiting [lmu.edu/parking](http://lmu.edu/parking) or paying as you go through any Pay Station or ParkMobile. For further information on parking regulations, please refer to the Department of Parking and Transportation website at [lmu.edu/parking](http://lmu.edu/parking).

#### **IV. LMU OneCard**

All LMU community members are required to have an LMU OneCard, which is the official university ID card. The OneCard must be carried at all times while on campus. If for any reason a university official requests that you present your OneCard for identification, you must do so. Your OneCard is the only readily positive means of identifying you as a member of the LMU community.

#### **V. Buildings and Grounds**

Facilities Management  
(310) 338-2761

Facilities Management maintains university buildings and grounds with a concern for safety and security. Public Safety and the Residence Hall Association, through patrols of buildings and grounds, informs Facilities Management of potential safety and security hazards, such as broken windows and locks and poorly lit areas.

#### **VI. Missing Resident Student Procedures**

While many missing resident student reports at universities are the result of a student changing their normal routine and neglecting to inform their roommates, friends, and/or family of their whereabouts, Loyola Marymount University takes reports of missing resident students seriously. The university handles missing resident student reports pursuant to the following procedures.

The university defines a missing resident student as any currently enrolled resident student who has not been in contact with roommates, friends, family, faculty or staff for a reasonable period of time (usually a period of 24 hours) and whose whereabouts have been questioned and brought to the attention of a university official.

Any member of the university community who has reason to believe a student residing in on-campus housing has been missing for 24 hours should immediately contact Public Safety at 310.338.2893.

In addition to registering a general emergency contact, students residing in on-campus housing have the option to identify confidentially one or more individuals to be contacted by the university in the event he/she is determined to be missing for 24 hours or is otherwise determined to be missing ("Confidential Contact"). A student who wishes to designate a Confidential Contact may do so at the same time he/she provides general emergency contact information or by contacting Student Housing. The Confidential Contact will remain until revoked or changed by the student. Additionally, the contact information provided by the resident student will be accessible only to authorized university officials and law enforcement in furtherance of a missing person investigation.



When Public Safety receives a missing student report, it will promptly initiate an investigation and notify the Dean of Students Office of the investigation. If a student has designated a Confidential Contact(s), the Dean of Students Office will notify the Confidential Contact(s) within 24 hours of the determination that the student is missing. In the event that the missing resident student is a minor (under the age of 18 years) and is not emancipated, the parent or legal guardian, if different than the designated Confidential

Contact, will also be notified within 24 hours of the determination that the student is missing. Public Safety will notify the local law enforcement agencies, regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, within 24 hours of the determination that the student is missing.

## **VII. Emergency Notification and Timely Warning**

When a violent crime or crime listed in the Clery Act is reported on our campus, it is the consistent practice of LMU to notify the campus community as soon as pertinent information about an incident is available and is considered to represent a serious or continuing threat to campus. The decision to issue an emergency notification or timely warning shall be made on a case-by-case basis after consideration of the available facts, including but not limited to the nature of the crime, the continuing danger or risk to the campus community, and the possible risk of compromising the efforts of law enforcement or fire department officials. Such notifications shall be provided to students, faculty, staff and guests in a manner that is timely, that withholds as confidential the names and other identifying information of victims and that will aid in the prevention of similar occurrences.

In the event of an emergency, the following process for the issuance of a timely warning will be followed:

1. When it is confirmed that there is a legitimate emergency or dangerous situation (even if all pertinent details are unknown or unavailable), the highest ranking Public Safety staff on campus or their designee, without delay and taking into account the safety of the community, will determine the content of the notification and initiate the emergency notification/timely warning process, unless notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.
2. LMU will notify the entire campus community if there is a potential that the whole Campus or a significant portion of the community may be threatened by an incident. LMU may also choose to notify only a segment of the population if the nature of the incident and/or the potential impact is confined.

3. At times, significant incidents may occur that may have a direct or indirect impact on the neighborhood surrounding LMU. Examples of significant incidents include a fire, chemical or hazardous waste spill or a gas leak. Public Safety and/or Facilities Management will communicate these (reported) issues directly to the local authority. Public Safety will confer with Marketing & Communications, Community Relations and local authorities to understand the potential impact on the neighborhood when considering disseminating an informational message or safety bulletin to the larger community. The decision to send out informational messaging to the larger community will be made by the PIO and the EOC Director/ Incident Commander (Campus Safety) with input from the Director of Community Relations (or designee). Note that any action items for the neighborhood (e.g. evacuation orders) will be wholly coordinated by the City of Los Angeles.

## **VIII. Methods for Delivering Emergency Notifications and Timely Warnings**

### **Emergency Notification System**

The university has overlapping means of communication for use during emergency situations, including LMU Alert (automated email, text messages, phone calls, social media, push notifications), public address announcements through all campus VOIP phones, paper bulletins, and bullhorns. Since Spring 2012, all registered students are required to enroll in LMU Alert, which includes the automated email, text message, and phone calls to personal devices. All faculty and staff automatically receive LMU Alert email messages at their LMU.edu email. Faculty, staff, members of on-campus religious communities, and Children's Center parents are encouraged to register their personal phone number and additional email addresses to ensure that they receive to alert notifications and can find information on how to register or update their LMU Alert contact information at [lmu.edu/alert](http://lmu.edu/alert). LMU students, faculty and staff can also download the Rave Guardian Mobile App to receive push notification messages and report incidents and information directly to Public Safety. Community members, parents and visitors are able to opt-in to SMS alerts by texting LMUions to 226-787.

### **Paper Bulletins and Bullhorns**

A designated Public Safety staff member may opt to post bulletins in Residence Halls and other high traffic areas throughout campus and/or may use bullhorns as a way of communicating information provided in emergency notifications, timely warnings or safety bulletins. Public Safety will strive to consult with appropriate departments depending on the nature, location of, and content of the bulletins and bullhorn announcements, however, in the event of an imminent threat to campus, Public Safety may post or make announcements without consultation from other departments to maximize timeliness.

## University Website and Social Media

Notifications via the university website and the official university social media accounts are the responsibility of the vice president of marketing & communications or designee. A designated Public Safety staff member will assign someone to notify the vice president of marketing & communications about the incident and the messaging that will be issued through LMU Alert (and other methods noted above), so they may maintain consistent messaging on the website and social media.

## Notification to the LMU Community about an Immediate Threat

Campus Safety is responsible for issuing the primary notification to the campus community through LMU Alert and/or the Public Address system; the shift leader on campus may delegate the notification task(s) to qualified, trained Campus Safety representative(s), and will inform the representative(s) of the message to be sent, and any additional changes to the message and/or recipients required.

To be designated an approved user for LMU Alert (Rave Alert and/or InformaCast), individuals must:

- Be approved by the vice president of Campus Safety and Security, chief of Public Safety, or designee;
- Complete an initial training and any and all ongoing trainings required by Campus Safety;
- Have a personal user ID and password (InformaCast), and access to university single sign on for Rave Alert;
- Participate in regular tests and/or training for the respective systems as deemed appropriate by the director of emergency management.

The list below designates the LMU staff members who are approved users and administrators for each system.

### IX. Approved LMU Alert (Rave) Users

Department of Public Safety:

- Vice President of Campus Safety and Security
- Chief of Public Safety
- Director of Emergency Management
- Director of Safety & Compliance
- Director of Security Technology & Access Control
- Emergency Management Specialist
- Patrol Captains
- Watch Commanders
- Shift Supervisors
- Public Safety Dispatchers

- Public Safety Coordinators
- Investigators

#### **X. Approved InformaCast Users**

Department of Public Safety:

- Vice President of Campus Safety and Security
- Director of Public Safety
- Director of Emergency Management
- Director of Security Technology & Access Control
- Patrol Captains
- Watch Commanders
- Shift Supervisors
- Public Safety Dispatchers
- Public Safety Coordinators

When it is confirmed or assumed that there is a legitimate emergency or dangerous situation (even if all pertinent details are unknown or unavailable), on duty Campus Safety staff person(s), without delay and taking into account the safety of the community, will initiate the notification system process. They may delegate the notification task(s) to a qualified Campus Safety representative(s), and will inform the representative(s) of the content to be included in the Alert. An LMU Alert may be issued via phone call, email, text, Rave Guardian push notification, and/or public address announcement unless notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

Subsequent notifications will be issued by Campus Safety via LMU Alert until the incident is resolved.

## LMU SAFETY AND SECURITY RESOURCES & PERSONAL SAFETY TIPS

### I. Emergency Assistance

Public Safety: 310.338.2893

Campus phones: ext. 222

Los Angeles Police Department: 9-1-1

In a life-threatening emergency, call 9-1-1 immediately, and then report the incident to Public Safety if possible, so Public Safety can assist and expedite with the first response provided by the Los Angeles Police Department and/or the Los Angeles Fire Department.

For all other urgent matters including suspicious activity or individuals, Public Safety can be contacted by phone (310.338.2893 or x222), via a campus emergency phone, or in-person in the Public Safety office located in Foley Annex or University Hall.

### II. Emergency Phones

Information Technology Services maintains emergency phones (call boxes) located in areas where cell phone reception may be unreliable, including underground parking garages and the basement of a building if it includes offices, learning spaces, or rooms utilized for other purposes. An emergency phone is also available on the pool deck and the Children's Center Yard as individuals may not have a cell phone available. To enhance visibility, a blue light may be affixed to each emergency phone. To operate the emergency phone, press the button and release it to activate it. The blue light will flash and a Public Safety officer will respond verbally. The caller will be asked to give their location and the nature of the situation, and an officer will respond without delay.

The following are the locations of the emergency phones on campus:

Location	Location Description	Type
Burns Rec Center	Pool Deck	Box
Drollinger Lower Level	Elevator #1 / Box #3	Box
Children's Center	Older Yard	Box
Comm Arts	Basement	Box
Drollinger Lower Level	Elevator #2 / Box #6	Box
Drollinger Upper Level	Elevator #U1 / Box #4	Box
Drollinger Upper Level	Elevator #U2 / Box #5	Box
Drollinger Upper Level	U-3 / Box #13	Box
Drollinger Upper Level	U-6 / Box #14	Box
Drollinger Upper Level	U-9 / Box #15	Box

Location	Location Description	Type
LSB P1 #1	Parking Garage	Box
LSB P1 #2	Parking Garage	Box
LSB P2 #1	Parking Garage	Box
LSB P2 #2	Parking Garage	Box
LSB P3 #1	Parking Garage	Box
LSB P3 #2	Parking Garage	Box
St. Roberts	Basement	Box
University Hall P1 #1	Parking Garage	Box
University Hall P1 #2	Parking Garage	Box
University Hall P1 #3	Parking Garage	Box
University Hall P1 #4	Parking Garage	Box
University Hall P2 #1	Parking Garage	Box
University Hall P2 #2	Parking Garage	Box
University Hall P2 #3	Parking Garage	Box
University Hall P2 #4	Parking Garage	Box
University Hall P3 #1	Parking Garage	Box
University Hall P3 #2	Parking Garage	Box
University Hall P3 #3	Parking Garage	Box
University Hall P3 #4	Parking Garage	Box

### III. Incident Reporting Procedures

#### Reporting an Incident to Public Safety

Public Safety provides the LMU community with five modes for reporting an incident:

- Online at [safety.lmu.edu/incidents](https://safety.lmu.edu/incidents)
- By phone at 310.338.2893; or extension 222 from a campus phone (may also be used for anonymous reporting)
- Via email at [safety@lmu.edu](mailto:safety@lmu.edu)
- In Person at Public Safety in Foley Annex (Suite 100) or in University Hall (Elevator Lobby #1).
- Through the University's RAVE Guardian mobile app.

Any individual wishing to submit an anonymous report of an incident or other emergency occurring on campus, may do so by calling Public Safety at 310.338.2893, by utilizing the [online incident report form](#) (and selecting "Anonymous" on the first page of the incident report form), or by two-way chatting with Public Safety on the Rave Guardian mobile app.

As set forth in LMU's Violence-Free Campus Policy, confidentiality of complaints and parties will be pre- served to the greatest extent possible, understanding that the University may have an obligation to take some action even if the Complainant is reluctant to proceed. The University encourages accurate and prompt reporting of all crimes to Public Safety and the appropriate law enforcement agencies, when the victim of a crime elects to, or is unable to, make such a report. University pastoral and professional counselors, if and when they deem it appropriate, inform persons they are counseling to report crimes on a voluntary, confidential basis. For further information on this, or to see the policy in its entirety, please visit:

<https://studentaffairs.lmu.edu/media/studentaffairs/osccr/documents/Violence-Free-Campus-Policy.pdf>.

Public Safety will respond to and investigate all reports of on-campus criminal incidents. If appropriate, incidents will subsequently be assessed and shared with key administrators, Human Resources, University Title IX Coordinator and the Office of Student Conduct & Community Responsibility.

### **Additional On-Campus Reporting Resources**

Incidents may also be reported to the following individuals on campus:

Title	Contact Information
Assoc. Dean of Students/Chief Conduct Officer	310.338.8121 Malone 355
Assist. Director for Care and Conduct Management	310.338.2963 Leavey 6, Suite 101
Director of Student Psychological Services	310.338.2868 Burns Rec Center 206
Director of Student Health Services	310.338.2881 Burns Rec Center
Vice President for Human Resources	310.338.5118 University Hall 1900
Director of Student Housing	310.338.2963 Leavey 6, Suite 101
Assistant Director for Residence Life	310.338.2963 Leavey 6, Suite 101
Director, Off Campus Student Life	310.338.5252 Malone, Suite 301
Title IX Coordinator	310.568.6105 University Hall 1900
Vice President of Internal Audit	310.338.1826 University Hall 4900

### **Campus Security Authorities**

Campus Safety includes all reported incidents in the University's Clery crime statistics. Typically, incidents are reported to Public Safety by the complainant or a witness. However, the federal government anticipates that some incidents will go unreported to Public Safety. Instead, individuals may share information about a crime with trusted faculty, staff, or student employees. To close the gap and ensure that Campus Safety can provide accurate information about crimes committed on campus, the Clery Act requires that certain faculty, staff, or student employees report

any information they receive pertaining to a crime—whether in progress or in the past—to Public Safety. Those faculty, staff, and students are referred to as Campus Security Authorities or CSAs.

The Clery Act provides four sets of criteria for universities to identify CSAs:

- A campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department as explained in definition number one such as an individual who is responsible for monitoring entrance into institutional property.
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses. This includes LMU's Title IX Coordinator.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus conduct proceedings. If such an official is a pastoral or professional counselor, the official is not considered a campus security authority when acting strictly in the capacity as a pastoral or professional counselor. 34 C.F.R. 668.46(a)

LMU has identified hundreds of CSAs, all of whom have completed an online LMU CSA training and certification indicating that they have reported to Public Safety all incidents which have been disclosed to them. LMU CSAs are identified, notified and certified annually.

#### **IV. On Campus Resources**

##### **Student Health Services (SHS)**

Burns Recreation Center  
North Side, First Floor  
310.338.2881

Student Health Services (SHS) is located on the first floor of the Fritz Burns Center (located on the north side of the Burns Recreation Center). Office hours are Monday through Friday 8 a.m. to 5 p.m. with extended hours until 7 p.m. on Wednesdays during the academic year. Students are seen by appointment only. To make a same-day appointment, students are advised to call before 9 a.m.

##### **LMU Emergency Medical Service**

Public Safety  
Foley Annex  
310.338.2893



LMU Emergency Medical Service (EMS) is a student-run volunteer organization comprised of students who are Emergency Medical Technicians (EMTs). EMTs respond to campus emergencies and provide basic first-aid services. If the incident is more serious, the Student Health Center staff and/or 9-1-1 are called to respond.

### **Student Psychological Services (SPS)**

Burns Recreation Center  
North Side, Second Floor 310.338.2868

Student Psychological Services (SPS) is located on the north side of Burns Recreation Center, second floor. Office hours are Monday through Friday 8 a.m. to 5 p.m. with extended hours until 7 p.m. on Wednesdays during the academic year. Students are seen by appointment. A therapist is available without an appointment during the day for urgent concerns. After-hours, an on-call therapist is available by accessing the SPS telephone line.

### **Safety Escort Service**

Public Safety  
Foley Annex  
310.338.2893

Public Safety provides a Safety Escort Service 24 hours a day, 7 days a week, 365 days per year. If any person on the LMU campus feels unsafe or prefers a Safety Escort, contact Public Safety at 310-338-2893 or x222 from a campus phone.

### **Lost and Found**

Public Safety  
Foley Annex  
310.338.2893

Public Safety manages lost and found on campus and strives to return lost property on campus to its rightful owner. Public Safety secures found property in accordance with the California Civil Code, Sections 2080-2080.10. In particular, Loyola Marymount University shall comply with Civil Code Section 2080.8.

Found property of value such as wallets or purses with money, credit cards, cell phones, valuable jewelry, valuable jewelry, prescription eyeglasses, etc., will be processed by a designated Public Safety staff member, and held for a 90-day period. If an LMU community member misplaces their LMU OneCard, they are expected to report the loss to the OneCard Office and Public Safety as soon as possible.

## **RAVE Guardian Mobile Application**

LMU's Rave Guardian App, downloadable through the Apple App Store or Google Play Store, is an application that allows LMU students, faculty, and staff the ability to receive LMU Alerts, communicate with Public Safety by text, report suspicious activity or safety-related incidents, and access important campus phone numbers, maps, and other on and off campus resources. Once you download the app and enter your phone number, a verification code directs users to a customized LMU dashboard.

### **V. Workplace Violence Prevention Program**

In alignment with new Cal/OSHA regulations, Loyola Marymount University launched its Workplace Violence Prevention Program on July 1, 2024. The program was established to identify, prevent, and respond to incidents of workplace violence, ensuring a safe and respectful environment for all employees, students, and visitors.

The program outlines clear definitions of workplace violence, including acts or threats of physical force, weapon-related incidents, and the four Cal/OSHA-recognized categories (Type 1 through Type 4). It applies to all LMU employees, faculty, staff, and student workers. Key elements include proactive risk assessments, mitigation controls, and mandatory training to recognize warning signs and properly report or respond to incidents.

Employees can submit reports via multiple channels (online, phone, email, in person, or through the Rave Guardian app). LMU's Environmental Health and Safety Office, in partnership with Public Safety and Human Resources, oversees program implementation, incident investigation, training, and recordkeeping. All reported incidents are logged in a Workplace Violence Incident Log consistent with regulatory requirements.

For more information and access to the full plan, visit LMU's Workplace Violence Prevention Program webpage: [safety.lmu.edu/ehs/workplaceviolencepreventionplan/](https://safety.lmu.edu/ehs/workplaceviolencepreventionplan/)

### **VI. Safety Tips**

#### **General Safety Tips**

The only person responsible for sexual or interpersonal misconduct is the perpetrator, but it is important that we take appropriate measures to protect ourselves. The following are tips for LMU community members.

There are several precautions you can take in your apartment, room or suite to help ensure your safety.

- Remember, Public Safety and local law enforcement agencies are here to protect you. If you feel threatened in any situation, contact them right away.

- Have your OneCard and/or keys ready as you approach your building and/or vehicle.
- If you come home and it looks as if someone has entered your room or apartment in your absence, do not go inside. If on campus, call Public Safety. If off campus, call local law enforcement or dial 9-1-1. If someone is loitering outside or inside your building, or if you think you have been followed home, call Public Safety or the local law enforcement agency. It is better to be careful than to take an unnecessary risk.
- If a stranger knocks at your door, do not let them into your room. In residence halls, call Public Safety for assistance. Always ask to see identification before admitting anyone you do not know.
- Use only your last name and first initial on your door and mailbox. List your phone number the same way.
- It is recommended you do not give your personal information through public forums such as social media.
- Draw all curtains and blinds after dark and never dress or undress in front of the window.
- The public areas of your building should be well lit. Notify Public Safety or your landlord if they are not.
- Check to see who is inside the elevator before entering. Wait for an empty or a crowded elevator rather than riding alone with a stranger. Stand near the control panel. If you are threatened, press the emergency button or as many floor buttons as possible.

**Note:** These personal safety tips can be found online at [lmu.edu/emergency](http://lmu.edu/emergency). Additionally, throughout the year, this information is provided through training sessions, events, activities, student media, and a number of other outreach efforts.

### **On the Street**

- Try not to walk alone after dark. If walking alone, always be aware of your surroundings. Walk in well-lit areas, and avoid quiet side-streets or alleys.
- Do not carry more cash than you need. If you must carry a purse, keep it close to your body and do not resist if it is snatched. If your wallet is stolen, cancel your credit cards and your checking account at once, and report the incident to local law enforcement.
- Los Angeles maintains beautiful parks. When entering remote areas in parks, be alert and avoid potentially dangerous situations.
- If someone is following you on foot, remain alert. Look behind you, cross the street and ask for help. If you are being followed by car, turn around and walk in the opposite direction. Try to get the license plate number and call the police.

- If a driver stops to ask directions, do not approach his or her car. Do not worry about appearing rude.
- When using automatic bank teller machines (ATMs), always be aware of the people around you. Be especially careful if the ATMs are located directly on the street. Try to use ATMs during daylight hours. If you are suspicious of any person near the ATM, do not continue the transaction. Try to have a friend accompany you to ATMs.

### **Public Transportation**

- If you are traveling by public transportation, have your payment ready before you go to the stop.
- Try to stay near people at all times and pick a bus that is occupied by other passengers.
- If you are suspicious of anyone, notify the driver.
- Plan your route before you leave.
- Taxis are the safest — though most expensive — way to travel at night. If possible, agree on a price with the driver before you begin the trip. When you are dropped off at your destination, ask the driver to wait for you to enter your building.

### **Preventing Theft**

- LMU has a program to deter theft by permanently identifying valuables.
- Contact Public Safety for assistance with an engraver to mark all of your valuable property.
- Keep a good photograph of anything you cannot engrave. You should also keep an up-to-date property inventory that includes detailed descriptions of the property, including model and serial numbers.

### **Precautions in Residence Halls and Off-campus Housing**

- The University OneCard security system controls access to residence halls via card readers. An extra security feature for residents includes a 4-Digit PIN Code when accessing these card readers. There are certain precautions you should take to prevent burglary whether you live on or off campus:
- Keep your apartment, room or suite door locked at all times.
- Secure any valuables left inside, and never leave cash in your room.
- When you go out, lock your doors and windows.
- Always keep your keys and OneCard with you. Do not leave them under a mat or in your mailbox.

- Make sure your name, address and phone numbers are not on your key ring. If your keys or OneCard are lost or stolen, inform Public Safety at once. If you live off campus and your keys are lost, change your locks immediately.
- Change all of the locks when you move into an off-campus apartment.
- Do not leave any indications that you are not at home when leaving.
- Do not let anyone you do not know into your lobby. If you are suspicious of any person in a public area of your building, notify the residence staff or Public Safety at once. Do not confront the suspicious person.
- If you receive an obscene or harassing phone call, hang up immediately. If the caller persists, contact Public Safety.
- Bear in mind your own safety is worth much more than your property. Never take any personal risk that you can avoid. At the same time, however, it may be a good idea to obtain personal property insurance. This insurance may cover breakage and other damage to your property, as well as theft.

### **Precautions in Libraries and Common Areas**

- Never leave your belongings unattended.
- Make sure you keep your bag, laptop or purse where you can see it, not on the floor by your feet or on the back of your chair.
- Do not keep valuable items in your coat pocket. Report any suspicious persons to Public Safety immediately.

### **Protecting your Vehicle or Bicycle**

- Park your car in well-lit and busy areas.
- If you park in a commercial lot or garage with valet attendants, leave only the ignition key with the attendant. Always lock your car, even when you leave it briefly.
- Do not leave luggage, packages or other valuables inside that might tempt a thief.
- If your vehicle is equipped with an alarm system, use it. If it does not, consider purchasing one.
- Always lock your bicycle. A key operated, steel U-shaped lock is recommended. Be sure to use your lock to secure at least your back wheel and frame to a bicycle rack or similar immobile object.
- On campus, use only authorized bicycle racks.
- Never lock your bicycle by the front or back wheel alone.
- Also, lock your bicycle in a well-lit area where pedestrian traffic will discourage theft.

## Physical Security for Computers

- Help prevent computer theft by securing your computer via your preferred method.
- Universal notebook security cables and computer recovery software is recommended.

## Digital Security

- Always protect your digital information located on your computer or mobile device by using a strong password that only you know.
- Never share your password with anyone. Immediately delete all suspicious emails.
- No legitimate business or government agency will ever ask for personal information via email or phone unless you initiate the contact.

## Solicitors on Campus

If you are approached by an unknown solicitor, politely, and firmly decline the request or product that is presented. If you are approached by an unknown solicitor anywhere on campus, contact Public Safety immediately.

## Sexual and Interpersonal Misconduct - Safety Tips

The only person responsible for sexual or interpersonal misconduct is the perpetrator, but it is understandable that we all want to do what we can to protect ourselves.

- If possible, do not walk alone at night. Any time you feel unsafe while moving about campus, call Public Safety for an escort at 310.338.2893 or 222 from a campus phone.
- Always remain alert and aware of your surroundings. Scan parking lots, sidewalks and streets for suspicious persons and activity.
- Look confident and purposeful when you walk.
- Don't accept drinks from other people, and open drink containers yourself.
- Be aware of what you are drinking; do not drink from large open containers like punch bowls.
- Keep your drink with you at all times. Cover it with your hand when you are not drinking it to prevent somebody from pouring in other contents.
- If you feel like the effect of the alcohol you are consuming is stronger than usual, stop drinking and get help right away. Designate a sober friend when you are drinking.
- Be cognizant of the "party bus" culture. Although the idea is that a bus is a safe method of transportation to and from local bars, it should not be an opportunity to engage in risky behavior.

- Report suspicious activity or persons to Public Safety at (310) 338-2893 or 222 from a campus phone, or call 9-1-1.
- If you think you have been the victim of a sexual assault, go to a safe place and get medical assistance right away. For more information about sexual assault, consent and how to get help, visit LMU CARES at [studentaffairs.lmu.edu/wellness/lmucares](http://studentaffairs.lmu.edu/wellness/lmucares).

## **SAFETY, SECURITY, AND AWARENESS DRILLS, CAMPAIGNS, AND PROGRAMS**

### **VII. Emergency Drills**

#### **Evacuation Drills**

LMU tests emergency response and evacuation procedures in housing and non-housing buildings every year to educate and train building occupants on evacuation procedures, emergency exits, the sound of the fire alarm and the location of the safe refuge area; test the operation of fire systems; and practice response procedures.

Through Student Affairs, all Residence Halls participate in an evacuation drill one time per semester (twice per academic year). Campus Safety coordinates and conducts evacuation drills of office suites and non-housing buildings throughout the year, monthly drills for the Children's Center, and summer drills for conference/event guests.

Most evacuation drills are unannounced and are conducted by Campus Safety in coordination with Residence Life, with support from Facilities Management and Parking and Transportation.

Public Safety and Residence Hall staffs or the Emergency Response Team Member(s) (as applicable), evaluate and document egress and behavioral patterns during each drill, when possible. The LMU fire systems are managed and maintained by the Facilities Management Department.

Following all drills, participants are convened at the Safe Refuge Area to debrief and/or receive additional tips and information. Different methods are used depending on the nature of the building and the size of the group. Public Safety, with input from the Residence Hall staff or Emergency Response Team Member(s) evaluates each drill and determines necessary corrective actions.

Every emergency drill and exercise is documented, including the date, time, description, whether it was announced or unannounced, a count of the target population, and the location. All drill and exercise records are retained by Campus Safety.

#### **Annual Earthquake Drill**

Emergency Management conducted the annual LMU earthquake drill on October 17, 2024 in partnership with the USGS Great California Great Shakeout. The drill tested individual preparedness for an emergency and provided classes, offices, dining facilities, William H. Hannon Library, Burns Recreation Center and other areas on campus with an opportunity to practice, test, and learn about potential safety and



preparedness actions. The exercise also allowed Public Safety to test the LMU Alert systems and the public address system.

To promote involvement in the earthquake drill, Emergency Management hosted a preparedness fair, partnered with representatives from local emergency management and related organizations to provide training, preparedness and response information, and supplies to participants.

### **Annual Active Shooter/Shelter In-Place Drill**

Every year, Emergency Management, in collaboration with the Los Angeles Police Department and the Los Angeles Fire Department, conducts an all-campus active shooter/shelter-in-place drill. During the drill, students, faculty, and staff were asked to either physically shelter-in-place or participate in a discussion regarding active shooter/shelter-in-place tactics and strategies.

### **Annual Emergency Exercise**

Campus Safety Services conducted two protest response tabletop exercises on September 25 and 26, 2024, focused on preparing university leadership for potential protest activity that may violate LMU's Time, Manner, Place (TMP) policy. These exercises brought together senior leaders and key stakeholders from across the university, including representatives from Academic Affairs, Student Affairs, Public Safety, University Relations, Human Resources, and Emergency Management.

Participants worked through a multi-phase protest scenario, beginning with an unpermitted student demonstration and escalating to a disruptive occupation of university property. Discussions centered on coordinated response protocols, legal and safety considerations, de-escalation strategies, and best practices for communicating with protestors, the campus community, and external stakeholders. The exercises also addressed the role of the TMP policy in guiding enforcement actions and the importance of preserving students' rights while maintaining campus operations.

These tabletop exercises reinforced the value of cross-departmental collaboration and served as a foundation for continued refinement of protest response strategies aligned with LMU's values and policies.

### **Crime Prevention Education and Awareness**

Crime prevention is a high priority at LMU. Living in a large city requires students, faculty and staff to practice sound crime prevention techniques when walking at night, riding public transportation, safeguarding property or the like. A Public Safety manager or investigator follows up on all reports of criminal activity by contacting the complainant to ensure that a thorough investigation is conducted. Where appropriate, local law enforcement referrals are made.

Crime prevention lectures concerning personal property and safety are presented to various groups and campus organizations. During orientation week, the university begins this educational process by sharing crime prevention information with incoming students. Throughout the year, Public Safety offers a variety of programs on specific ways to safeguard one's property and person. Safety and security information and training are continually provided to students, staff and faculty through bulletins and crime alerts.

The University educates the campus community about sexual and interpersonal misconduct through orientations and educational programming throughout the year. Additional information is available through the LMU CARES Program. For more information on the LMU CARES program, please visit [lmu.edu/lmucares](http://lmu.edu/lmucares).

Useful tips on crime prevention are available from LMU's Public Safety via informal lectures that can be scheduled for any size group.

### Crime Prevention and Awareness Programming

Name of Program	Date Held	Audience	Issues Addressed
<b>ORNT 2000</b>	Regular Sessions January 10 through March 16 2023	New Transfer Students	<b>Required course for all incoming transfer students.</b>
<b>Weekly Teaching Assistant Trainings</b>	January 10, 2023 through End of Semester	Returning Teaching Assistants	<b>Weekly trainings on ORNT 1000/2000 material, grades, and assignments, including LMU Cares Sexual Assault awareness sessions.</b>
<b>Student Conduct Appeals Committee Training</b>	February 3, 2023	Student SCAC Panelists	<b>Annual training – Policy and legal update</b>
<b>SAAM Slam (Open Mic)</b>	April 3, 2023	LMU Community Members	<b>Student performances</b>
<b>Trauma sensitive Yoga</b>	April 11, 2023	LMU Community Members	<b>Trauma informed somatic yoga led by LPCC, Viviana Vallin</b>
<b>Fostering Healthy Relationships</b>	April 17, 2023	LMU Community Members	<b>Skills and information on healthy relationship building.</b>
<b>LMU – UCLA Baseball Game</b>	April 25, 2023	LMU and Community Members	<b>SAAM Sponsored game where players wore SAAM bracelets and Denim Day promotion.</b>

Name of Program	Date Held	Audience	Issues Addressed
High Tea with LMU dining	4/4/2024	Community Participation	<b>Enjoy High Tea with LMU Dining! All proceedings will be donated to a local women's shelter. There will be a presentation by LMU CARES and a representative from the local women's shelter.</b>
<b>Clothesline Project</b>	April 15-19, 2024	Community Participation	<b>The Clothesline Project raises awareness for survivors of sexual violence and encourages them, their partners, family and friends to design a shirt for the display. The Clothesline Project will be held April 17-21, 2023. We are looking for anonymous art submissions that demonstrate your support of Sexual Assault Awareness Month.</b>

### Programming for LMU Professional Staff

The University offered the following Sexual and Interpersonal Misconduct Trainings, Programs and Resources for Professional Staff.

Name of Program	Date Held	Audience	Issues Addressed
Student Affairs Resource Administrator Training	2/7/2024	Internal-OSCCR	Resources meetings, Hearings, documentation
Towards a Relational Masculinity: Restorative justice in response to sexual harms perpetrated by male-identified people	3/20/2024	Student Affairs Leadership	This webinar will amplify some of what is happening at the intersection of restorative justice, sexual harm, and masculinity. It will explore the following questions: - How do we recognize the ways that toxic masculinity shows up within restorative justice processes, responding to experiences of sexual harm? -

Name of Program	Date Held	Audience	Issues Addressed
			What is important to consider when walking alongside men and masculine folks in their process of taking accountability for causing sexual harm?
High Tea with LMU dining	4/4/2024	Community Participation	Enjoy High Tea with LMU Dining! All proceedings will be donated to a local women's shelter. There will be a presentation by LMU CARES and a representative from the local women's shelter.
SAAM Slam	4/12/2024	Internal-LMU Restore	LMU Cares and Mane Entertainment and this year LGBTSS are joining forces for SAAM Slam! This special Open Mic Night is in honor of Sexual Assault Awareness Month.
Sexual Assault Awareness Month Panel: Consent and a Good Time	4/17/2024	Internal-OSCCR	Come learn about the sexual assault reporting process and ask questions to a panel of Title XI LMU professionals.
SAAM: Rest and Rejuvenate with Art	4/24/2024	Community Participation	Come rest and rejuvenate with art! We will be making artful eye pillows and/or small no-sew fleece pillows that you can use to rest before and during finals! All materials will be provided, plus light refreshments.
The 2024 Title IX Regulations: What You Need to Know	4/30/2024	Conduct Administrators	Join Title IX experts at D. Stafford & Associates and NACCOP (the National Association of Clery Compliance Officers and Professionals) as we dig in to discuss the letter and the spirit of the new 2024 Title IX Regulations. Special attention will be provided to areas that have considerable impact on institutional policies and procedures, as well as practical

Name of Program	Date Held	Audience	Issues Addressed
			implications
QPR Training	5/8/2024	Conduct Administrators	People trained in QPR learn how to recognize the warning signs of a suicide crisis and how to question, persuade, and refer someone to help. or neighbor.
Title IX and California Laws Webinar with Novus Law Firm	5/9/2024	Conduct Administrators	Highlights the state legislation impact of Title IX regulations in CA
Title IX Regulations with Husch Blackwell	5/24/2024	Conduct Administrators	In this On-Demand Webinar, they look at the new Title IX regulations, the implications for E&I members, and how to ensure compliance ahead of the fast-approaching August 1 deadline.
Title IX Webinar Part 1	5/28/2024	Conduct Administrators	
Title IX Webinar, Part 2 the Grievance Process	6/4/2024	Conduct Administrators	
Title IX Webinar, Part 3 Explanation of the TIX protections and Definitions	6/11/2024	Conduct Administrators	
ORNT 1000/2000 TA Training	8/7/2024	Conduct Administrators	Weekly trainings on ORNT 1000/2000 material, grades, and assignments, including LMU Cares Sexual Assault awareness sessions.
ORNT 1000/2000 TA Training	8/8/2024	Conduct Administrators	Weekly trainings on ORNT 1000/2000 material, grades, and assignments, including LMU Cares Sexual Assault awareness sessions.
Alcohol Impact Circle Facilitation	7/29/2024	Conduct Administrators	Training for Facilitators for alcohol impact circles as an alternative to conduct for first

Name of Program	Date Held	Audience	Issues Addressed
Training			time alcohol policy violations
ORNT 1000/2000 Training	8/22/2024	Conduct Administrators	Instructor Training for ORNT 1000/2000 including LMU Cares Sexual Assault awareness sessions.
Conduct Administrator Training	8/12/2024	Conduct Administrators	New Conduct Administrator training: Policies & procedures
Conduct Administrator Training	8/19/2024	Conduct Administrators	New Conduct Administrator training: Policies & procedures
Conduct Administrator Training	9/6/2024	Conduct Administrators	New and Returning Annual Training: Choice Theory, sanction review, survey updates, Title IX Reg updates
SCAC Student Training	9/13/2024	Conduct Administrators	Student SCAC members
SCAC Faculty/Staff Training	9/17/2024	Conduct Administrators	Faculty and Staff SCAC members
SARA Training	9/17/2024	Conduct Administrators	Annual SARA Training, review 2024 TIX regulations and policy changes
Advisor Training	9/23/2024	Conduct Administrators	Conduct Advisors annual training
SCAC Student Training	9/27/2024	Conduct Administrators	Student SCAC members

### LMU Emergency Management

One of the goals of Emergency Management is to empower our community to protect themselves during and immediately following an emergency. To that end, LMU Public Safety conducts an annual Emergency Preparedness Campaign, dedicating each month of the academic year to one of the following preparedness themes: active shooter, earthquake, fire, flu/communicable disease, tsunami, power outage and general preparedness. Through this campaign, information is made available to the LMU community through innovative programming and public information messaging.

Emergency Management conducts specific Emergency Preparedness training on an ongoing basis. The training is open to the entire University community and covers

prevention, preparedness and safety tips related to fire, earthquake, power outage and active shooter, along with other resources available at [lmu.edu/emergency](http://lmu.edu/emergency). Emergency Management coordinated the Emergency Response Team (ERT) program, which allows students, faculty, and staff to obtain additional hands-on training preparing them to assist others during emergency response.

Education/ Training	Description	Participants	Date
<b>ORNT 1000/2000</b>	Required course for all incoming students. Covers consent and sexual and interpersonal misconduct. The training includes resources to support and report sexual and interpersonal misconduct issues on campus	Incoming Students	3rd week of the semester
<b>Get Inclusive Online Education</b>	Required online courses that incoming students covering consent and sexual misconduct	Incoming Students	Before the semester starts
<b>Clothesline Project</b>	The Clothesline Project is a national program that aims to bring a voice to victims of sexual assault and others acts of gender-based violence. The display of shirts was created by members of the LMU community to help raise awareness and bring an end to sexual violence in and around the campus.	LMU Community	3rd week of April 2023
<b>Title IX Process</b>	Sara Trivedi and Rebecca Okida hosts a small tableside chat to discuss the Title IX Regulations, the role of a Title IX coordinator, and the support and report options on and off campus.	LMU Community	April 17 2023
<b>Denim Day</b>	The nationally celebrated Day is a campus wide event that focuses on clothing as a form of support for sexual assault survivors. There was information on support and reporting options along with shirts that were for sale that supported the UCLA Rape Treatment Center.	Students and LMU Community	April 23 2023

## STUDENT TITLE IX SEXUAL HARASSMENT POLICY

### I. Introduction

Loyola Marymount University (“LMU”) recognizes the significant, unacceptable and nationwide existence of Sexual Harassment on college campuses. LMU is dedicated to the prevention of such misconduct and to providing a caring, supportive and effective response when such misconduct occurs. Accordingly, LMU 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. Conduct that falls under Title IX must involve LMU staff or faculty conditioning aid, benefit or service on another person’s participation in unwelcome sexual conduct, Sexual Assault, Dating Violence, Domestic Violence, Stalking or conduct that is so severe, pervasive and objectively offensive that it effectively denies a person equal access to LMU’s education programs or activities. Conduct that falls under Title IX must also occur in the United States, on campus or a campus controlled premises or at a campus sponsored event.

The Student Title IX Sexual Harassment Policy (“Title IX Policy” or “the Policy”) prohibits and addresses misconduct that meets the definition of Sexual Harassment under the Title IX 2020 Regulations. This policy applies to reports of Title IX Sexual Harassment in which the Respondent is a Student. Title IX Sexual Harassment reports in which a faculty or staff member is the Respondent are handled under the [Faculty and Staff Title IX Policy](#). Non-Title IX sexual or interpersonal misconduct involving a Student and any non-student Respondent in the University Community is handled under the [Discriminatory Harassment, Retaliation and Sexual and Interpersonal Misconduct Complaint Process](#) policy.

The Division of Student Affairs has established this Title IX Policy pursuant to the Title IX 2020 Regulations to assist and respond to complaints of student Sexual Harassment under Title IX in a manner consistent with the mission of the Office of Student Conduct & Community Responsibility (OSCCR), which seeks to maintain the University’s academic and social environment by upholding community standards and educating students about them.

1. LMU strongly encourages all Students to report Title IX Sexual Harassment and/or 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 the Complainant the availability of Supportive Measures (regardless of whether the Complainant signs a Formal Complaint, agrees to be interviewed by the Department of Public Safety (DPS) or participates in the conduct process).

If you believe you have experienced Title IX Sexual Harassment and/or sexual or interpersonal misconduct, you are encouraged to file a report with DPS either in person (Foley Annex), by phone (310.338.2893 or through its E-Report Form, or by contacting LMU's Title IX Coordinator, Sara Trivedi:

- By phone: 310.568.6105;
- By e-mail: Sara.Trivedi@lmu.edu;
- By mail: One LMU Drive, Suite 1900, Los Angeles, CA, 90045; or
- In person: University Hall 1900.

Reports may be made at any time to DPS, or to the Title IX Coordinator, including during nonbusiness hours, by using the telephone number or e-mail address, or by mail to the office address above.

Students who are unsure whether what they experienced, witnessed or what has been reported to them constitutes Title IX Sexual Harassment or sexual or interpersonal misconduct should contact DPS and report the incident. DPS will take appropriate responsive action based on the information provided.

DPS will promptly notify the Title IX Coordinator, or designee when it receives a Report of potential Title IX Sexual Harassment. Once the Title IX Coordinator, or designee, either receives the Report or is notified by DPS, 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. 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 the availability of Supportive Measures, and will retain the right to revisit filing a Formal Complaint at a later date.

2. It is a violation of the Student Conduct Code to file a false complaint against anyone for the purpose of injuring the reputation of or harassing another. Any person found to have filed a false complaint against another in bad faith or for the purpose of injuring the reputation of or harassing another will be subject to

appropriate discipline. This proscription is in no way intended to discourage the filing of good faith complaints of Title IX Sexual Harassment, even if those complaints do not result in a finding of misconduct or sanction under University policies.

3. Allegations of sexual or interpersonal misconduct against a Student that are not covered under the Title IX Policy will be initiated and adjudicated under the relevant provisions of the Student Sexual and Interpersonal Misconduct Policy. If the allegation is against a faculty or staff member, the matter will be adjudicated under the Faculty and Staff Title IX Policy.
4. Some instances of alleged Title IX Sexual Harassment may be eligible to be addressed by an informal resolution process (Section XII) if both parties provide written authorization of their willingness to participate in such a process. Eligibility of an allegation to be addressed through an informal resolution process will be determined by OSCCR in consultation with the Title IX Coordinator, or designee.

## II. General Guidelines

### Definitions

As used in the Title IX Policy, the following terms shall have the following meanings (all terms defined below shall be capitalized throughout the Title IX Policy).

1. **“Advisor”** means anyone selected by a Student to appear with the Student at scheduled conduct proceedings, regardless of affiliation with LMU. Advisors in the Title IX conduct process are required for hearings under this process as the Advisor performs cross-examination for both Complainants and Respondents.
2. **“Complainant”** means the individual who makes a Report of conduct that may constitute Title IX Sexual Harassment.
3. **“Consent”** means 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 they have 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.

Consent does not have to be verbal. Likewise, 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.

a. Consent is not freely given if:

- i. 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
- ii. 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:
  - (a).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
  - (b).The individual is unable to consciously respond for whatever reason including lack of consciousness, sleep, illness or shock; or
  - (c).The individual is under the age of 18 and therefore legally incapable of giving Consent; or
  - (d).The individual is known by reason of impairment, mental condition or developmental or physical disability to be reasonably unable to Consent.
- iii. The individual has acted or spoken in a manner that expresses a lack of Consent or a refusal to Consent.
  - (e).The following are invalid excuses for failing to obtain affirmative Consent from the Complainant:
- iv. The Respondent's belief in affirmative Consent arose from the intoxication or recklessness of the Respondent; or
- v. The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

4. **"Dating Violence"** means violence committed by a person:

- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

- b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - i. The length of the relationship;
    - ii. The type of relationship;
    - iii. The frequency of interaction between the persons involved in the relationship.
- 5. **“Day”** means a University business Day. It shall not include Saturdays, Sundays or administrative holidays.
- 6. **“Domestic Violence”** means violence committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of California and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic or technological abuse that may or may not constitute criminal behavior, by a person who is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim; is cohabitating or has cohabitated with the victim as a spouse or intimate partner, shares a child in common with the victim; or commits acts against an adult or youth victim who is protected from those acts under California law.
- 7. **“Education Program or Activity”** means locations, events or circumstances over which LMU has substantial control over both the Respondent and the context in which the Title IX Sexual Harassment occurs.
- 8. **“Formal Complaint”** means a document signed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that LMU 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 LMU Education Program or a University-approved Activity.

For the purposes of this definition, the term “document signed 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.

9. **“Institution”** and **“University”** mean Loyola Marymount University but does not include Loyola Law School.
10. **“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.
11. **“Reasonably Prompt Time Frame”** means the amount of time necessary for the Complainant or Title IX Coordinator to sign the Formal Complaint; investigator(s) to schedule and conduct the relevant and necessary interviews, so as to put together a comprehensive investigation report that includes inculpatory and exculpatory evidence; 10 Days for both the Complainant and the Respondent to review electronically the comprehensive report generated by the DPS investigation and provide a written response; the time necessary to schedule and meet with the Complainant and separately the Respondent, with Advisors present if desired, to review the procedures of the Title IX hearing process; to give the Complainant, Respondent and Advisors 10 Days to review the final DPS investigation report; to schedule and conduct the Title IX hearing; to write the final decision letters; and to resolve an appeal if one is filed. The same time frame applies to the informal resolution process. In normal circumstances, assuming timely cooperation from the parties and witnesses, staff will use their best efforts to complete this process within 120 Days.

While LMU strives to make decisions as quickly as possible, given the sensitivity of the allegations at hand, LMU 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. LMU will communicate in writing to the Complainant, Respondent and relevant participants, if a good cause delay occurs.

12. **“Report”** means 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.
13. **“Respondent”** means an individual against whom a Report of conduct that could constitute Title IX Sexual Harassment has been made.
14. **“Retaliation”** 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 nonpermitted conduct or behaviors, include threats, intimidation, coercion, harassment, spreading defamatory information about an individual, exclusions from academic and non-academic programs and/or adverse actions related to employment or academics.

15. **“Sexual Assault”** means 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, vaginal/anal intercourse, sexual battery (including, but not limited to, masturbation), 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.
16. **“Sexual Battery”** means the intentional touching of another person’s intimate parts without Consent, intentionally causing a person to touch the intimate parts of another without Consent, or using a person’s own intimate part to intentionally touch another person’s body without Consent.
17. **“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.
18. **“Student”** means a person currently enrolled or eligible and matriculating in any University program or class during the fall or spring semesters, recess period between semesters or summer period, on or off University campus, and includes all persons taking courses at the University, full-time or part-time, pursuing undergraduate, graduate or professional studies or taking courses under non-degree status. However, the term “Student” does not include Loyola Law School Students. Student includes one who has

been enrolled at the University for the immediately preceding fall, spring or summer term and/or is eligible for continuing enrollment or graduation.

19. **“Supportive Measure”** means 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 access to LMU’s Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties, LMU’s educational environment and/or deter Title IX Sexual Harassment.
20. **“Title IX Coordinator”** means LMU’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 LMU’s Title IX Coordinator, Sara Trivedi, in Human Resources, who can be reached at 310.568.6105 or [Sara.Trivedi@lmu.edu](mailto:Sara.Trivedi@lmu.edu).

Deputy Title IX Coordinators include:

Francesca Piumetti, Associate Dean of Students:

[Francesca.Piumetti@lmu.edu](mailto:Francesca.Piumetti@lmu.edu)

Ashley Armstrong, Deputy Athletic Director:

[Ashley.Armstrong@lmu.edu](mailto:Ashley.Armstrong@lmu.edu)

Janet Lindsay, EEO Officer:

[Janet.Lindsay@lmu.edu](mailto:Janet.Lindsay@lmu.edu)

21. **“Title IX Sexual Harassment”** means unwelcome conduct by an employee conditioning the provision of an LMU educational aid, benefit or service on an individual’s participation in unwelcome sexual conduct; or unwelcome conduct on the basis of sex determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to an LMU education program or activity, or “Sexual Assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “Dating Violence” as defined in 34 U.S.C. 12291(a)(10), “Domestic Violence” as defined in 34 U.S.C. 12291(a)(8), or “Stalking” as defined in 34 U.S.C. 12291(a)(30). Title IX Sexual Harassment must occur in an LMU Education Program or Activity against a person in the United States.
22. **“University Community”** means Students, staff, faculty, administration and religious community members of the University, but not their counterparts at Loyola Law School.

23. **“University-approved Activity”** means any activity on or off campus that is initiated, authorized or supervised by the University or a registered student organization.
24. **“Weapon”** means any object or substance designed or utilized to inflict a wound, cause injury or a nuisance or incapacitate including, but not limited to, all firearms, ammunition, chukka sticks, explosives, laser pointers, pellet guns, knives, projectile launchers and chemicals, such as mace or tear gas. This definition also includes decorative, replica and look-alike Weapons that are not functional, but reasonably appear to others to be real Weapons.
25. **“Witness”** means any person called upon to furnish relevant knowledge or information relating to an incident who is not a Complainant or Respondent.
26. The terms **“will”** or **“shall”** are used in the imperative sense. The term **“may”** is used in the permissive sense.

### **Jurisdiction of the University**

Jurisdiction extends to conduct that occurs on University Premises and/or at off campus University events, programs or activities.

### **Inherent Authority**

The University reserves the right to take necessary and appropriate action to protect the health, safety and well-being of the University, including its reputation and good will, and the University Community.

### **Focus of the Proceedings**

The primary focus of the inquiry in all Student Title IX Sexual Harassment proceedings shall be to determine if the subject Student is responsible for the alleged violation of the Title IX Policy and, if the Student is found to be responsible for a violation, to provide the appropriate remedy. The University shall make every effort to investigate and adjudicate these matters in a Reasonably Prompt Time Frame, usually within 120 Days, assuming timely cooperation of all participants.

In keeping with the mission of OSCCR and the purpose of the Title IX Policy, Title IX Policy proceedings are not intended to materially emulate judicial processes or proceedings in the criminal justice system. This is because Title IX Policy proceedings are intended to be educational, less formal, less adversarial and less complex than criminal justice processes and procedures, while still seeking the truth in a fundamentally fair manner. Formal rules of evidence shall not be applicable nor shall deviations from prescribed procedures necessarily invalidate a Title IX Policy decision or proceeding. Title IX Policy proceedings shall be prompt, fair and impartial and adjudicated by Conduct Administrators that have received regular training regarding incidents of this nature.



## **Violations of Law and the Title IX Policy**

Students may be subject to criminal, civil and University proceedings for acts that constitute violations of federal, state or local law and of the Title IX Policy. Because of the need to efficiently, effectively and promptly protect the academic environment, University life and operations, Title IX Policy proceedings are independent and will normally proceed without regard to the pendency or potential pendency of criminal or civil proceedings.

Students subject to potential or actual criminal charges relating to conduct alleged in pending Title IX Policy proceedings may assert their Fifth Amendment privilege against self-incrimination during Title IX Policy proceedings. No inference of responsibility for Title IX Policy violations will be drawn because of an assertion of the Fifth Amendment privilege. The Conduct

Administrator(s) will otherwise evaluate all available information, testimony and evidence in making their determination.

## **Burden of Proof**

In cases alleging Title IX Sexual Harassment, the burden of proof is on the University.

Determinations under this policy will be made utilizing the Preponderance of Evidence standard. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation(s) of misconduct.

## **Limitations Period**

Reports under this policy must be brought in the period of time during which the Respondent is a Student and subject to the Title IX Policy. The University reserves the right to take disciplinary action regarding allegations involving current LMU Students irrespective of the length of time since the alleged misconduct occurred.

## **Time Frame for Title IX Policy Investigation and Conduct Process**

Alleged incidents of Title IX Sexual Harassment will be investigated and adjudicated in a Reasonably Prompt Time Frame as defined in Section II(A) of this policy. In normal circumstances, assuming timely cooperation from the parties and witnesses, staff will use their best efforts to complete the process within 120 Days.

While the University strives to complete the investigation, adjudication and appeals process within 120 Days, there may be instances beyond the control of the University where a good cause delay extends the University's timeline. Good cause delays include, but are not limited to, absence of a party, a party's Advisor or a Witness, concurrent law enforcement activity, the need for language assistance or

accommodation of disabilities, examinations or school closures. The University will communicate in writing to the Complainant, Respondent and relevant participants if a good cause delay occurs.

### **Communication**

OSCCR's primary method of communication will be through the Student's official University email account. OSCCR may also, at its discretion, communicate to Students via any one or more of the following methods: electronic communication, U.S. Mail or parcel delivery (e.g. FedEx) to the Student's permanent address on file, and/or personal hand delivery. Students are held responsible and accountable for retrieving communications from their official University e-mail account on a daily basis. Failure to do so is not an acceptable excuse for avoiding or delaying the Title IX Policy process.

### **Scheduling Student Hearings**

In scheduling hearings, hearing preparation meetings and other proceedings, OSCCR will reasonably attempt to avoid conflicts with class and academic schedules for those involved but may not be able to do so. Individuals involved in the Title IX Policy processes are required to attend scheduled hearings notwithstanding class or academic conflicts. Failure to attend a hearing preparation meeting will not prevent the scheduling of a hearing.

### **Non-student Incidents**

This policy applies to reports of Title IX Sexual Harassment in which the Respondent is a Student. Title IX Sexual Harassment reports in which a faculty or staff member is the Respondent are handled under the [Faculty and Staff Title IX Policy](#). Non-Title IX sexual or interpersonal misconduct involving a Student and any non-student Respondent in the University Community is handled under the [Discriminatory Harassment, Retaliation and Sexual and Interpersonal Misconduct Complaint Process Policy](#).

### **University as Complainant**

If a Complainant chooses not to sign a Formal Complaint, the Title IX Coordinator may sign the Formal Complaint on behalf of the University if the Title IX Coordinator believes sufficient evidence exists without the participation of the Complainant to investigate the matter more thoroughly.

### **Prior Sexual History**

Prior sexual history of Complainant or Respondent with people outside of each other will generally not be utilized as evidence in these Title IX Policy proceedings except as provided by law, including as set forth in the 2020 Title IX Regulation: 34 CFR 106.45(b)(6).

## **No Contact Orders**

No Contact Orders (NCO) may be utilized by DPS both during the investigation and through the completion of the hearing process. An NCO may be extended beyond the completion of the hearing process. Failure or refusal to sign an NCO by either party does not impact the enforcement of the NCO.

## **Supportive Measures**

In cases alleging Title IX Sexual Harassment the Dean of Students, or designee, may institute Supportive Measures at the request of the Complainant and/or Respondent or as deemed appropriate by the University to protect the investigatory process and/or the University Community while the complaint is being investigated and prior to the determination on the charge(s). Supportive Measures include, but are not limited to, academic, residential, transportation and/or employment accommodations, intended to maintain the Complainant's and/or the Respondent's access to LMU's Education Program or Activity. Supportive Measures may be extended through the pendency of conduct proceedings and potentially beyond as necessary.

A Complainant does not need to agree to be interviewed by DPS or sign a Formal Complaint in order to receive Supportive Measures.

Any such Supportive Measure shall be designed and implemented in a manner intended to achieve their purpose while at the same time limiting, to the extent practicable, adverse impact on the Complainant's and/or Respondent's access to LMU Educational Program or Activity. Supportive Measures provided to either the Complainant or Respondent are kept private, to the extent that maintaining privacy does not impair LMU's ability to provide Supportive Measures. The Complainant (and the Respondent if identified and made aware of the allegation) will receive written notification of their access to Supportive Measures. Any such Supportive Measure shall not be referred to or offered as evidence at the hearing on the underlying charge(s).

## **Good Samaritan and Self-Reporting Policy**

In line with the [Good Samaritan and Self-Reporting Policy](#), 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 reserves 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.

## Education

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 to get involved, please visit [LMU CARES](#) or call 310.258.4381.

### III. Responsible Employees and Requests for Privacy

1. Responsible employees are obligated to report all details of an incident of Title IX Sexual Harassment, including the identities of those involved, to DPS whenever that information is brought forward to the responsible employee.

Should a Student report Title IX Sexual Harassment that occurred when the Student was a child under the age of 18, LMU is required to contact local law enforcement to report the conduct.

2. Responsible employees include faculty, administrative staff and some Student staff. Responsible employees do not include the following:
  - a. Professional, licensed counselors, such as the psychologists at Student Psychological Services (SPS), 310.338.2868.
  - b. Pastoral counselors, such as rabbis, Catholic priests and women religious, are not required to report any information regarding alleged Title IX Sexual Harassment to DPS, 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.
  - c. Student Health Services (SHS) Staff, 310.338.2881 or [LMUhealth@lmu.edu](mailto:LMUhealth@lmu.edu), are not required to report any information regarding alleged Title IX Sexual Harassment to DPS, the Title IX Coordinator or any other reporting body on campus, without Consent from the Student. The SHS Staff will be required to report signs of physical or sexual abuse to law enforcement.
  - d. LMU Community Resource Advisors (LMU CRAs), whose identities and contact information can be found on the [LMU CARES website](#), may speak with Students regarding incidents of Title IX Sexual Harassment without automatically triggering a University investigation into the matter. These individuals do have time and place reporting responsibilities under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) but are not obligated to report identifying information of the Complainant. If the Respondent's name is presented to an LMU CRA, they will be obligated to report that information to the Title IX Coordinator. Reports by an LMU CRA will not trigger a University investigation unless the Title IX Coordinator, in

consultation with the Dean of Students, or designee, determines that an investigation is necessary because of the existence of one or more of the following factors:

- i. The Respondent has known multiple or prior allegations of Title IX Sexual Harassment or sexual or interpersonal misconduct and a potential for a campus safety risk exists; or
- ii. 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 LMU community; or
- iii. A threat to the campus community at large or a particular community member has been identified; or
- iv. The Title IX Sexual Harassment was perpetrated with a weapon, physical restraints, or where the Respondent used force or violence; or
- v. The victim is a minor (under the legal age of 18) at the time of the alleged incident; or
- vi. The University is able to conduct a thorough investigation and obtain relevant evidence in the absence of the Complainant's cooperation; or
- vii. Some combination of the above factors exists.

#### **IV. Complainant and Respondent Rights**

1. LMU's Title IX Policy process is intended to be fair and equitable to both the Complainant and Respondent. In observance of that goal of equity, and in accordance with the 2020 Title IX Regulations, both Complainants and Respondents in Title IX Sexual Harassment cases have the right to:
  - a. An Advisor of their choice (see Section VI for more details) to assist with the Title IX Policy process (including performing cross-examination during a hearing). If a Student does not have an Advisor, LMU will assign an Advisor to conduct cross-examination during the hearing;
  - b. Receive 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;
  - c. Receive 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;

- d. Receive written notification of the procedures for institutional disciplinary action and their rights and options as defined in the Title IX Policy;
- e. Request Supportive Measures as approved by the Dean of Students;
- f. File a Report with DPS or the Title IX Coordinator;
- g. File a police report and take legal action separate from and/or in addition to filing a complaint under this policy seeking disciplinary action;
- h. Notice, in writing, that a Formal Complaint has been filed;
- i. Identify material or expert Witnesses to the alleged incident;
- j. Receive written notification of the alleged charges based on the information available to the University;
- k. Review submitted evidence that will be utilized by the Conduct Administrators in consideration of whether a violation of the Title IX Policy occurred, and provide a written response to DPS;
- l. Have their Advisor cross-examine the opposing party and any Witnesses during the hearing to determine credibility of information;
- m. If, in the course of the investigation, LMU decides to investigate allegations about the Complainant or Respondent that are not included in the initial notice of allegations, LMU will provide notice of the additional allegations in writing to all parties whose identities are known at the time.
- n. Be informed of the disciplinary finding (responsible or not responsible), the reasoning behind the decision as well as any sanctions, as applicable, in writing;
- o. Appeal the disciplinary findings and/or sanction(s) as outlined in Section XIII of this Policy;
- p. Not have their request for a reasonable extension of time due to examination periods or closures unreasonably denied;
- q. Refuse any/all of the above.

#### **V. Student Affairs Resource Administrators (SARA)**

When an allegation of Title IX Sexual Harassment is brought to the attention of LMU, the Associate Dean of Students, or designee, will assign a separate SARA to both the Complainant and Respondent (if a Respondent has been identified and been made aware of the allegation). The SARAs 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 Title IX Sexual Harassment. SARAs will also review what Supportive

Measures may be available to the Complainant and/or Respondent (as outlined in Section II(O) of this policy).

Complainants will be assigned a SARA regardless of whether they provide LMU with the name of the Respondent or sign a Formal Complaint.

It is encouraged, but not required, that Complainants and Respondents meet with their assigned SARA. The role of the SARA is to:

1. Provide information, in writing, regarding resources on and off campus including, but not limited to, SPS, SHS, Student Housing, LMU Recovery, LMU CARES, DPS, law enforcement authorities, Rape Treatment Center at Santa Monica-UCLA Medical Center, Campus Ministry and OSCCR;
2. Provide information regarding the LMU Title IX Policy process and/or informal resolution process;
3. Provide assistance in requesting Supportive Measures;
4. Remain available to the Complainant/Respondent throughout the conduct process and/or informal resolution process and continue to provide the Student information regarding the resources available to the Student.

## **VI. Advisor**

Complainants and Respondents may choose an Advisor of their choice. The Advisor may be anyone, regardless of familial relationship or lack of affiliation with the University; however, the Advisor must not serve in any other capacity in the conduct process (i.e., Witness or Conduct Administrator) but may be the Complainant's or Respondent's SARA. Complainants or Respondents are required to have an Advisor for the hearing to perform cross-examination. If a Complainant or Respondent does not have an Advisor, they will be provided one by the University.

Advisors will assist Students during the Title IX Policy process, but will not serve as representation for Students in Title IX Policy proceedings. Advisors may not address the hearing panel members during conduct proceedings. All communication involving Advisors, with the exception of performing cross-examination, must be between the Advisor and Student. An Advisor may not appear in lieu of a Student.

## **VII. Roles and Responsibilities**

### **The Roles and Responsibilities of the Conduct Administrators.**

1. Hearings or other proceedings as provided in the Policy may be held before Conduct Administrators, and will utilize videoconferencing.

2. The Senior Vice President for Student Affairs, or designee, shall appoint Conduct Administrators.
3. The Conduct Administrators adhere to procedures consistent with provisions in this Policy. All procedures are approved by the Senior Vice President for Student Affairs, or designee.
4. In the event of a vacancy or disqualification of a Conduct Administrator, the conduct matter shall be assigned to another Conduct Administrator by the Senior Vice President for Student Affairs, or designee.
5. Conduct Administrators shall complete annual training provided by OSCCR.
6. Conduct Administrators may be called upon to participate in the annual review of the Title IX Policy.

### **The Roles and Responsibilities of the Student Conduct Appeal Committee.**

1. Appeals, as provided in this Policy, are held before the Student Conduct Appeal Committee.
2. The Student Conduct Appeal Committee shall adhere to procedures consistent with provisions in the Policy. Procedures are approved by the Senior Vice President for Student Affairs, or designee.
3. The Student Conduct Appeal Committee members shall be selected as follows:
  - a. The ASLMU President shall recommend members from the undergraduate Student body;
  - b. The GSLMU President shall recommend members from the graduate Student body;
  - c. The RHA President shall recommend members from RHA;
  - d. The Student Housing Office shall recommend Resident Ministers as members;
  - e. The Senior Vice President for Student Affairs, or designee, shall appoint a minimum of two faculty/staff members;
  - f. Each meeting, the Senior Vice President for Student Affairs, or designee, shall designate a Presiding Chair over the appellate process from the members of the
  - g. Student Conduct Appeal Committee;
  - h. The Senior Vice President for Student Affairs, or designee, shall serve as an ex officio member.
  - i. The Senior Vice President for Student Affairs, or designee, shall appoint all members of the Student Conduct Appeal Committee.



- j. The term for the Student or faculty/staff committee members shall be one year. Members may be re-appointed for additional terms.
- k. Prior to participating in Student Conduct Appeal Committee deliberations, new members of the Student Conduct Appeal Committee will participate in an orientation session offered at least once each academic year by the Senior Vice President for Student Affairs, or designee.
- l. Student members of the Student Conduct Appeal Committee who are charged with any violation of the Student Conduct Code, Student Sexual and Interpersonal Misconduct Policy or with a criminal offense may be suspended from their committee positions by the Senior Vice President for Student Affairs, or designee, while charges are pending against them. Students found responsible for any such violation or offense may be disqualified from any further participation in the University conduct system by the Senior Vice President for Student Affairs, or designee.
- m. In the event of a vacancy, suspension or disqualification of a Student Conduct Appeal Committee member, the Senior Vice President for Student Affairs shall fill the vacancy.
- n. Student members of the Student Conduct Appeal Committee may be called upon to participate in the annual review of the Title IX Policy.

### **VIII. Prohibited Conduct**

The following is a non-exhaustive list of conduct that is considered to be in violation of the Student Title IX Policy. Participation in any of the below mentioned conduct may result in the initiation of Title IX Policy proceedings. Informal resolution may also be initiated in lieu of the conduct process if both the Complainant and Respondent provide written Consent of its usage.

- 1. Participating in Title IX Sexual Harassment, including unwelcome conduct by an employee conditioning the provision of an LMU educational aid, benefit or service on an individual's participation in unwelcome sexual conduct, unwelcome conduct on the basis of sex determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to an LMU educational program or activity, or Sexual Assault, Dating Violence, Domestic Violence or Stalking on LMU's campus or at a University-approved Activity.

### **IX. Title IX Law**

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

LMU does not discriminate on the basis of sex. LMU encourages prompt reporting of Title IX Sexual Harassment. Under Title IX, LMU has a responsibility to respond promptly and equitably to address Title IX Sexual Harassment. Once LMU has received a Report of Title IX Sexual Harassment, LMU will offer Supportive Measures to the Complainant and, in the instance of a Formal Complaint being filed, to the Respondent, as well as conduct an equitable investigation and conduct process intended to restore access to education for all involved participants.

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

1. You may file a complaint:

- a. In person: via telephone 800.421.3481; or
- b. Online: via e-mail: [OCR@ed.gov](mailto:OCR@ed.gov); or
- c. 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

2. For more information about filing a complaint please visit:

[www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html).

## **X. Title IX Conduct Process**

Once a Formal Complaint is received, LMU will address allegations of Title IX Sexual Harassment through the conduct process outlined below. LMU's Title IX Policy conduct process strives to treat Complainants and Respondents equitably by adhering to the conduct processes outlined in the 2020 Title IX Regulations.

### **Signing a Formal Complaint**

The Complainant will have the opportunity to sign a Formal Complaint to initiate an investigation. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail or by electronic mail, as well as through DPS's [online Reporting form](#). The Complainant will

request that the University pursue either the Title IX Policy conduct process or the informal resolution process. Students should be aware that if they sign a Formal Complaint their identity will need to be shared with the Respondent in order for the investigation to move forward.

The Title IX Coordinator, may elect to sign a Formal Complaint on behalf of the University, despite a Complainant's decision not to sign a Formal Complaint, if sufficient evidence exists. If the decision is made that the University will proceed without the Complainant signing the Formal Complaint, then the University will only inform the necessary individuals and entities on campus required to perform a thorough investigation and adjudication of the complaint. In the event the Complainant requests that the University inform the Respondent that the Complainant asked the University not to investigate or pursue the conduct process, the University will honor this request.

### **Formal Complaint Process and Investigations**

1. Notice of Allegations: Upon receipt of a Formal Complaint, LMU will provide written notice to both the Complainant and Respondent of the following:
  - a. Notice of LMU's Title IX Policy conduct process;
  - b. Notice of the allegations of Title IX Sexual Harassment 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
  - e. Formal Complaint of Title IX Sexual Harassment;
  - f. Notice that the Complainant and Respondent may have an Advisor of their choice;
  - g. Notice that the Complainant and Respondent may inspect, review and respond to evidence gathered during the investigation of the alleged behavior, as well as have access to the final investigation report; and
  - h. Notice of LMU's prohibition on knowingly making or submitting false statements during the conduct process.

### **Dismissal of Formal Complaint**

LMU will investigate allegations that are included in a Formal Complaint. However, if the conduct alleged in the Formal Complaint does not constitute Title IX Sexual Harassment as defined in the 2020 Title IX Regulations, did not occur in an LMU educational program or activity or did not occur in the United States, then LMU is required under the 2020 Title IX Regulations to dismiss the Formal Complaint. Such a dismissal does not preclude pursuit of the allegations under LMU's Student Sexual and Interpersonal Misconduct Policy or LMU's [Student Conduct Code](#) where the complaint is made by a

Student against a Student, nor does it preclude pursuit of the allegations under the University's [Student Sexual and Interpersonal Misconduct Policy](#) or [Discriminatory Harassment, Retaliation, and Sexual and Interpersonal Misconduct Complaint Process](#) policy in non-Student-on-Student reports.

Additionally, LMU 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 LMU; or
- c. LMU 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, LMU 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 five 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.

### **Title IX Investigation of a Formal Complaint**

Once a Formal Complaint is filed, LMU will conduct an investigation of the allegations.

During the investigation, DPS will schedule and conduct interviews with the Complainant, Respondent and any fact or expert Witnesses. In order to ensure the Title IX Policy conduct process is conducted in a reasonably prompt time frame (120 days), it is essential that all participants respond to interview request(s). While the University will make every effort to conclude the Title IX Policy conduct process within a reasonably prompt time frame, there may be instances beyond the control of the University that may cause temporary delays or limited extensions of time frames, including but not limited to, the absence of a Complainant, Respondent, an Advisor or a Witness, concurrent law enforcement activity, the need for language assistance or accommodation of a disability. Should such a delay arise, the Complainant and Respondent will receive written notice regarding the delay or extension and the reasons for the action.

Interview requests will be submitted in writing to the Complainant and Respondent and will give sufficient time for the Complainant and Respondent to prepare to participate. The Complainant and Respondent are able to be accompanied to any related meeting or proceeding by their Advisor. 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 Respondent and their Advisors will be provided an opportunity to inspect and review the evidence obtained as part of the investigation.

The Complainant and Respondent will have 10 Days to submit a written response to the evidence, which the Investigator will consider prior to completion of an investigation report.

Upon expiration of the 10 Days, the investigator(s) will create an investigation report summarizing all relevant evidence and, at least 10 Days prior to a hearing, make the investigation report available to both the Complainant and Respondent and their Advisors, for their review and written response.

All evidence subject to inspection and review by the Complainant and Respondent will be made available during the Title IX Policy 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.

### **Title IX Procedural Protections**

Complainants and Respondents in a Title IX Policy case are accorded the following procedural protections:

1. Complaints will be promptly investigated and adjudicated following the procedures herein outlined;
2. Written or electronic notice of alleged facts underlying the misconduct charge(s) and the location of the Title IX Policy;
3. 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 OSCCR the identity of their Advisor prior to scheduling the Title IX Policy hearing. If a Complainant or Respondent does not have an Advisor, LMU will appoint an Advisor to serve with the Student and perform cross-examination during the Title IX Policy hearing on the Student's behalf. The Advisor's role is to support Students during the investigation and Title IX Policy conduct process. Advisors may not represent the Student during any meeting or hearing during the investigation or Title IX Policy

conduct process, outside of the Advisor's role in cross-examination. All communication outside of the cross-examination role involving Advisors must be between the Advisor and the Student. An Advisor may not appear in lieu of the Student;

4. The Respondent and Complainant shall be provided access to the final investigation report prepared 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). Students shall not be permitted to share investigation reports beyond specific access granted by OSCCR;
5. An opportunity to attend a scheduled hearing preparation meeting with an OSCCR administrator separately for both parties at which:
  - a. The Respondent and the Complainant may ask the OSCCR administrator questions regarding the conduct process;
  - b. The OSCCR administrator shall explain the cross-examination processes and procedures and Student rights and make available the Title IX Policy. The OSCCR administrator shall also explain the private nature of the conduct process (except for when required by law or 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.
6. The Respondent's Advisor, 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 Administrators on the Hearing Panel will review each question after it has been asked and may disallow a question asked by the Respondent's Advisor if the question is redundant to a question asked by the Respondent or Hearing Panel or if the Respondent's Advisor is unable to provide sufficient rationale for the relevance of the question.

The Complainant's Advisor, 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 Administrators on the Hearing Panel will review each question after it has been asked, and may disallow a question asked by the Complainant's Advisor if the question is redundant to a question asked by

the Complainant or Hearing Panel or if the Complainant's Advisor is unable to provide sufficient rationale for the relevance of the question;

7. 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;
8. If a further hearing is necessary, a supplemental proceeding will be scheduled;
9. When determining the outcome of a case, Conduct Administrators will not make credibility determinations solely based on a Student's status as a Complainant, Respondent or Witness;
10. A Student's conduct history will be considered when assigning sanctions for subsequent violations. Increased sanctions may therefore be assigned based on previous violations of all types, including violations of the Student Conduct Code, Title IX Policy and the Student Sexual and Interpersonal Misconduct Policy, not just those of a similar type;
11. Unless required by law, privacy laws prevent notification or disclosure to Student Complainants about the prior conduct history, if any, of the Respondent;
12. For compliance with Clery Act record retention requirements, all official conduct-related records will be retained for a minimum of seven years.

### **Title IX Hearing Process**

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

1. The Conduct Administrators on the Hearing Panel may request DPS interview fact or expert Witnesses;
2. LMU reserves the right to copy the Respondent's and the Complainant's Advisors on communication regarding scheduling of hearing preparation meetings, review of reports and scheduling of the hearing;
3. A Title IX hearing with cross-examination (conducted via videoconferencing) during which the Hearing Panel shall specify the nature of the alleged misconduct and provide the Respondent and Complainant the opportunity to again review the information and evidence gathered by the University that makes up the basis for the charge(s). Respondents and Complainants 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. The University reserves the right to postpone the hearing if new information is presented that had not been made previously available to all parties, and a supplemental hearing will be scheduled.

The Title IX 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;

4. 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. Respondents and
5. Complainants are expected to be visible to the Conduct Administrators and each other throughout the hearing (with the exception of requested breaks). The recording of the hearing will be part of the conduct file and may be accessible to the Respondent and Complainant by contacting OSCCR. Recordings are the official record of the hearing. Transcripts are not prepared;
6. Prior to the hearing, the Respondent or Complainant may challenge a Hearing Panel member on the grounds of conflict of interest. Any such challenge must be made in writing to the Dean of Students, or designee, not less than two 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, a new Conduct Administrator will be assigned, which may not impact the date and time of any scheduled hearing;
7. The Conduct Administrators on 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 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 LMU;

8. All participants in a Title IX hearing shall be required to affirm that their testimony is truthful and may be subject to charges of providing false information pursuant to Section III(J) of the Student Conduct Code. If a Respondent, Complainant or Witness refuses to participate in the Title IX hearing, their prior or subsequent statements to DPS will not be utilized or relied upon by the Hearing Panel in coming to a decision;
9. The decision of the Conduct Administrators on the Hearing Panel shall include an identification of the initial allegations, a brief description of the procedural steps followed by LMU 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 pursuant to the appeal procedures (Section XIII) and will be sent to both the Respondent and the Complainant. The decision will not be sent to either the Respondent's Advisor or Complainant's Advisor;
10. Except as provided herein, formal rules of evidence and discovery shall not be applicable in proceedings conducted pursuant to this Policy. 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 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 be excluded, may not be considered in the decision-making process or may be afforded less weight than other evidence presented;
11. Statements (written or provided to DPS verbally) will not be admitted for any purpose unless the Witness appears at the hearing and is subject to cross-examination;
12. Sanctions shall be levied if it is determined that the Respondent is responsible for the violation(s) by a Preponderance of the Evidence. If not, the charge(s) will be dismissed. Final decisions may be reviewed by the Senior Vice President for Student Affairs, or designee. The reviewing administrator may reduce, defer or suspend the decision and sanction, or impose conditions with any change, deferral or suspension.

## Privacy

LMU will keep confidential the identity of any individual who has made a Report or complaint of sex discrimination, including any individual who has made a Report or filed a Formal Complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent and any Witness, except as may be permitted by federal law.

## **XI. Sanctions**

Violations of the provisions of Section VIII (Prohibited Conduct) of this Policy will result in the imposition of sanctions in service of the mission of this Policy. Factors to be considered in the determination of sanctions include, but are not limited to, the nature and severity of the violation, the present demeanor, remorse and past disciplinary record of the Respondent, including the willingness to accept responsibility for their behavior, the nature of the offense and the severity of any damage, injury or harm resulting from it, as well as the ability to potentially repair that harm and any and all health and safety considerations of the University Community and/or those involved. Following is a description of potential sanctions for violations of the Title IX Policy.

### Conduct Probation

The Student is no longer in “good conduct standing” with the University for duration of probation. The Student is given written notice that further infractions of the Title IX Policy, the Student Conduct Code or University policies may result in further, increased sanctions. The Student may also be restricted from eligibility for or participation in present and future Student and University activities, including, but not limited to, co-curricular and organizational activities, ASLMU positions and activities, Resident Advisor positions, Study Abroad programs, orientation leadership positions and other Student leadership positions.

### Dismissal from the University

Permanent separation of the Student from the University. Permanent notification may appear on the Student’s University transcript. The Student will also be banned from campus and University premises. The sanction of dismissal requires the review and approval by the Senior Vice President for Student Affairs, who may alter, defer or suspend this recommended sanction. Any alteration, deferral or suspension of this sanction may be subject to specified conditions. Notification of dismissal may be sent to the appropriate University offices and officials.

### Educational Programs

The Student is assigned to attend educational programming either in person or online to increase awareness of the effects and issues related to their behaviors.

### **Housing Probation**

The Student is given written notice that any further infractions of the Title IX Policy, the Student Conduct Code, University policies or Housing policies may result in removal from University housing and/or determination that the Student be ineligible for or restricted from present and future housing opportunities. The Student is required to meet with their Resident Director or Housing designee within two weeks of being placed on housing probation.

### **Ineligibility for Participation in Graduation Ceremonies**

Prohibition from participation in graduation ceremonies.

### **Meetings**

Meetings with a University staff or faculty member may be assigned as an educational sanction to provide the Student with an opportunity to discuss strategies to prevent future violations. Students may be asked to meet with an individual more than once.

### **No Contact Orders**

The Student is given written notice not to have verbal, written or electronic contact with another LMU community member for a specified period of time, which may include their remaining tenure at the University. This order includes all interpersonal communication, including, but not limited to, social interaction, telephone correspondence, email, text message and/or social networking website.

### **Policy Reminder**

The Student is given a written reminder that future misconduct may result in more severe disciplinary action.

### **Removal from or Relocation within University Housing**

Students may be removed from University housing facilities or a particular University housing facility, be relocated to another University housing facility or have their University housing license agreement terminated. If removed, a Student may be prohibited from entering University housing facilities and may be ineligible for future University housing.

### **Restriction from Campus, University Premises, Facilities or Events**

Excluding a Student from campus, University premises, University facilities or events means that the Student is not allowed to be on the campus, University premises, at University facilities or in attendance at an event for or during specific time periods. Restrictions may include authorizing access to limited University premises or facilities for specific purposes (e.g. to attend class) or being required to fulfill academic requirements via online educational tools.

## **Suspension from the University**

Separation of the Student from the University for a stated period with an opportunity for reinstatement consideration. Permanent notification of the suspension may appear on the Student's University transcript. While suspended, the Student is ineligible for and shall not participate in any University-approved Activities and may be excluded from campus and University premises. Suspended time will not count against any time limits of graduate schools or programs for completion of a graduate degree. The sanction of suspension requires the review and approval of the Senior Vice President for Student Affairs, who may alter, defer or suspend this recommended sanction. Any alteration, deferral or suspension of this sanction may be subject to specified conditions. Notification of suspension may be sent to the appropriate University offices and officials.

## **Other Sanctions**

The University and its Conduct Administrators and Hearing Panels retain the right to impose additional and/or different sanctions according to the specific circumstances and needs of a situation.

## **XII. Title IX Informal Resolution Process**

### **Overview**

The University recognizes that it is important to take into account the needs of Students, some of whom may not wish to proceed through the conduct process. The University may, in appropriate circumstances, offer Complainants and Respondents the option of proceeding through an informal resolution process. The 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. In cases where the University offers the option of informal resolution, if the parties agree to participate in the informal resolution process, the University will postpone initiation of the conduct process.

### **When Informal Resolution May be Used**

1. The University, at its sole discretion, may offer the informal resolution process in lieu of the conduct process.
2. OSCCR, in consultation with the Title IX Coordinator, or designee, will determine whether the informal resolution process is appropriate on a case-by-case basis. The University reserves the right to discontinue the informal resolution process at any time prior to the signing of the informal resolution agreement.

### **XIII. Informal Resolution Process - Procedures**

1. Either party may request to proceed with the informal resolution process at any point in the investigation process, prior to the start of a hearing. The appropriateness of informal resolution will be determined by the University prior to the commencement of informal resolution procedures.
2. If the University determines that it is appropriate to offer informal resolution regarding the complaint, the Title IX Coordinator, or designee, will explain the informal resolution process to the Complainant, inform the Complainant that participation is voluntary, and ask if the Complainant wants to engage in the informal resolution process in lieu of the conduct process.
3. If the Complainant signs the Formal Complaint, opting for informal resolution, the University will inform the Respondent of the allegation, a summary of the information gathered and the request of informal resolution by the Complainant. The University will explain the requirements of the informal resolution process to the Respondent including, but not limited to, potential consequences that may result from participating in the process. The Respondent will be informed that participation in the informal resolution process is voluntary.
4. The Respondent will need to agree in writing to participate in the informal resolution process.
5. Prior to the resolution of the informal resolution process, the Complainant and/or Respondent may request the informal resolution process end and the complaint proceed through the conduct process.
6. The informal resolution process will be facilitated by a trained facilitator.
7. Individuals who wish to participate in an informal resolution process must successfully complete preparatory meetings with the facilitator. Individuals may be accompanied by a support person at any meetings related to the informal resolution process.
8. Informal resolution may include one or more of the following restorative approaches:
  - d. **Restorative Conference:** A facilitated interaction where individuals who have experienced harm can come together with an individual(s) who assumes responsibility for repairing harm, with the goal of creating a plan or agreement to repair the harm (to the extent possible). With both parties' agreement, a restorative conference can include multiple

members of the community to explore individual and community impact, harm, obligations and opportunities for repairing them;

- e. **Restorative Shuttle Agreement/Impact Statement:** An indirect, facilitated conversation individually with the Complainant, the Respondent and/or other participants to discuss experience and perspective and explore interests while working towards meeting expressed needs. This process does not require direct interaction between the parties or the parties and other participants, but rather, independently, with a facilitator to create an agreement to repair harm.
9. After consultation and intake with the trained facilitator, the Complainant and the Respondent must voluntarily agree on the process(es) that best meet(s) the interests and needs of the parties.
10. If the informal resolution process is not accepted or fully completed by all parties, then the matter may be referred back to OSCCR, and the conduct process may be initiated.

#### **XIV. Informal Resolution Process Agreements**

1. A mutual voluntary resolution agreement may include requirements that the Respondent complete various responsive actions and/or may include stipulations that the Complainant and Respondent each agree to. The trained facilitator will explain to the Complainant and Respondent the types of responsive actions and stipulations that are available and appropriate on a case-by-case basis.
2. Typically, an agreement also includes agreed upon consequences when obligations under the agreement are not fulfilled, which may include being charged with a violation of the Student Conduct Code for failure to comply with University officials or other applicable University policies.
3. Any agreement reached in the informal resolution process will be reviewed by the Title IX Coordinator, or designee.
4. As part of the successful completion of the informal resolution process, which may include completion of agreement items, the Respondent will not be charged with a violation of the Title IX Policy.
5. Once an agreement is signed, the Formal Complaint is considered resolved and cannot be referred back to the conduct process.

## **XV. Information obtained during Informal Resolution Process**

1. Information shared or obtained during the informal resolution process will be treated as private to the extent permitted by law and will not result in subsequent disciplinary actions by the University.
2. Should the process revert to the conduct process, information obtained through the informal resolution process may not be utilized in the conduct process.
3. To fairly assess pattern or systemic behavior, the Title IX Coordinator may maintain records of all reports and conduct referred for informal resolution.

## **XVI. Title IX Appeal Procedures**

1. Decisions by the Hearing Panel or, in some instances, conduct sanctions levied may be appealed by the Respondent or the Complainant to the Student Conduct Appeal Committee. Appeals to the Student Conduct Appeal Committee are limited to one or more of the following grounds:
  - a. The sanction is inappropriate;
  - b. The procedures provided for in the Code were not materially followed resulting in significant prejudice to the Appellant that effectively denied Appellant a fair hearing;
  - c. New relevant evidence is available, which in the exercise of reasonable diligence could not have been produced at the time of the hearing;
  - d. The decision is not supported by substantial evidence; or
  - e. The Title IX Coordinator, Investigator(s) or Conduct Administrator(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent specifically that affected the outcome of the matter. **B.** All petitions for appeals shall be submitted to:

The Student Conduct Appeal Committee  
c/o The Office of Student Conduct & Community Responsibility  
Malone Student Center 401  
[OSCCR@lmu.edu](mailto:OSCCR@lmu.edu)

2. Appeal petitions must be submitted by the Respondent or Complainant via written statement and received by the Student Conduct Appeal Committee c/o OSCCR within five Days from the date of the imposition of the original decision. Appeal petitions may not be submitted by Advisors or third parties on behalf of the involved Student party. Failure to file the appeal petition within the 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.

3. 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 Student Conduct

Appeal Committee shall be convened. The non-appealing party (either Complainant or Respondent) will receive access to the submitted appeal petition, and be afforded the opportunity to submit a timely written statement in either support of, or opposition to the extant appeal.

4. The Student Conduct Appeal Committee will review the DPS investigation report or documentation of alleged behavior, the video and audio recording of the 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.
5. 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 of or opposition to the extant appeal petition. Both parties will be notified of the results of the appeal.
6. A quorum for the Student Conduct Appeal Committee shall be a minimum of three members with a minimum of one Student and one faculty member.
7. Concurrent with the filing of an appeal petition, Complainants or Respondents may challenge a member of the Student Conduct Appeal Committee on the grounds of a conflict of interest. All disqualification challenges of Student Conduct Appeal Committee members shall be determined by the Senior 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, which may or may not impact the date and time of any scheduled meeting.
8. The Student Conduct Appeal Committee may, but is not required to, request that the Hearing Panel or the involved Student parties 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 Student Conduct Appeal Committee.

9. So long as supported by the evidentiary record, the Student Conduct Appeal Committee shall give deference to the determinations of the Hearing Panel. The Student Conduct Appeal Committee shall not alter the underlying decision of the Hearing Panel if supported by substantial evidence and reasonable inferences arising therefrom. In instances in which the Student Conduct Appeal Committee finds merit in the ground(s) of appeal submitted by the Respondent or Complainant, the Committee may recommend to the Senior Vice President of Student Affairs, or designee one of the following:
  - a. The case be referred back to the Hearing Panel who made the original decision for reconsideration of the appropriateness of the sanctions assigned;
  - b. The case be referred back to the Senior Vice President for Student Affairs, or designee, for reassignment to a new Hearing Panel if specified procedural errors in interpretation of the Title IX Policy resulted in significant prejudice to the Appellant that effectively denied the Appellant a fair hearing;
  - c. The case be referred back to the Hearing Panel who made the original decision to consider new, significant relevant evidence, which in the exercise of reasonable diligence could not have been produced at the time of the hearing;
  - d. The determination should be reversed, if the decision is not supported by substantial evidence;
  - e. The case be referred back in a manner designed to cure a finding by the Appeal Committee that the Title IX Coordinator, Title IX Investigator(s) or Hearing Panelist(s) had a conflict or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that specifically affected the outcome of the matter.
10. Except as provided herein, formal rules of evidence and discovery shall not be applicable in appeal proceedings conducted pursuant to the Title IX Policy. The Student Conduct Appeal Committee shall give effect to the recognized rules of privacy (including FERPA) and privilege but shall otherwise admit matters into evidence that reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

11. The Student Conduct Appeal Committee may take presumptive notice of matters that would be of general knowledge to other University Students.
12. The Student Conduct Appeal Committee shall be provided copies of the Student's conduct record when reference to the Student's conduct history is included in the decision made by the Hearing Panel.
13. Unless otherwise determined by the Senior Vice President for Student Affairs, or designee, the imposition of sanctions will be deferred during the appeal process.
14. Procedural, evidentiary and final recommendations of the Student Conduct Appeal
15. 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 Student Conduct Appeal Committee proceedings shall be determined by the Committee's presiding chair in accordance with the Policy.

## **XVII. Exceptional Procedures**

1. Final decisions of the Hearing Panel recommending a suspension or dismissal from the University shall be reviewed and approved by the Senior Vice President for Student Affairs.
2. Students may be relocated or removed from University Housing facilities on an interim or temporary basis.
3. A conduct hold may be placed on a Student's file/account and a notation may be entered on the Student's University transcript when the Student has been dismissed or suspended from the University or has officially or unofficially withdrawn, taken a leave of absence or has been academically disqualified while Title IX Policy proceedings are pending. In addition, when the Student has incomplete sanctions or open conduct cases and leaves the University for any reason, including, but not limited to, leave of absence, withdrawal or academic disqualification, a conduct hold may be placed on the Student's file/account and the Student may also be prohibited from entering campus or University premises during the period of the conduct hold. This conduct hold must be cleared before a Student will be allowed to return to the University.
4. A notation may be entered on the Respondent's University transcript at the discretion of the University if the Student is found responsible for Title IX Sexual Harassment.

5. Prior to graduation, Students charged with an alleged Title IX Policy violation in which the charges have not yet been adjudicated, may in the University's discretion be prohibited from participating in graduation ceremonies until the Title IX Policy proceedings have been adjudicated and, if found responsible, sanctions completed.

## **XVIII. Retaliation**

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 Title IX Sexual Harassment.

The University will respond to accusations of Retaliation against the Complainant, Respondent or Witnesses because of their participation in the investigation or adjudication of a report of Title IX Sexual Harassment. 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 LMU Discriminatory Harassment, Retaliation, and Sexual and Interpersonal Misconduct Complaint Process policy.

Any Student who believes that they have been retaliated against by a Student for filing or being named in a complaint for Title IX Sexual Harassment or for having participated in the investigation of such a complaint, should promptly notify DPS at 310.338.2893 or [public.safety@lmu.edu](mailto:public.safety@lmu.edu). 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 310.568.6105 or [Sara.Trivedi@lmu.edu](mailto:Sara.Trivedi@lmu.edu).

## **XIX. Conduct Files and Records**

1. Case referrals may result in the development of a conduct file in the name of the Respondent that may be expunged if the Respondent is found not responsible for the charges.
2. The files of Respondents found responsible for any of the charges against them will be retained as a conduct record for a minimum of seven years from the date of the letter providing notice of the final conduct action, unless these files are expunged per section C, below.
3. Conduct records may be expunged and any records or notations related thereto purged by the Dean of Students for good cause following consideration of a

written petition of Respondent. Among the factors considered by the Dean of Students in review of such petitions shall be:

- a. The nature of the charge;
- b. The period of time that has elapsed since the violation;
- c. The present demonstrated demeanor and remorse of the Respondent;
- d. The demonstrated conduct of the Respondent subsequent to the violation; and/or
- e. The nature of the violation and the severity of any damage, injury or harm resulting from it.

Decisions on petitions under this subsection are at the discretion of the Dean of Students.

4. When a Student signs a release offered by internal (Study Abroad, University offices, etc.) or when a Student or former Student signs a release offered by external (graduate schools, prospective employers, etc.) entities, this release allows the University to release Student disciplinary information to these parties. Upon receipt of a request from an internal or external entity, and with appropriate signed release by the subject Student or former Student, the University reserves the right to report only those records in which violations resulted in a sanction of probation, suspension or dismissal from the University.

## STUDENT SEXUAL AND INTERPERSONAL MISCONDUCT (SIM) POLICY

### I. Introduction

Loyola Marymount University (“LMU”) recognizes the significant, unacceptable and nationwide existence of sexual and interpersonal misconduct on college campuses. LMU is dedicated to the prevention of such misconduct and to providing a caring, supportive and effective response when such misconduct occurs. Accordingly, LMU encourages Students and University Community members to report instances of sexual and interpersonal misconduct so that the University can take appropriate responsive action.

Title IX of the Education Amendments of 1972 (“Title IX”) is a federal civil rights law that prohibits discrimination on the basis of sex in education programs or activities, including conduct it defines as Title IX Sexual Harassment. Conduct that falls under Title IX must involve LMU staff or faculty conditioning aid, benefit or service on another person’s participation in unwelcome sexual conduct, Sexual Assault, Dating Violence, Domestic Violence, Stalking or conduct that is so severe, pervasive and objectively offensive that it effectively denies equal access to LMU’s education programs or activities. Conduct that falls under Title IX must also occur in the United States, on campus or a campus controlled premises or at a campus sponsored event. For more information regarding Title IX, and the LMU policy regarding Title IX Sexual Harassment, please see the [Student Title IX Sexual Harassment Policy](#).

The Student Sexual and Interpersonal Misconduct Policy (“SIM Policy” or “the Policy”) prohibits and addresses Sexual Misconduct that falls outside Title IX. The SIM Policy includes all forms of

Sexual Misconduct not prohibited by Title IX including Sexual Assault, Sexual Battery and Sexual Exploitation and other interpersonal misconduct such as Dating Violence, Domestic Violence and Stalking.

The Division of Student Affairs has established this SIM Policy to respond to non-Title IX complaints of sexual and interpersonal misconduct in a way that upholds the mission of the Office of Student Conduct & Community Responsibility (OSCCR), which seeks to maintain the University’s academic and social environment by upholding community standards and educating students about them.

1. LMU strongly 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 the Complainant the availability of Supportive Measures, regardless of whether the Complainant agrees to be interviewed by the Department of Public Safety (DPS) or participates in the conduct process.

If you believe you have experienced sexual or interpersonal misconduct, you are encouraged to file a report with DPS either in person (Foley Annex), by phone (310.338.2893) or through its [EReport](#) Form, or by contacting LMU's Title IX Coordinator:

- a. By phone: 310.568.6105;
- b. By e-mail: [titleix@lmu.edu](mailto:titleix@lmu.edu);
- c. By mail: One LMU Drive, Suite 1900, Los Angeles, CA, 90045; or
- d. In person: University Hall 1900.

Reports may be made at any time to DPS, or to the Title IX Coordinator, including during nonbusiness hours, by using the telephone number or e-mail address, or by mail to the office address above.

Students who are unsure whether what they experienced, witnessed or what has been reported to them constitutes sexual or interpersonal misconduct should contact DPS and report the incident. DPS will take appropriate responsive action based on the information provided.

DPS will promptly notify the Title IX Coordinator, or designee, when it receives a report of potential sexual or interpersonal misconduct. Once the Title IX Coordinator, or designee, either receives the report or is notified by DPS, the Title IX Coordinator, or designee, will contact the Complainant to explain the availability of Supportive Measures and the options available, including pursuing the conduct process outlined in this policy or engaging in informal resolution, if appropriate.

If a Complainant elects not to participate in a University investigation the Complainant will retain the right to revisit participation in an investigation at a later date.

2. It is a violation of the Student Conduct Code to file a false complaint against anyone for the purpose of injuring the reputation of or harassing another. Any person found to have filed a false complaint against another in bad faith or for the purpose of injuring the reputation of or harassing another will be subject to appropriate discipline. This proscription is in no way intended to discourage the filing of good faith complaints of sexual or interpersonal misconduct, even if those complaints do not result in a finding of misconduct or sanction under University policies.

3. Allegations of sexual or interpersonal misconduct that are not covered under the Student Title IX Policy will be initiated and adjudicated under the relevant provisions of this policy. Some instances of alleged sexual and interpersonal misconduct may be eligible to be addressed by an informal resolution process (Section XII) if both parties provide written authorization of their willingness to participate in such a process. Eligibility of an allegation to be addressed through an informal resolution process will be determined by OSCCR in compliance with California state law and in consultation with the Title IX Coordinator, or designee.

## II. General Guidelines

### Definitions

As used in the SIM Policy, the following terms shall have the following meanings (all terms defined below shall be capitalized throughout the SIM Policy).

1. **“Advisor”** means anyone selected by a Student to appear with the Student at scheduled conduct proceedings, regardless of affiliation with LMU.
2. **“Complainant”** means a Student(s) or an individual not affiliated with the University if, at the University's sole discretion, the conduct reported adversely affects the University, Students, the University reputation or goodwill and/or the pursuit of the University's mission, goals and objectives, who is alleged to have been subjected to conduct that could constitute sexual or interpersonal misconduct.
3. **“Complaint”** means an oral or written request to the University that objectively can be understood as a request for the University to investigate and make a determination about alleged sexual or interpersonal misconduct.
4. **“Consent”** means 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 they have 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.

Consent does not have to be verbal. Likewise, 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.

- a. Consent is not freely given if:
  - i. 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
  - ii. 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:
    - (f). 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
    - (g). The individual is unable to consciously respond for whatever reason including lack of consciousness, sleep, illness or shock; or
    - (h). The individual is under the age of 18 and therefore legally incapable of giving Consent; or
    - (i). The individual is known by reason of impairment, mental condition or developmental or physical disability to be reasonably unable to Consent.
  - iii. The individual has acted or spoken in a manner that expresses a lack of Consent or a refusal to Consent.
- b. The following are invalid excuses for failing to obtain affirmative Consent from the Complainant:
  - i. The Respondent's belief in affirmative Consent arose from the intoxication or recklessness of the Respondent; or
  - ii. The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

5. **“Dating Violence”** means violence committed by a person:

- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - i. The length of the relationship;
  - ii. The type of relationship;



- iii. The frequency of interaction between the persons involved in the relationship.

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

- 6. **“Day”** means a University business Day. It shall not include Saturdays, Sundays or administrative holidays.
- 7. **“Domestic Violence”** means certain crimes defined under the family or Domestic Violence laws of California committed by a person who:
  - a. is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of California, or person similarly situated to a spouse of the victim;
  - b. is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
  - c. shares a child in common with the victim; or
  - d. commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of California.
- 8. **“Institution”** and **“University”** mean Loyola Marymount University but does not include Loyola Law School.
- 9. **“Preponderance of the Evidence”** means a standard of proof utilizing evidence as when weighed with that opposed to it has more convincing force and the greater probability of truth (what is most likely to have occurred based on the facts in evidence).
- 10. **“Respondent”** means an individual who is alleged to have violated LMU’s prohibition on sexual or interpersonal misconduct.
- 11. **“Retaliation”** means adverse, non-permitted action taken by the University or an employee authorized by the University, a Student, 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 or refuses to participate in any manner in an investigation or resolution of a report of a violation of this policy. Retaliation may, among other nonpermitted conduct or behaviors, include threats, intimidation, coercion, harassment, spreading defamatory information about an individual, exclusions from academic and non-academic programs and/or adverse actions related to employment or academics.

12. **“Sexual Assault”** means 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, vaginal/anal intercourse, Sexual Battery (including, but not limited to, masturbation), 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.
13. **“Sexual Battery”** means the intentional touching of another person’s intimate parts without Consent, intentionally causing a person to touch the intimate parts of another without Consent, or using a person’s own intimate part to intentionally touch another person’s body without Consent.
14. **“Sexual Exploitation”** means taking unjust or abusive sexual advantage of another for their benefit or for the benefit of anyone other than the exploited party without that person’s Consent. Example of Sexual Exploitation include, but are not limited to, invasion of sexual privacy, audio or visual 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.
15. **“Sexual Misconduct”** means unwelcome conduct of a sexual nature including, but not limited to, unwelcome sexual advances, unsolicited requests for sexual favors or Sexual Battery without that person’s Consent, including as a result of sexual coercion, and other verbal, visual or physical conduct where:
- a. Submission to the conduct is explicitly or implicitly made a term or a condition of employment, academic status or progress; or
  - b. Submission to, or rejection of, the conduct is used as the basis of employment or academic decisions affecting the person or as the basis for any decision affecting the benefits and services, honors, programs or activities available at or through the educational institution; or
  - c. The conduct has the purpose or effect of having a negative impact upon the person’s work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment.
16. **“Stalking”** means engaging in a course of conduct directed at a specific person(s) that would cause a reasonable person to:
- a. fear for the person’s safety or the safety of others; or

- b. 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.

- 17. **“Student”** means a person who has been admitted, is currently enrolled or eligible and matriculating in any University program or class during the fall or spring semesters, recess period between semesters or summer period, on or off University campus, and includes all persons taking courses at the University, full-time or part-time, pursuing undergraduate, graduate or professional studies or that are non-degree status. However, the term “Student” does not include Loyola Law School Students. Student includes one who has been enrolled at the University for the immediately preceding fall, spring or summer term and/or is eligible for continuing enrollment or graduation.
- 18. **“Supportive Measures”** means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons and without fee or charge to the Complainant or Respondent to:
  - a. restore or preserve that party’s access to LMU’s Education Program or Activity, including measures that are designed to protect the safety of the parties or LMU’s educational environment; or
  - b. provide support during LMU’s conduct process or during an informal resolution process.
- 19. **“Title IX Sexual Harassment”** means unwelcome conduct by an employee conditioning the provision of an LMU 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 LMU education program or activity, or “Sexual Assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “Dating Violence” as defined in 34 U.S.C. 12291(a)(10),

“Domestic Violence” as defined in 34 U.S.C. 12291(a)(8), or “Stalking” as defined in 34 U.S.C. 12291(a)(30). Title IX Sexual Harassment must occur in an LMU Education Program or Activity against a person in the United States.

- 20. **“University Community”** means Students, staff, faculty, administration and religious community members of the University, but not their counterparts at Loyola Law School.
- 21. **“University-approved Activity”** means any activity on or off campus that is initiated, authorized or supervised by the University or a registered student organization.
- 22. **“Weapon”** means any object or substance designed or utilized to inflict a wound, cause injury or a nuisance or incapacitate including, but not limited to, all firearms, ammunition, chuka sticks, explosives, laser pointers, pellet guns, knives, projectile launchers and chemicals, such as mace or tear gas. This definition also includes decorative, replica and look-alike Weapons that are not functional, but reasonably appear to others to be real Weapons.
- 23. **“Witness”** means any person, excluding experts, who is not a Complainant or Respondent called upon to furnish relevant knowledge or information relating to an incident.
- 24. The terms **“will”** or **“shall”** are used in the imperative sense. The term **“may”** is used in the permissive sense.

### III. Jurisdiction of the University

Jurisdiction extends to conduct that occurs on University Premises, in Study Abroad programs and/or at off campus University events, programs or activities. Jurisdiction also extends to other off-campus misconduct that adversely affects the University, Students, the University reputation or goodwill and/or the pursuit of the University’s mission, goals and objectives.

#### Inherent Authority

The University reserves the right to take necessary and appropriate action to protect the health, safety and well-being of the University, including its reputation and good will, and the University Community. This includes, but is not limited to, incidents off campus that may adversely affect the health, safety, well-being, reputation or good will of the University, University Community, University Community members and/or the pursuit of the University’s mission, goals or objectives.

## **Focus of the Proceedings**

The primary focus of the inquiry in all Student sexual and interpersonal misconduct proceedings shall be to determine if the subject Student is responsible for the alleged violation of the SIM Policy and, if the Student is found to be responsible for a violation, to provide the appropriate remedy. The University shall make every effort to investigate and adjudicate these matters in a reasonably prompt time frame, usually within 120 Days, assuming timely cooperation of all participants.

In keeping with the mission of OSCCR and the purpose of the Policy, SIM Policy proceedings are not intended to materially emulate judicial processes or proceedings in the criminal justice system. This is because SIM Policy proceedings are intended to be educational, less formal, less adversarial and less complex than criminal justice processes and procedures, while still seeking the truth in a fundamentally fair manner. Formal rules of evidence shall not be applicable nor shall deviations from prescribed procedures necessarily invalidate a SIM Policy decision or proceeding. SIM Policy proceedings shall be prompt, fair and impartial and adjudicated by Conduct Administrators that have received regular training regarding incidents of this nature.

## **Consolidating Complaints**

The University reserves the right to consolidate complaints of sexual or interpersonal misconduct against more than one student Respondent, or by more than one Complainant against one or more Student Respondents or by one Complainant against one Respondent, when the allegations arise out of the same facts or circumstances.

If allegations include potential violations of the Student Conduct Code, as well as potential violations of the SIM Policy, the procedures outlined in this Policy will be utilized for any conduct process initiated.

## **Violations of Law and the SIM Policy**

Students may be subject to criminal, civil and University proceedings for acts that constitute violations of federal, state or local law and of the SIM Policy. Because of the need to efficiently, effectively and promptly protect the academic environment, University life and operations, SIM Policy proceedings are independent and will normally proceed without regard to the pendency or potential pendency of criminal or civil proceedings.

Students subject to potential or actual criminal charges relating to conduct alleged in pending SIM Policy proceedings may assert their Fifth Amendment privilege against self-incrimination during SIM Policy proceedings. No inference of responsibility for SIM Policy violations will be drawn because of an assertion of the Fifth Amendment

privilege. The Conduct Administrator(s) will otherwise evaluate all available information, testimony and evidence in making their determination.

### **Burden of Proof**

In cases alleging sexual or interpersonal misconduct, the burden of proof is on the University.

Determinations under this policy will be made utilizing the Preponderance of Evidence standard. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation(s) of misconduct.

### **Limitations Period**

Reports under this policy must be brought in the period of time during which the Respondent is a Student and subject to the SIM Policy. The University reserves the right to take disciplinary action regarding allegations involving current LMU Students irrespective of the length of time since the alleged misconduct occurred.

### **Time Frame for SIM Policy Investigation and Conduct Process**

Alleged incidents of sexual or interpersonal misconduct will be investigated and adjudicated in a timely manner. This timeframe takes into account the time necessary for the investigator(s) to schedule and conduct the relevant and necessary interviews, so as to put together a comprehensive investigative report that includes all relevant evidence; to schedule and conduct the hearing preparation meeting if necessary; to schedule and conduct the hearing and any additional meetings; to write the final decision letters and complete the appeal process, if applicable. In normal circumstances, assuming timely cooperation from the parties and witnesses, staff will use their best efforts to complete the process within 120 Days.

While the University strives to complete the investigation, adjudication and appeals process within 120 Days, there may be instances beyond the control of the University where a good cause delay extends the University's timeline. Good cause delays include, but are not limited to, absence of a party, a party's Advisor or a Witness, concurrent law enforcement activity, the need for language assistance or accommodation of disabilities, examinations or school closures. The University will communicate in writing to the Complainant, Respondent and relevant participants if a good cause delay occurs.

### **Communication**

OSCCR's primary method of communication will be through the Student's official University email account. OSCCR may also, at its discretion, communicate to Students via any one or more of the following methods: electronic communication,

U.S. Mail or parcel delivery (e.g. FedEx) to the Student's permanent address on file, and/or personal hand delivery. Students are held responsible and accountable for retrieving communications from their official University e-mail account on a daily basis. Failure to do so is not an acceptable excuse for avoiding or delaying the SIM Policy process.

### **Scheduling Student Hearings**

In scheduling hearings, hearing preparation meetings and other proceedings, OSCCR will reasonably attempt to avoid conflicts with class and academic schedules for those involved but may not be able to do so. Individuals involved in the SIM Policy processes are required to attend scheduled hearings notwithstanding class or academic conflicts. Failure to attend a hearing preparation meeting will not prevent the scheduling of a hearing.

### **Non-student Incidents**

This policy applies to incidents in which the Respondent is a Student. Sexual or interpersonal misconduct involving a Student and any non-student Respondent in the University Community is handled under the [Discriminatory Harassment, Retaliation and Sexual and Interpersonal Misconduct Complaint Process Policy](#).

### **Reporting Party**

Complainants of sexual or interpersonal misconduct are not required to be members of the LMU community; they may be third parties or others unaffiliated with the University so long as the conduct occurred on campus or campus-controlled premises or a University-approved Activity. If a Complainant chooses not to participate in the University conduct process, the University reserves the right to initiate the conduct process if, following review by OSCCR, sufficient evidence exists without the participation of the Complainant to present the case to the Conduct Administrators and obtain a determination of a violation by the alleged Respondent utilizing the Preponderance of the Evidence standard. If a Respondent is not a Student of the University at the time of the alleged misconduct, no SIM Policy conduct process will be commenced.

### **University as Complainant**

If a Complainant chooses not to participate in the University conduct process, the University reserves the right to initiate the conduct process if, following review by OSCCR, sufficient evidence exists without the participation of the Complainant to present the case to the Conduct Administrators and obtain a determination of a violation by the alleged Respondent utilizing the Preponderance of the Evidence standard. The University will consider the following when determining whether to initiate the conduct process without the Complainant's participation:

1. The Complainant's request not to proceed with the conduct process;
2. The Complainant's reasonable safety concerns regarding initiation of the conduct process;
3. The risk that additional acts of sexual or interpersonal misconduct would occur if the conduct process is not initiated;
4. The severity of the alleged sexual or interpersonal misconduct, including whether the behavior, if established, would require the removal of a Respondent from campus or imposition of another sanction to end the misconduct and prevent its recurrence;
5. The age and relationship of the parties involved, including whether the Respondent is an employee of LMU;
6. The scope of the alleged misconduct, including information suggesting a pattern, ongoing sexual or interpersonal misconduct or misconduct alleged to have impacted multiple individuals;
7. The availability of evidence to assist the Conduct Administrators in determining whether the alleged sexual or interpersonal misconduct occurred; and
8. Whether LMU could end the sexual or interpersonal misconduct and prevent its recurrence without initiating the conduct process.

If a Respondent is not a Student of the University at the time of the alleged misconduct, no SIM Policy conduct process will be commenced.

### **Prior Sexual History**

Prior sexual history of Complainant or Respondent with people outside of each other will not be considered in these SIM Policy proceedings, and as between each other except as provided by law, including as set forth in the [California Education Code section 66281.8b\(4\)\(A\)\(vi\)](#).

### **No Contact Orders**

No Contact Orders (NCO) may be utilized by DPS both during the investigation and through the completion of the conduct or informal resolution processes. An NCO may be extended beyond the completion of the conduct or informal resolution processes. Failure or refusal to sign an NCO by either party does not impact the enforcement of the NCO.



## Supportive Measures

In cases alleging sexual or interpersonal misconduct, the Dean of Students, or designee, may institute Supportive Measures at the request of the Complainant and/or Respondent or as deemed appropriate by the University to protect the investigatory process and/or the University Community. Supportive Measures include, but are not limited to, academic, residential, transportation and/or employment accommodations, intended to maintain the Complainant's and/or the Respondent's access to LMU's education program or activity. Supportive Measures may be extended through the pendency of conduct or informal resolution proceedings and potentially beyond as necessary.

A Complainant does not need to agree to be interviewed by DPS or participate in the conduct process in order to receive Supportive Measures.

Any such Supportive Measure shall be designed and implemented in a manner intended to achieve its purpose while at the same time limiting, to the extent practicable, adverse impact on the Complainant's and/or Respondent's access to LMU educational program or activity. Supportive Measures provided to either the Complainant or Respondent are kept private, to the extent that maintaining privacy does not impair LMU's ability to provide Supportive Measures. The Complainant (and the Respondent if identified and made aware of the allegation) will receive written notification of their access to Supportive Measures. Any such Supportive Measure shall not be referred to or offered as evidence at the hearing on the underlying charge(s).

If a requested Supportive Measure is not granted by the Dean of Students, or designee, then the requesting party will receive written notification of the denial of Supportive Measure with a description for why the request was denied.

Complainants and Respondents can challenge denied Supportive Measures by submitting their challenge in writing to the Title IX Coordinator([titleix@lmu.edu](mailto:titleix@lmu.edu)/310.568.6105), or designee, within five Days of receiving written notification of the denial. Upon receipt of the challenge, the Title IX Coordinator, or designee, will review applicable information reasonably in their possession and will submit a written determination to the challenging party.

## Good Samaritan and Self-Reporting Policy

In line with the [Good Samaritan and Self-Reporting Policy](#), 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, or Witnesses if the information is divulged through the process of reporting sexual or interpersonal misconduct. The University reserves 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.

### **Education**

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 to get involved, please visit [LMU CARES](#) or call 310.258.4381.

#### **IV. III. Responsible Employees and Requests for Privacy**

1. Responsible employees are obligated to report all details of an incident of sexual or interpersonal misconduct, including the identities of those involved, to DPS whenever that information is brought forward to the responsible employee. The Student or reporting party will have the choice whether or not they wish to speak with DPS, however Students should be aware that if they request for their information to remain private, the University's ability to effectively investigate and adjudicate the instance(s) of sexual or interpersonal misconduct may be impaired. DPS will notify the Title IX Coordinator when a report has been filed.

The Title IX Coordinator, in consultation with the Dean of Students, or 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 privacy 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. In the event the Complainant requests that the University inform the Respondent that the Complainant asked the University not to investigate or pursue the conduct process, the University will honor this request.

Should a Student report sexual or interpersonal misconduct that occurred when the Student was a child under the age of 18, LMU is required to contact local law enforcement to report the conduct.

2. Responsible employees include faculty, administrative staff and Student staff. Responsible employees do not include the following when such individuals are functioning within the scope of their duties to which a legal privilege or confidentiality applies:
  - a. Professional, licensed counselors, such as the psychologists at Student Psychological Services (SPS), 310.338.2868.

- b. Pastoral counselors, such as rabbis, Catholic priests and women religious, are not required to report any information regarding alleged sexual or interpersonal misconduct to DPS, the Title IX Coordinator or any other reporting body, without Consent from the Student.
- c. Student Health Services (SHS) Staff, 310.338.2881 or [LMUhealth@lmu.edu](mailto:LMUhealth@lmu.edu), are not required to report any information regarding alleged sexual or interpersonal misconduct to DPS, the Title IX Coordinator or any other reporting body on campus, without Consent from the Student. The SHS Staff will be required to report signs of physical or sexual abuse to law enforcement.
- d. LMU Community Resource Advisors (LMU CRAs), whose identities and contact information can be found on the LMU CARES website, may speak with Students regarding incidents of sexual or interpersonal misconduct without automatically triggering a University investigation into the matter. These individuals do have time and place reporting responsibilities under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) but are not obligated to report identifying information of the Complainant. If the Respondent's name is presented to an LMU CRA, they will be obligated to report that information to the Title IX Coordinator. Reports by an LMU CRA will not trigger a University investigation unless the Title IX Coordinator, in consultation with the Dean of Students, or designee, determines that an investigation is necessary because of the existence of one or more of the following factors:
  - i. The Respondent has known multiple or prior allegations of sexual or interpersonal misconduct and a potential for a campus safety risk exists; or
  - ii. 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 LMU community; or
  - iii. A threat to the campus community at large or a particular community member has been identified; or
  - iv. The sexual or interpersonal misconduct was perpetrated with a weapon, physical restraints or where the Respondent used force or violence; or
  - v. The victim is a minor (under the legal age of 18) at the time of the alleged incident; or

- vi. The University is able to conduct a thorough investigation and obtain relevant evidence in the absence of the Complainant's cooperation;  
or
- vii. Some combination of the above factors exists.

## **V. Complainant and Respondent Rights**

1. LMU's SIM Policy process 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 sexual or interpersonal misconduct cases have the right to:
  - a. An Advisor of their choice (see Section VI for more details) to assist with the SIM Policy process. If a Student does not have an Advisor, LMU can assign an Advisor to assist them with the process;
  - b. Receive 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;
  - c. Receive written notification of the procedures for institutional disciplinary action and their rights and options as defined in the SIM Policy;
  - d. Request Supportive Measures as approved by the Dean of Students;
  - e. File a report with DPS or the Title IX Coordinator;
  - f. File a police report and take legal action separate from and/or in addition to filing a complaint under this policy seeking disciplinary action;
  - g. Notice, in writing, that a Complaint has been filed;
  - h. Access to an investigation and conduct process free from bias and conflict of interest from the staff members performing the assigned roles designated in this SIM Policy.
  - i. Identify material Witnesses to the alleged incident;
  - j. Receive written notification of the alleged charges based on the information available to the University;
  - k. Review submitted evidence that will be utilized by the Conduct Administrators in consideration of whether a violation of the SIM Policy occurred, and provide a written response to OSCCR. Complainants and Respondents are not permitted to share, record, screenshot or otherwise duplicate any document or piece of evidence provided for review by the University in conjunction with the investigation or adjudication of a SIM Policy Complaint, and may, at the sole discretion

of the University, be subject to charges under the Student Conduct Code if they violate this restriction;

- l. The opportunity to submit questions for cross-examination of the opposing party and any Witnesses to determine credibility of information during hearings;
- m. If, in the course of the investigation, LMU decides to investigate allegations about the Complainant or Respondent that are not included in the initial notice of allegations, LMU will provide notice of the additional allegations in writing to all parties whose identities are known at the time;
- n. Be informed of the disciplinary finding (responsible or not responsible), the reasoning behind the decision as well as any sanctions, as applicable, in writing;
- o. Appeal the disciplinary findings and/or sanction(s) as outlined in Section XIII of this Policy;
- p. Not have their request for a reasonable extension of time due to examination periods or closures unreasonably denied;
- q. Refuse any/all of the above.

## **VI. Student Affairs Resource Administrators (SARA)**

When an allegation of sexual or interpersonal misconduct is brought to the attention of LMU, the Associate Dean of Students, or designee, will assign a separate SARA to both the Complainant and Respondent (if a Respondent has been identified and been made aware of the allegation). The SARAs 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. SARAs will also review what Supportive Measures may be available to the Complainant and/or Respondent (as outlined in Section II(Q) of this policy).

Complainants will be assigned a SARA regardless of whether they provide LMU with the name of the Respondent or participate in an investigation.

It is encouraged, but not required, that Complainants and Respondents meet with their assigned SARA. The role of the SARA is to:

- 1. Provide information, in writing, regarding resources on and off campus including, but not limited to, SPS, SHS, Student Housing, LMU Recovery, LMU CARES, DPS, law enforcement authorities, Rape Treatment Center at Santa Monica-UCLA Medical Center, Campus Ministry and OSCCR;

2. Provide information regarding the LMU SIM Policy process and/or informal resolution process;
3. Provide assistance in requesting Supportive Measures;
4. Remain available to the Complainant/Respondent throughout the conduct process and/or informal resolution process and continue to provide the Student information regarding the resources available to the Student.

## **VII. Advisor**

Complainants and Respondents may choose an Advisor of their choice. The Advisor may be anyone, regardless of familial relationship or lack of affiliation with the University; however, the

Advisor must not serve in any other capacity in the conduct process (i.e., Witness or Conduct Administrator) but may be the Complainant's or Respondent's SARA. If a Complainant or Respondent does not have an Advisor, they can be provided one by the University.

Advisors will assist Students during the SIM Policy process, but will not serve as representation for Students in SIM Policy proceedings. Advisors may not address the Hearing Panel members during conduct proceedings. All communication involving Advisors must be between the Advisor and Student. An Advisor may not appear in lieu of a Student.

## **VIII. Roles and Responsibilities**

### **The Roles and Responsibilities of the Conduct Administrators**

1. Hearings or other proceedings as provided in the Policy may be held before Conduct Administrators, and will utilize videoconferencing.
2. The Senior Vice President for Student Affairs, or designee, shall appoint Conduct Administrators.
3. The Conduct Administrators adhere to procedures consistent with provisions in this Policy. All procedures are approved by the Senior Vice President for Student Affairs, or designee.
4. In the event of a vacancy or disqualification of a Conduct Administrator, the conduct matter shall be assigned to another Conduct Administrator by the Senior Vice President for Student Affairs, or designee.
5. Conduct Administrators shall complete annual training provided by OSCCR addressing topics, including, but not limited to, LMU's obligations under Title IX

and California law, SIM Policy conduct process, serving impartially and the types of evidence that are impermissible regardless of relevance under California law.

6. Conduct Administrators may be called upon to participate in the annual review of the SIM Policy.

### **The Roles and Responsibilities of the Informal Resolution Facilitators**

1. The informal resolution facilitators adhere to procedures consistent with provisions in this Policy. All procedures are approved by the Senior Vice President for Student Affairs, or designee.
2. Informal resolution facilitators shall complete annual training addressing topics, including, but not limited to, LMU's obligations under Title IX and California law, the informal resolution process, serving impartially, including by avoiding conflicts of interest and bias.

### **The Roles and Responsibilities of the Student Conduct Appeal Committee**

1. Appeals, as provided in this Policy, are held before the Student Conduct Appeal Committee.
2. The Student Conduct Appeal Committee shall adhere to procedures consistent with provisions in the Policy. Procedures are approved by the Senior Vice President for Student Affairs, or designee.
3. The Student Conduct Appeal Committee members shall be selected as follows:
  - a. The ASLMU President shall recommend members from the undergraduate
  - b. Student body;
  - c. The GSLMU President shall recommend members from the graduate Student body;
  - d. The RHA President shall recommend members from RHA;
  - e. The Student Housing Office shall recommend Resident Ministers as members;
  - f. The Senior Vice President for Student Affairs, or designee, shall appoint a minimum of two faculty/staff members;
  - g. Each meeting, the Senior Vice President for Student Affairs, or designee, shall designate a Presiding Chair over the appellate process from the members of the Student Conduct Appeal Committee;

- h. The Senior Vice President for Student Affairs, or designee, shall serve as an ex officio member.
- 4. The Senior Vice President for Student Affairs, or designee, shall appoint all members of the Student Conduct Appeal Committee.
- 5. The term for the Student or faculty/staff committee members shall be one year. Members may be re-appointed for additional terms.
- 6. Prior to participating in Student Conduct Appeal Committee deliberations, new members of the Student Conduct Appeal Committee will participate in an orientation session offered at least once each academic year by the Senior Vice President for Student Affairs, or designee.
- 7. Student Conduct Appeal Committee members shall complete annual training provided by OSCCR addressing topics, including, but not limited to, LMU's obligations under Title IX and California law, SIM Policy conduct process, serving impartially and the types of evidence that are impermissible regardless of relevance under California law.
- 8. Student members of the Student Conduct Appeal Committee who are charged with any violation of the Student Conduct Code, SIM Policy, Student Title IX Sexual Harassment Policy or with a criminal offense may be suspended from their committee positions by the Senior Vice President for Student Affairs, or designee, while charges are pending against them. Students found responsible for any such violation or offense may be disqualified from any further participation in the University conduct system by the Senior Vice President for Student Affairs, or designee.
- 9. In the event of a vacancy, suspension or disqualification of a Student Conduct Appeal Committee member, the Senior Vice President for Student Affairs shall fill the vacancy.
- 10. Student members of the Student Conduct Appeal Committee may be called upon to participate in the annual review of the SIM Policy.

## **IX. Prohibited Conduct**

The following is a non-exhaustive list of conduct that is considered to be in violation of the SIM

Policy. Participation in any of the below mentioned conduct that does not meet the definition of Title IX Sexual Harassment may result in the initiation of SIM Policy



proceedings. Informal resolution may also be initiated in lieu of the conduct process if both the Complainant and Respondent provide written Consent of its usage.

1. Participating in Sexual Misconduct, Sexual Assault, Sexual Battery or Sexual Exploitation.
2. Participating in Dating Violence, Domestic Violence or Stalking.

## **X. California Law**

The following excerpts are only partially explanatory of certain California laws pertaining to sexual or 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.

1. Excerpts from Section 11165.1 of the California Penal Code: Sexual Assault includes rape, statutory rape, rape in concert, incest, sodomy, oral copulation, lewd or lascivious acts upon a child, sexual penetration, child molestation and the following:
  - a. 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;
  - b. Sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person;
  - c. 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;
  - d. 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;
  - e. The intentional masturbation of the perpetrator's genitals in the presence of a child.
2. Excerpts from Section 261 of the California Penal Code: Rape is an act of sexual intercourse accomplished under any of the following circumstances:

- a. If 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;
- b. If 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;
- c. If a person is prevented from resisting by any intoxicating or anesthetic substance, or a controlled substance, and this condition was known, or reasonably should have been known by the accused;
- d. If 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:
  - i. Was unconscious or asleep;
  - ii. Was not aware, knowing, perceiving or cognizant that the act occurred;
  - iii. Was not aware, knowing, perceiving or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact;
  - iv. 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.
- e. If 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;
- f. If 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;
- g. If 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. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest or deport another. 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 “statutory rape” in 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.

3. Excerpt from Section 67386 of the California Education Code:

- a. The governing boards of independent postsecondary institutions shall adopt a policy concerning
  - b. 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.
  - c. “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 the person has the affirmative Consent of the other or others to engage in the sexual activity.
  - d. Lack of protest or resistance does not mean Consent, nor does silence mean Consent.
  - e. 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.
- D. Excerpts from Section 261.6 of the California Penal Code:
- f. In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which Consent is at issue, “Consent” means positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.
  - g. 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, 286, 287, or 289, or former Section 262 or 288a.

4. 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:

- a. Imprisonment in a county jail for not more than one year; or
- b. By a fine of not more than \$1,000; or
- c. 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.”

5. 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:

- a. Sexual relations between the parties while sharing the same living quarters;
- b. Sharing of income or expenses;
- c. Joint use or ownership of property;
- d. Whether the parties hold themselves out as spouses;
- e. The continuity of the relationship; and
- f. The length of the relationship.

## **XI. SIM Policy Conduct Process**

Once a Complaint is received, LMU will address allegations of sexual or interpersonal misconduct through the conduct process outlined below. LMU will provide written notice to both the Complainant and Respondent. The written notice shall include, among other information, notice of LMU's conduct process, as well as notice of the allegations of the alleged sexual or interpersonal misconduct and sufficient details known at the time. LMU's SIM Policy conduct process strives to treat Complainants and Respondents equitably.

A Complaint may be filed with the Title IX Coordinator in person, by mail or by e-mail, as well as through DPS's [online reporting form](#). The Complainant may request that the University pursue either the SIM Policy conduct process or the SIM Policy informal resolution process, if appropriate.

1. The Title IX Coordinator, or designee, may elect to pursue the SIM Policy conduct process on behalf of the University, despite a Complainant's decision not to participate in either the investigation or SIM Policy conduct process, if sufficient evidence exists. If the decision is made that the University will proceed without the Complainant participating, then the University will only inform the necessary individuals and entities on campus required to perform a thorough investigation and adjudication of the complaint. In the event the Complainant requests that the University inform the Respondent that the Complainant asked the University not to investigate or pursue the conduct process, the University will honor this request.

In determining whether the University will continue to either pursue an investigation and/or the SIM Policy conduct process without the participation of the Complainant, the Title IX Coordinator, or designee, will consider the following:

- a. The Complainant's request not to proceed with initiation of a Complaint;
- b. The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- c. The risk that additional acts of sexual or interpersonal misconduct would occur if a Complaint is not initiated;
- d. The severity of the alleged sexual or interpersonal misconduct;
- e. The age and relationship of the parties;
- f. The scope of the alleged sexual or interpersonal misconduct, including information suggesting a pattern, ongoing misconduct or misconduct alleged to have impacted multiple individuals;

- g. The availability of evidence to assist a Hearing Panel in determining whether a violation occurred;
- h. Whether LMU could end the alleged misconduct and prevent its recurrence without initiating a conduct process.

## 2. Complaint Process and Investigations

### a. Notice of Allegations

Upon receipt of a Complaint that the Title IX Coordinator, or designee, determines meets the definition of a potential violation of this Policy, LMU will provide written notice to both the Complainant and Respondent of the following:

- i. Notice of LMU's SIM Policy conduct process and where to access it;
- ii. Notice of the allegations of sexual or interpersonal misconduct and sufficient details known at the time, which may include, but not be limited to, the identities of the parties involved, the conduct alleged to violate this Policy, the date and location of the incident;
- iii. 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;
- iv. Notice that the Complainant is presumed to be acting in good faith in making their Complaint of sexual or interpersonal misconduct;
- v. Notice that the Complainant and Respondent may have an Advisor of their choice;
- vi. Notice that the Complainant and Respondent may inspect, review and respond to evidence gathered during the investigation of the alleged behavior, as well as have access to the final investigation report;
- vii. Notice that Retaliation against any party participating in the investigation, conduct process or information resolution process is prohibited;
- viii. Notice of LMU's prohibition on knowingly making or submitting false statements during the conduct process; and
- ix. An additional notice if new allegations arise from information learned during the investigation or adjudication of the previously reported alleged misconduct.

### b. Dismissal of a Complaint

LMU will investigate allegations that are included in a Complaint. However, if the conduct alleged in the Complaint does not constitute sexual or interpersonal misconduct as defined in this Policy then LMU may dismiss the Complaint. Such a dismissal does not preclude pursuit

of the allegations under LMU's [Student Conduct Code](#) where the complaint is made by a Student against a Student, nor does it preclude pursuit of the allegations under the University's [Discriminatory Harassment, Retaliation, and Sexual and Interpersonal Misconduct Complaint Process](#) policy in non-Student-on-Student reports.

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

- i. A Complainant notifies the University in writing that the Complainant would like to withdraw the Complaint or any allegations therein, and that, without the information provided by the Complainant, there is insufficient evidence to support initiating the conduct process;
- ii. The Respondent is no longer enrolled by LMU; or
- iii. LMU is unable to identify the Respondent from the information provided.

Upon dismissal of a Complaint, LMU will send written notice of the dismissal and reason(s) as to why the dismissal occurred, simultaneously to both Complainant and Respondent, if Respondent has been made aware of the allegation.

Complainants and/or Respondents (if notified of the Complaint) are able to challenge the dismissal of a Complaint by submitting their challenge in writing to the Title IX Coordinator, or designee, within five Days of receiving a decision regarding the dismissal. Upon receipt of the challenge, 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.

c. Investigation of a Complaint

Once a Complaint is filed, LMU will conduct an investigation of the allegations. During the investigation, DPS will schedule and conduct interviews with the Complainant, Respondent and any fact Witnesses. In order to ensure the SIM Policy conduct process is conducted in a reasonably prompt time frame (120 days), it is essential that all participants respond to interview request(s). While the University will make every effort to conclude the SIM Policy conduct process within a reasonably prompt time frame, there may be instances beyond the control of the University that may cause temporary delays or limited extensions of time frames, including but not limited to, the absence of a Complainant, Respondent, an Advisor or a Witness, concurrent law enforcement activity, the need for language assistance or accommodation of a disability. Should such a delay arise, the

Complainant and Respondent will receive written notice regarding the delay or extension and the reasons for the action.

Interview requests will be submitted in writing to the Complainant and Respondent and will give sufficient time for the Complainant and Respondent to prepare to participate. The Complainant and Respondent are able to be accompanied to any related meeting or proceeding by their Advisor. During the investigation, the Complainant and Respondent are encouraged to gather and present relevant evidence.

### **SIM Policy Procedural Protections**

Complainants and Respondents in a SIM Policy case are accorded the following procedural protections:

1. Complaints will be promptly investigated and adjudicated following the procedures herein outlined;
2. Written or electronic notice of alleged facts underlying the misconduct charge(s) and the location of the SIM Policy;
3. The assistance of an Advisor during the hearing. Complainants and Respondents who have not previously identified their Advisor during the investigation process will be requested to inform OSCCR the identity of their Advisor prior to scheduling the SIM Policy hearing. If a Complainant or Respondent does not have an Advisor, LMU can appoint an Advisor to serve with the Student during the SIM Policy hearing. The Advisor's role is to support Students during the investigation and SIM Policy conduct process. Advisors may not represent the Student during any meeting or hearing during the investigation or SIM Policy conduct process. All communication involving Advisors must be between the Advisor and the Student. An Advisor may not appear in lieu of the Student;
4. The Respondent and Complainant shall be provided access to the final investigation report prepared 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). Complainants and Respondents are not permitted to share, record, screenshot or otherwise duplicate any document or piece of evidence provided for review by the University in conjunction with the investigation or adjudication of a SIM Policy Complaint, and may, at the sole discretion of the University, be subject to charges of violating the Student Conduct Code if they violate this restriction;
5. An opportunity to attend a scheduled hearing preparation meeting with an OSCCR administrator separately for both parties at which:



- a. The Respondent and the Complainant may ask the OSCCR administrator questions regarding the conduct process;
  - b. The OSCCR administrator shall explain the cross-examination processes and procedures and Student rights and make available the SIM Policy. The OSCCR administrator shall also explain the private nature of the conduct process (except for when required by law or 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;
6. The Respondent 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 Complainant, the Respondent 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 Administrators on the Hearing Panel will be permitted to disallow a question asked by the Respondent if the question is redundant to a question asked by the Respondent, Complainant or Hearing Panel or if the Respondent is unable to provide sufficient rationale for the relevance of the question. Respondents will be granted the opportunity to submit additional questions in response to statements made during the hearing, which the Conduct Administrators will review for relevance when proffered and ask if appropriate.

The Complainant 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 Administrators on the Hearing Panel will be permitted to disallow a question asked by the Complainant if the question is redundant to a question asked by the Complainant, Respondent or Hearing Panel or if the Complainant is unable to provide sufficient rationale for the relevance of the question. Complainants will be granted the opportunity to submit additional questions in response to statements made during the hearing, which the Conduct Administrators will review for relevance when proffered and ask if appropriate;

- a. Both the Respondent and the Complainant are permitted to note an objection to a question posed by the other party during the hearing. If

- the Conduct Administrators still elect to allow the question to be asked, the objection will be noted and made part of the conduct record;
- b. 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;
  - c. If a further hearing is necessary, a supplemental proceeding will be scheduled;
  - d. When determining the outcome of a case, Conduct Administrators will not make credibility determinations solely based on a Student's status as a Complainant, Respondent or Witness;
  - e. A Student's conduct history will be considered when assigning sanctions for subsequent violations. Increased sanctions may therefore be assigned based on previous violations of all types, including violations of the Student Conduct Code, The Student Title IX Sexual Harassment Policy and/or the SIM Policy, not just those of a similar type;
  - f. Unless required by law, privacy laws prevent notification or disclosure to Student Complainants about the prior conduct history, if any, of the Respondent;
  - g. For compliance with Clery Act record retention requirements, all official conduct-related records will be retained for a minimum of seven years.

### **SIM Policy Hearing Process**

The following procedural guidelines shall be applicable in SIM Policy conduct proceedings:

1. The Conduct Administrators on the Hearing Panel may request DPS interview fact Witnesses;
2. LMU reserves the right to copy the Respondent's and the Complainant's Advisors on communication regarding scheduling of hearing preparation meetings, review of reports and scheduling of the hearing;
3. A hearing with cross-examination (conducted via videoconferencing) during which the Hearing Panel shall specify the nature of the alleged misconduct and provide the Respondent and Complainant the opportunity to again review the information and evidence gathered by the University that makes up the basis for the charge(s). Respondents and Complainants 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. The University reserves the right to postpone the hearing if new

information is presented that had not been made previously available to all parties, and a supplemental hearing will be scheduled.

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 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;

- a. Hearings will generally be private except for the Hearing Panel, parties and Advisors. 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. Respondents and Complainants are expected to be visible to the Conduct Administrators and each other throughout the hearing (with the exception of requested breaks). The recording of the hearing will be part of the conduct file and may be accessible to the Respondent and Complainant by contacting OSCCR. Recordings are the official record of the hearing. Transcripts are not prepared;
- b. Prior to the hearing, the Respondent or Complainant may challenge a Hearing Panel member on the grounds of conflict of interest. Any such challenge must be made in writing to the Dean of Students, or designee, not less than two 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, a new Conduct Administrator will be assigned, which may not impact the date and time of any scheduled hearing;
- c. The Conduct Administrators on 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 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;
- d. All participants in a SIM hearing shall be required to affirm that their testimony is truthful and may be subject to charges of providing false information pursuant to Section III(J) of the Student Conduct Code. If a Respondent, Complainant or Witness refuses to participate in the SIM

hearing, their prior or subsequent statements to DPS may be utilized or relied upon by the Hearing Panel in coming to a decision;

- e. The decision of the Conduct Administrators on the Hearing Panel shall include an identification of the initial allegations, a brief description of the procedural steps followed by LMU to respond to the allegations, a summary of the testimony and evidence in support of the findings, the findings, decision, applicable sanction(s) and Remedies for the Complainant (if any) and notice of the procedures to appeal. The decision shall be sufficiently detailed to permit review pursuant to the appeal procedures (Section XIII) and will be sent to both the Respondent and the Complainant. The decision will not be sent to either the Respondent's Advisor or Complainant's Advisor;
- f. Except as provided herein, formal rules of evidence and discovery shall not be applicable in proceedings conducted pursuant to this Policy. 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 matters into evidence that a reasonable person would accept as having probative value in the conduct of their affairs. Conduct Administrators will evaluate evidence for persuasiveness in determining whether a violation of this Policy occurred. Unduly repetitious or irrelevant evidence may be excluded, may not be considered in the decision making process or may be afforded less weight than other evidence presented;
- g. Written statements shall not be admitted into evidence unless signed by the affiant and witnessed by a person designated by the Dean of Students, or designee;
- h. Sanctions shall be levied if it is determined that the Respondent is responsible for the violation(s) by a Preponderance of the Evidence. If not, the charge(s) will be dismissed. Final decisions may be reviewed by the Senior Vice President for Student Affairs, or designee. The reviewing administrator may reduce, defer or suspend the decision and sanction, or impose conditions with any change, deferral or suspension.

## **XII. Privacy**

LMU will keep confidential the identity of any individual who has made a Complaint of sexual or interpersonal misconduct, any individual who has been reported to be the perpetrator of sexual or interpersonal misconduct and any Witness, except as may be permitted by law.

### **XIII. Sanctions**

Violations of the provisions of Section VIII (Prohibited Conduct) of this Policy will result in the imposition of sanctions in service of the mission of this Policy. Factors to be considered in the determination of sanctions include, but are not limited to, the nature and severity of the violation, the present demeanor, remorse and past disciplinary record of the Respondent, including the willingness to accept responsibility for their behavior, the nature of the offense and the severity of any damage, injury or harm resulting from it, as well as the ability to potentially repair that harm and any and all health and safety considerations of the University Community and/or those involved. Following is a description of potential sanctions for violations of the SIM Policy.

#### **Conduct Probation**

The Student is no longer in “good conduct standing” with the University for duration of probation. The Student is given written notice that further infractions of the SIM Policy, the Student Title IX Sexual Harassment Policy, the Student Conduct Code or University policies may result in further, increased sanctions. The Student may also be restricted from eligibility for or participation in present and future Student and University activities, including, but not limited to, co-curricular and organizational activities, ASLMU positions and activities, Resident Advisor positions, Study Abroad programs, orientation leadership positions and other Student leadership positions.

#### **Dismissal from the University**

Permanent separation of the Student from the University. Permanent notification may appear on the Student’s University transcript. The Student will also be banned from campus and University premises. The sanction of dismissal requires the review and approval by the Senior Vice President for Student Affairs, who may alter, defer or suspend this recommended sanction. Any alteration, deferral or suspension of this sanction may be subject to specified conditions. Notification of dismissal may be sent to the appropriate University offices and officials.

#### **Educational Programs**

The Student is assigned to attend educational programming either in person or online to increase awareness of the effects and issues related to their behaviors.

#### **Housing Probation**

The Student is given written notice that any further infractions of the SIM Policy, the Student Title IX Sexual Harassment Policy, the Student Conduct Code, University policies or Housing policies may result in removal from University housing and/or determination that the Student be ineligible for or restricted from present and future

housing opportunities. The Student is required to meet with their Resident Director or Housing designee within two weeks of being placed on housing probation.

### **Ineligibility for Participation in Graduation Ceremonies**

Prohibition from participation in graduation ceremonies.

### **Meetings**

Meetings with a University staff or faculty member may be assigned as an educational sanction to provide the Student with an opportunity to discuss strategies to prevent future violations. Students may be asked to meet with an individual more than once.

### **No Contact Orders**

The Student is given written notice not to have verbal, written or electronic contact with another LMU community member for a specified period of time, which may include their remaining tenure at the University. This order includes all interpersonal communication, including, but not limited to, social interaction, telephone correspondence, email, text message and/or social networking website or through third parties.

### **Policy Reminder**

The Student is given a written reminder that future misconduct may result in more severe disciplinary action.

### **Removal from or Relocation within University Housing**

Students may be removed from University housing facilities or a particular University housing facility, be relocated to another University housing facility or have their University housing license agreement terminated. If removed, a Student may be prohibited from entering University housing facilities and may be ineligible for future University housing.

### **Restriction from Campus, University Premises, Facilities or Events**

Excluding a Student from campus, University premises, University facilities or events means that the Student is not allowed to be on the campus, University premises, at University facilities or in attendance at an event for or during specific time periods. Restrictions may include authorizing access to limited University premises or facilities for specific purposes (e.g. to attend class) or being required to fulfill academic requirements via online educational tools.

## **Science Based Treatment, Accountability, and Risk Reduction for Sexual Assault (STARRSA)**

The STARRSA Active Psychoeducation (AP) Program is an empirically based intervention developed specifically to be utilized with college students found responsible for engaging in sexual and interpersonal misconduct or as a part of informal resolution. The STARRSA AP Program utilizes a variety of assessments to develop an individualized and tailored curriculum for each participant and is based on the participants' self-identified values & goals. The curriculum is designed to address campus sexual misconduct, encourage accountability, and assist those who have engaged in sexual and interpersonal misconduct in developing beliefs, attitudes, and behaviors that promote healthy, consensual, and safe intimate relationships and sexual behavior.

### **Suspension from the University**

Separation of the Student from the University for a stated period with an opportunity for reinstatement consideration. Permanent notification of the suspension may appear on the Student's University transcript. While suspended, the Student is ineligible for and shall not participate in any University-approved Activities and may be excluded from campus and University premises. Suspended time will not count against any time limits of graduate schools or programs for completion of a graduate degree. The sanction of suspension requires the review and approval of the Senior Vice President for Student Affairs, who may alter, defer or suspend this recommended sanction. Any alteration, deferral or suspension of this sanction may be subject to specified conditions. Notification of suspension may be sent to the appropriate University offices and officials.

### **Other Sanctions**

The University and its Conduct Administrators and Hearing Panels retain the right to impose additional and/or different sanctions according to the specific circumstances and needs of a situation.

## **XIV. Informal Resolution Process**

### **Overview**

The University recognizes that it is important to take into account the needs of Students, some of whom may not wish to proceed through the conduct process. The University may, in appropriate circumstances, offer Complainants and Respondents the option of proceeding through an informal resolution process. The 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. In cases where the University offers the option of informal

resolution, if the parties agree to participate in the informal resolution process, the University will postpone initiation of the conduct process.

### **When Informal Resolution May be Used**

1. The University, at its sole discretion, may offer the informal resolution process in lieu of the conduct process.
2. OSCCR, in consultation with the Title IX Coordinator, or designee, will determine whether the informal resolution process is appropriate on a case-by-case basis. The University reserves the right to discontinue the informal resolution process at any time prior to the signing of the informal resolution agreement.

### **Informal Resolution Process - Procedures**

1. Either party may request to proceed with the informal resolution process at any point in the investigation process, prior to the start of a hearing. The appropriateness of informal resolution will be determined by the University prior to the commencement of informal resolution procedures.
2. If the University determines that it is appropriate to offer informal resolution regarding the Complaint, the Title IX Coordinator, or designee, will provide notice of the following to the Complainant:
  - a. the allegations against the Respondent;
  - b. the requirements of the informal resolution process;
  - c. that participation is voluntary and prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the conduct process;
  - d. that the parties' agreement to a resolution at the conclusion of the informal resolution process precludes the parties from initiating or resuming the conduct process arising from the same allegations;
  - e. the potential terms that may be requested or offered in an informal resolution agreement, including that an informal resolution agreement is binding only on the parties;
  - f. what information will be maintained and how it could be disclosed in the conduct process.

The Title IX Coordinator, or designee, will ask if the Complainant wants to engage in the informal resolution process in lieu of the conduct process.



3. If the Complainant requests informal resolution, the University will inform the Respondent of the request for informal resolution by the Complainant and will provide notice of the following to the Respondent:
  - a. the allegations against the Respondent;
  - b. the requirements of the informal resolution process;
  - c. that participation is voluntary and prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the conduct process;
  - d. that the parties' agreement to a resolution at the conclusion of the informal resolution process precludes the parties from initiating or resuming the conduct process arising from the same allegations;
  - e. the potential terms that may be requested or offered in an informal resolution agreement, including that an informal resolution agreement is binding only on the parties;
  - f. what information will be maintained and how it could be disclosed in the conduct process.
4. The Complainant and Respondent will need to agree in writing to participate in the informal resolution process.
5. The informal resolution process will be facilitated by a trained facilitator.
6. Individuals who wish to participate in an informal resolution process must successfully complete preparatory meetings with the facilitator. Individuals may be accompanied by a support person at any meetings related to the informal resolution process.
7. Informal resolution may include one or more of the following restorative approaches:
  - a. **Restorative Conference:** A facilitated interaction where individuals who have experienced harm can come together with an individual(s) who assumes responsibility for repairing harm, with the goal of creating a plan or agreement to repair the harm (to the extent possible). With both parties' agreement, a restorative conference can include multiple members of the community to explore individual and community impact, harm, obligations and opportunities for repairing them;
  - b. **Restorative Shuttle Agreement/Impact Statement:** An indirect, facilitated conversation individually with the Complainant, the Respondent and/or other participants to discuss experience and

perspective and explore interests while working towards meeting expressed needs. This process does not require direct interaction between the parties or the parties and other participants, but rather, independently, with a facilitator to create an agreement to repair harm.

8. After consultation and intake with the trained facilitator, the Complainant and the Respondent must voluntarily agree on the process(es) that best meet(s) the interests and needs of the parties.
9. If the informal resolution process is not accepted or fully completed by all parties, then the matter may be referred back to OSCCR, and the conduct process may be initiated.

### **Informal Resolution Process Agreements**

1. A mutual voluntary resolution agreement may include requirements that the Respondent complete various responsive actions and/or may include stipulations that the Complainant and Respondent each agree to. The trained facilitator will explain to the Complainant and Respondent the types of responsive actions and stipulations that are available and appropriate on a case-by-case basis.
2. Typically, an agreement also includes agreed upon consequences when obligations under the agreement are not fulfilled, which may include being charged with a violation of the Student Conduct Code for failure to comply with University officials or other applicable University policies.
3. Any agreement reached in the informal resolution process will be reviewed by the Title IX Coordinator, or designee.
4. Once an agreement is signed, the Respondent will not be charged with a violation of the SIM Policy based on the subject Complaint.

### **Information obtained during Informal Resolution Process**

1. Information shared or obtained during the informal resolution process will be treated as private to the extent permitted by law and will not result in subsequent disciplinary actions by the University.
2. Should the process revert to the conduct process, information obtained through the informal resolution process may not be utilized in the conduct process.
3. To fairly assess pattern or systemic behavior, the Title IX Coordinator may maintain records of all reports and conduct referred for informal resolution.

## **XV. Appeal Procedures**

1. Decisions by the Hearing Panel or, in some instances, conduct sanctions levied may be appealed by the Respondent or the Complainant to the Student Conduct Appeal Committee. Appeals to the Student Conduct Appeal Committee are limited to one or more of the following grounds:
  - a. The sanction is inappropriate;
  - b. The procedures provided for in this Policy were not materially followed resulting in significant prejudice to the Appellant that effectively denied Appellant a fair hearing;
  - c. New relevant evidence is available, which in the exercise of reasonable diligence could not have been produced at the time of the hearing;
  - d. The decision is not supported by substantial evidence. **B.** All petitions for appeals shall be submitted to:

The Student Conduct Appeal Committee  
c/o The Office of Student Conduct & Community Responsibility  
Malone Student Center 401  
[OSCCR@lmu.edu](mailto:OSCCR@lmu.edu)

2. Appeal petitions must be submitted by the Respondent or Complainant via written statement and received by the Student Conduct Appeal Committee c/o OSCCR within five Days from the date of the imposition of the original decision. Appeal petitions may not be submitted by Advisors or third parties on behalf of the involved Student party. Failure to file the appeal petition within the 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.

3. Both parties shall have the opportunity to submit an appeal. 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 Student Conduct Appeal Committee shall be convened. Absent an appeal by both parties, the non-appealing party (either Complainant or Respondent) will receive access to the submitted appeal petition and be afforded the opportunity to submit a timely written statement in either support of, or opposition to the extant appeal.
4. The Student Conduct Appeal Committee will review the DPS investigation report or documentation of alleged behavior, the video and audio recording of the 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.

5. Both parties will be notified of the results of the appeal.
6. A quorum for the Student Conduct Appeal Committee shall be a minimum of three members with a minimum of one Student and one faculty member.
7. Concurrent with the filing of an appeal petition, Complainants or Respondents may challenge a member of the Student Conduct Appeal Committee on the grounds of a conflict of interest. All disqualification challenges of Student Conduct Appeal Committee members shall be determined by the Senior 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, which may or may not impact the date and time of any scheduled meeting.
8. The Student Conduct Appeal Committee may, but is not required to, request that the Hearing Panel or the involved Student parties 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 Student Conduct Appeal Committee.
9. So long as supported by the evidentiary record, the Student Conduct Appeal Committee shall give deference to the determinations of the Hearing Panel. The Student Conduct Appeal Committee shall not alter the underlying decision of the Hearing Panel if supported by substantial evidence and reasonable inferences arising therefrom. In instances in which the Student Conduct Appeal Committee finds merit in the ground(s) of appeal submitted by the Respondent or Complainant, the Committee may recommend to the Senior Vice President of Student Affairs, or designee, one of the following:
  - a. The case be referred back to the Hearing Panel who made the original decision for reconsideration of the appropriateness of the sanctions assigned;
  - b. The case be referred back to the Senior Vice President for Student Affairs, or designee, for reassignment to a new Hearing Panel if specified procedural errors in interpretation of the SIM Policy resulted in

significant prejudice to the Appellant that effectively denied the Appellant a fair hearing;

- c. The case be referred back to the Hearing Panel who made the original decision to consider new, significant relevant evidence, which in the exercise of reasonable diligence could not have been produced at the time of the hearing;
  - d. The determination should be reversed, if the decision is not supported by substantial evidence;
10. Except as provided herein, formal rules of evidence and discovery shall not be applicable in appeal proceedings conducted pursuant to the SIM Policy. The Student Conduct Appeal Committee shall give effect to the recognized rules of privacy (including FERPA) and privilege but shall otherwise admit matters into evidence that reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.
11. The Student Conduct Appeal Committee may take presumptive notice of matters that would be of general knowledge to other University Students.
12. The Student Conduct Appeal Committee shall be provided copies of the Student's conduct record when reference to the Student's conduct history is included in the decision made by the Hearing Panel.
13. Unless otherwise determined by the Senior Vice President for Student Affairs, or designee, the imposition of sanctions will be deferred during the appeal process.
14. Procedural, evidentiary and final recommendations of the Student Conduct Appeal
15. 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 Student Conduct Appeal Committee proceedings shall be determined by the Committee's presiding chair in accordance with the Policy.

## **XVI. Exceptional Procedures**

- 1. Final decisions of the Hearing Panel recommending a suspension or dismissal from the University shall be reviewed and approved by the Senior Vice President for Student Affairs.

2. Students may be relocated or removed from University Housing facilities on an interim or temporary basis.
3. A conduct hold may be placed on a Student's file/account and a notation may be entered on the Student's University transcript when the Student has been dismissed or suspended from the University or has officially or unofficially withdrawn, taken a leave of absence or has been academically disqualified while SIM Policy proceedings are pending. In addition, when the Student has incomplete sanctions or open conduct cases and leaves the University for any reason, including, but not limited to, leave of absence, withdrawal or academic disqualification, a conduct hold may be placed on the Student's file/account and the Student may also be prohibited from entering campus or University premises during the period of the conduct hold. This conduct hold must be cleared before a Student will be allowed to return to the University.
4. A notation may be entered on the Respondent's University transcript at the discretion of the University if the Student is found responsible for sexual or interpersonal misconduct.
5. Prior to graduation, Students charged with an alleged SIM Policy violation in which the charges have not yet been adjudicated, may in the University's discretion be prohibited from participating in graduation ceremonies until the SIM Policy proceedings have been adjudicated and, if found responsible, sanctions completed.

## **XVII. Retaliation**

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.

The University will respond to accusations of Retaliation against the Complainant, Respondent or Witnesses because of their participation in the investigation or adjudication of a report 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 LMU [Discriminatory Harassment, Retaliation, and Sexual and Interpersonal Misconduct Complaint Process](#) policy.

Any Student who believes that they have been retaliated against by a Student for filing or being named in a complaint for sexual or interpersonal misconduct or for having participated in the investigation of such a complaint, should promptly notify DPS at 310.338.2893 or [public.safety@lmu.edu](mailto:public.safety@lmu.edu). 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 310.568.6105 or [titleix@lmu.edu](mailto:titleix@lmu.edu).

### **XVIII. Conduct Files and Records**

1. Case referrals may result in the development of a conduct file in the name of the Respondent that may be expunged if the Respondent is found not responsible for the charges.
2. The files of Respondents found responsible for any of the charges against them will be retained as a conduct record for a minimum of seven years from the date of the letter providing notice of the final conduct action, unless these files are expunged per section C, below.
3. Conduct records may be expunged by the Dean of Students for good cause following consideration of a written petition of Respondent. Among the factors considered by the Dean of Students in review of such petitions shall be:
  - a. The nature of the charge;
  - b. The period of time that has elapsed since the violation;
  - c. The present demonstrated demeanor and remorse of the Respondent;
  - d. The demonstrated conduct of the Respondent subsequent to the violation; and/or
  - e. The nature of the violation and the severity of any damage, injury or harm resulting from it.

Decisions on petitions under this subsection are at the discretion of the Dean of Students.

4. When a Student signs a release offered by internal (Study Abroad, University offices, etc.) or when a Student or former Student signs a release offered by external (graduate schools, prospective employers, etc.) entities, this release allows the University to release Student disciplinary information to these parties. Upon receipt of a request from an internal or external entity, and with appropriate signed release by the subject Student or former Student, the University reserves the right to report only those records in which violations resulted in a sanction of probation, suspension or dismissal from the University.

## ALCOHOL AND OTHER DRUG USE POLICY<sup>1</sup>

The possession, use, sale or the furnishing of alcohol on the university campus is governed by LMU's Alcohol Policy and California state law.<sup>2</sup> The enforcement of alcohol laws on-campus is the primary responsibility of Public Safety. The possession, use, sale, manufacture or distribution of any controlled substance is illegal under both state and federal law. Such laws are strictly enforced by the LMU Public Safety.

Violators are subject to university disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession or use of alcohol by anyone under 21 years of age is illegal. It is a violation of the LMU Alcohol Policy for anyone to consume or possess alcohol in any public or private area of campus without prior University approval. Individuals, organizations or groups violating alcohol/substance policies or laws may be subject to sanctions as set forth in the Student Conduct Code and/or criminal prosecution, fine and imprisonment.

### I. Alcohol and Other Drug Abuse Information<sup>i</sup>

LMU is committed to promoting the health and safety of its campus community through a program of alcohol education and the implementation of relevant policies. The university has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students, faculty and staff. The program provides services related to drug use and abuse including dissemination of informal materials, educational programs, counseling services, referrals and university disciplinary actions.

### II. Alcohol and Other Drug Education

- The Employee Assistance Program provides confidential service by experienced clinicians. They can help faculty/staff members and their household members deal with issues such as depression, marital and family issues and substance abuse.
- Heads UP is a campus-wide responsible drinking project. The mission is to promote a safe and healthy lifestyle among all students and to intervene with high-risk students to reduce dangerous levels of drinking and the incidence of problems resulting from heavy consumption.

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<sup>1</sup> The entire alcohol and drug policy is available in the Community Standards booklet:  
<https://studentaffairs.lmu.edu/about/osccr/studentcodespolicies/>

<sup>2</sup> The Drug-Free Campus Policy for LMU faculty and staff is disseminated annually in accordance with federal regulations.



- Cura Personalis – August Orientation - First Year Experience reviewed conduct code regarding underage drinking.
- LMU requires all first-year students to complete “Think About It,” by Campus Clarity.
- LMU Pregame, a 90-minute interactive workshop discussing responsible alcohol consumption, personal accountability, the campus prohibition on marijuana and the effects of its usage. The program asks individuals to own the actions of their mind, hand, and heart, and is required for all incoming students.

### University Disciplinary Actions

A violation of any law regarding alcohol and other drug use or possession is a violation of the university’s Student Conduct Code and a violation of state and federal law and will be treated as a separate disciplinary matter by the university.

### III. Referral Information

Student Psychological Services will assist students with issues regarding alcohol and other drugs. Therapists are able to refer students to community treatment centers and support groups.

The following resources are provided by the university and available on campus to all students.

- Alcoholics Anonymous—During the academic year, a member of the recovery community in Los Angeles hosts a meeting open to all members of the LMU community. At times, students have also conducted a weekly Alcoholics Anonymous meeting with the sponsorship of the Office of Student Conduct & Community Responsibility.
- Al-Anon—During the academic year, Student Health Services and the Office of Student Conduct & Community Responsibility jointly sponsor a weekly meeting open to all LMU community members, which focuses on the fellowship of relatives and friends of alcoholics.
- Choice Theory—A three-session meeting in which a CAADAC- (California Association of Alcoholism & Drug Abuse Counselors) certified instructor discusses Reality Therapy, Choice Theory and the impact that choices/decisions can have on a student’s university experience.
- Recovery at LMU— A full-time professional staff member who supports students and their families in the recovery process. For more information call 310.338.4481.
- Lions for Recovery – A community of students who purpose is to be of service to one another and the community at large while changing the stigma of addiction. For more information please visit: [lmu.edu/LEO](http://lmu.edu/LEO) and search for Lions for Recovery.

## **CAMPUS FIRE SAFETY**

In accordance with the Higher Education Opportunity Act (Public Law 110-315) of 2008, LMU is providing mandatory fire safety information as part of this annual report. (Detailed fire data for all on-campus student housing facilities can be found at the end of this report).

### **I. Fire Safety Tips**

#### **FIRE ALARM**

First, feel the door with the back of your hand. If warm or hot:

- DO NOT OPEN THE DOOR.
- Wedge a wet towel or cloth item at the base of the door and on air vents.
- Close as many doors as possible between you and the fire, and stay near the floor.
- Call 9-1-1.
- Wave a piece of cloth (e.g. sweater, jacket) out the window to notify rescuers of your location. If there is no window, tap on the wall at regular intervals to alert rescue crews.

If normal temperature:

- Open the door slowly.
- Leave and close the door.
- Stay close to the ground, if there is smoke.
- Evacuate and convene at the safe refuge area. DO NOT use the elevators.
- When safe to do so, always help those who need assistance.

#### **FIRE OR SMOKE IN YOUR IMMEDIATE VICINITY**

- Only if it is safe, should you try to put out the fire yourself using a fire extinguisher.
- Call 9-1-1.
- Activate the nearest fire alarm pull station, if safe to do so.
- If smoke is present, evacuate by crawling to the nearest exit. DO NOT use elevators.
- Close the door as you leave to contain the fire (if applicable).
- When safe to do so, always help those who need assistance.

#### **ONCE OUTSIDE THE BUILDING**

- Report to the designated safe refuge area, and position yourself at least 50 feet away from the affected building(s).
- Check in and stay with your building captain, Emergency Response Team member, resident assistant or resident director.

- DO NOT re-enter the building until you are authorized to do so by the Los Angeles Fire Department or Public Safety.

Report all fires, regardless of size, and any fire extinguisher that has been used to Public Safety.

## **II. Reporting Campus Fires**

If you are unsure whether Public Safety may already be aware, listed below are the non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing. If you find evidence of such a fire or if you hear about such a fire, immediately call 9-1-1 and then call Public Safety, when safe to do so. If possible, and safe to do so, please activate the fire alarm to notify others in the building, of the fire. In the event of a fire, you may contact the following to notify LMU authorities:

Public Safety 310.338.2893

Student Housing Office (SHO) 310.338.2963

When calling, please provide as much information as possible about the location, date, time, and cause of the fire.

## **III. Fire Statistics**

All reports of fires and fire alarms are maintained in a database within Public Safety. Data collected includes, but is not limited to, the building name; time and date of fire; the number and cause of each fire; any and all injuries; any fatalities; and dollar values for property damaged by the fire (as assessed by LMU Risk Management).

## Fire Statistics 2024

The following sets forth information about all fires that occurred in on-campus residential buildings during the period from January 1, 2024 to December 31, 2024.

2024 LMU Residence Hall	Total No. of Fires in Building	Fire Number	Public Safety Report Number	Date & Time of Fire	Cause of Fire	No. of Injuries Needing Treatment	Deaths Related to Fire	Value of Property Damage Caused	No. of False Fire Alarms	No. of Fire Drills
Palm North	0	0	0	0	0	0	0	0	9	2
Palm South	0	0	0	0	0	0	0	0	14	2
Doheny Hall	0	0	0	0	0	0	0	0	0	2
Rosecrans Hall	0	0	0	0	0	0	0	0	0	4
Desmond Hall	0	0	0	0	0	0	0	0	0	4
Whelan Hall	0	0	0	0	0	0	0	0	1	3
Del Rey North	0	0	0	0	0	0	0	0	5	2
Del Rey South	0	0	0	0	0	0	0	0	3	4
McKay Hall	0	0	0	0	0	0	0	0	3	2
McCarthy Hall	0	0	0	0	0	0	0	0	2	2
Rains Hall	0	0	0	0	0	0	0	0	2	2
Tenderich Hall	0	0	0	0	0	0	0	0	2	2

2024 LMU Residence Hall	Total No. of Fires in Building	Fire Number	Public Safety Report Number	Date & Time of Fire	Cause of Fire	No. of Injuries Needing Treatment	Deaths Related to Fire	Value of Property Damage Caused	No. of False Fire Alarms	No. of Fire Drills
Hannon Apts.	0	0	0	0	0	0	0	0	2	2
O'Malley Apts.	0	0	0	0	0	0	0	0	2	2
Leavey 4 Apts.	0	0	0	0	0	0	0	0	1	2
Leavey 5 Apts.	0	0	0	0	0	0	0	0	1	2
Leavey 6 Apts.	0	0	0	0	0	0	0	0	11	2
8000 Loyola Blvd.	0	0	0	0	0	0	0	0	0	0
8001 Loyola Blvd.	0	0	0	0	0	0	0	0	0	0

### Fire Statistics 2023

The following sets forth information about all fires that occurred in on-campus residential buildings during the period from January 1, 2023 to December 31, 2023.

2023 LMU Residence Hall	Total No. of Fires in Building	Fire Number	Public Safety Report Number	Date & Time of Fire	Cause of Fire	No. of Injuries Needing Treatment	Deaths Related to Fire	Value of Property Damage Caused	No. of False Fire Alarms	No. of Fire Drills
Palm North	0	0	0	0	0	0	0	0	11	2
Palm South	0	0	0	0	0	0	0	0	11	2

2023 LMU Residence Hall	Total No. of Fires in Building	Fire Number	Public Safety Report Number	Date & Time of Fire	Cause of Fire	No. of Injuries Needing Treatment	Deaths Related to Fire	Value of Property Damage Caused	No. of False Fire Alarms	No. of Fire Drills
Doheny Hall	0	0	0	0	0	0	0	0	1	2
Rosecrans Hall	0	0	0	0	0	0	0	0	0	4
Desmond Hall	0	0	0	0	0	0	0	0	0	4
Whelan Hall	0	0	0	0	0	0	0	0	2	4
Del Rey North	0	0	0	0	0	0	0	0	5	2
Del Rey South	0	0	0	0	0	0	0	0	1	4
McKay Hall	0	0	0	0	0	0	0	0	8	2
McCarthy Hall	0	0	0	0	0	0	0	0	0	2
Rains Hall	0	0	0	0	0	0	0	0	2	2
Tenderich Hall	0	0	0	0	0	0	0	0	2	2
Hannon Apts.	0	0	0	0	0	0	0	0	0	2
O'Malley Apts.	0	0	0	0	0	0	0	0	1	2
Leavey 4 Apts.	0	0	0	0	0	0	0	0	4	2
Leavey 5 Apts.	0	0	0	0	0	0	0	0	0	2
Leavey 6 Apts.	0	0	0	0	0	0	0	0	8	2

2023 LMU Residence Hall	Total No. of Fires in Building	Fire Number	Public Safety Report Number	Date & Time of Fire	Cause of Fire	No. of Injuries Needing Treatment	Deaths Related to Fire	Value of Property Damage Caused	No. of False Fire Alarms	No. of Fire Drills
8000 Loyola Blvd.	0	0	0	0	0	0	0	0	0	0
8001 Loyola Blvd.	0	0	0	0	0	0	0	0	0	0

### Fire Statistics 2022

The following sets forth information about all fires that occurred in on-campus residential buildings during the period from January 1, 2022 to December 31, 2022.

2022 LMU Residence Hall	Total No. of Fires in Building	Fire Number	Public Safety Report Number	Date & Time of Fire	Cause of Fire	No. of Injuries Needing Treatment	Deaths Related to Fire	Value of Property Damage Caused	No. of False Fire Alarms	No. of Fire Drills
Palm North	0	0	0	0	0	0	0	0	5	2
Palm South	0	0	0	0	0	0	0	0	2	2
Doheny Hall	0	0	0	0	0	0	0	0	1	2
Rosecrans Hall	0	0	0	0	0	0	0	0	0	1
Desmond Hall	0	0	0	0	0	0	0	0	1	1
Whelan Hall	0	0	0	0	0	0	0	0	2	1
Del Rey North	1	1	2022-791	8/28/22 9:35 PM	Electrical/Battery	0	0	Less than \$75	6	1

2022 LMU Residence Hall	Total No. of Fires in Building	Fire Number	Public Safety Report Number	Date & Time of Fire	Cause of Fire	No. of Injuries Needing Treatment	Deaths Related to Fire	Value of Property Damage Caused	No. of False Fire Alarms	No. of Fire Drills
Del Rey South	0	0	0	0	0	0	0	0	3	1
McKay Hall	0	0	0	0	0	0	0	0	4	1
McCarthy Hall	0	0	0	0	0	0	0	0	1	1
Rains Hall	0	0	0	0	0	0	0	0	1	1
Tenderich Hall	0	0	0	0	0	0	0	0	1	1
Hannon Apts.	0	0	0	0	0	0	0	0	1	1
O'Malley Apts.	0	0	0	0	0	0	0	0	1	1
Leavey 4 Apts.	0	0	0	0	0	0	0	0	2	1
Leavey 5 Apts.	0	0	0	0	0	0	0	0	1	1
Leavey 6 Apts.	0	0	0	0	0	0	0	0	3	1
8000 Loyola Blvd.	0	0	0	0	0	0	0	0	0	0
8001 Loyola Blvd.	0	0	0	0	0	0	0	0	0	0



#### IV. Daily Fire Log

1. The following sets forth information about all fires that occurred in on-campus residential units during the period from January 1, 2024 through December 31, 2024, in accordance with applicable law.

Nature (cause) of Fire	Probable Origin (Intentional/unintentional/mechanical failure/act of nature/unknown)	Report Number	Date of Fire	Time of Fire	LMU Residential Building
NO FIRE EVENTS FOR THE YEAR 2024	N/A	N/A	N/A	N/A	N/A

2. The following sets forth information about all fires that occurred in on-campus residential units during the period from January 1, 2023 through December 31, 2023, in accordance with applicable law.

Nature (cause) of Fire	Probable Origin (Intentional/unintentional/mechanical failure/act of nature/unknown)	Report Number	Date of Fire	Time of Fire	LMU Residential Building
NO FIRE EVENTS FOR THE YEAR 2023	N/A	N/A	N/A	N/A	N/A

3. The following sets forth information about all fires that occurred in on-campus residential units during the period from January 1, 2022 through December 31, 2022, in accordance with applicable law.

Nature (cause) of Fire	Probable Origin (Intentional/unintentional/mechanical failure/act of nature/unknown)	Report Number	Date of Fire	Time of Fire	LMU Residential Building
Electrical	Faulty battery pack on personal device	2022-791	8/28/22	9:35 PM	Del Rey North

## V. Description of Student Housing Fire Systems<sup>3</sup>

Residence halls are equipped with fire alarms, smoke alarms, fire extinguishers, and emergency exit doors. Eleven of the nineteen residence halls are equipped with a sprinkler system. Apartment buildings are equipped with fire alarms, local smoke alarms, and fire extinguishers. The single-family dwellings (8000 and 8001 Loyola Blvd, 8000 Holy Cross St., 7947 McConnell St., 7206 78th St., 7210 78th St., 7230 78th St.) are equipped with local smoke alarms and fire extinguishers. Typically, under normal circumstances, LMU Public Safety coordinates two fire drills annually at each on-campus residence however, given the campus closure as a result of the pandemic, the number of fire drills conducted was significantly reduced.

Location	Building Fire Alarm	Fire Panel Location	Local Room Smoke Detection (Detectors Hand-Wired)	Yes Local Room Smoke Detection (Batteries)	Sprinkler System	Monit or Service	Fire Drills Conducted Annually
Doheny Hall	Yes	1st Floor Front Desk	Yes	Yes	Yes	Siemens Monitoring	2
Rosecrans Hall	Yes	Basement Electrical Room	Yes	No	Yes	Siemens Monitoring	4
Desmond Hall	Yes	1st Floor Entrance	Yes	No	No	Siemens Monitoring	4
Whelan Hall	Yes	Basement Electrical Room	Yes	Yes	No	Siemens Monitoring	3
Del Rey North	Yes	Garage Main Electrical Room	Yes	Yes	Yes	Siemens Monitoring	2
Dely Rey South	Yes	Garage Main Electrical Room	Yes	Yes	Yes	Siemens Monitoring	4
McKay Hall	Yes	1st Floor Lobby	Yes	Yes	Yes	Siemens Monitoring	2
McCarthy Hall	Yes	1st Floor Electrical Room	Yes	Yes	Yes	Siemens Monitoring	2
Palm North Hall	Yes	1st Floor Electrical Room	Yes	Yes	Yes	Siemens Monitoring	2

<sup>3</sup> Note: All but eight student housing facilities are located at 1 LMU Drive, Los Angeles, CA 90045

Location	Building Fire Alarm	Fire Panel Location	Local Room Smoke Detection (Detectors Hand-Wired)	Yes Local Room Smoke Detection (Batteries)	Sprinkler System	Monit or Service	Fire Drills Conducted Annually
Palm South Hall	Yes	1st Floor Electrical Room	Yes	Yes	Yes	Siemens Monitoring	2
Park West Apartments	Yes	Common Areas	Yes	Yes	Yes	No	0
Playa del Oro	Yes	Common Areas	Yes	Yes	Yes	No	0
Rains Hall	Yes	1st Floor Electrical Room	Yes	Yes	Yes	Siemens Monitoring	2
Tenderich Hall	Yes	1st Floor Electrical Room	No	Yes	Yes	Siemens Monitoring	2
Hannon Apts.	Yes	Across from Apt. 220	No	Yes	Yes	Siemens Monitoring	2
O'Malley Apts.	Yes	1st Floor Electrical Room	Yes	Yes	Yes	Siemens Monitoring	2
Leavey 4 Apts.	Yes	1st Floor Electrical Room	Yes	Yes	Yes	Siemens Monitoring	2
Leavey 5 Apts.	Yes	1st Floor Electrical Room	Yes	Yes	Yes	Siemens Monitoring	2
Leavey 6 Apts.	Yes	2nd Floor Electrical Room	Yes	Yes	Yes	Siemens Monitoring	2
8000 Loyola Blvd.	No	Single Family Dwelling	No	Yes	No	No	0
8001 Loyola Blvd.	No	Single Family Dwelling	No	Yes	No	No	0
6981 W. 80th Street	No	Single Family Dwelling	No	Yes	No	No	0
8000 Holy Cross Street	No	Single Family Dwelling	No	Yes	No	No	0

Location	Building Fire Alarm	Fire Panel Location	Local Room Smoke Detection (Detectors Hand-Wired)	Yes Local Room Smoke Detection (Batteries)	Sprinkler System	Monit or Service	Fire Drills Conducted Annually
7947 McCon- nell Street	No	Single Family Dwelling	No	Yes	No	No	0
7206 78th Street	No	Single Family Dwelling	No	Yes	No	No	0
7210 78th Street	No	Single Family Dwelling	No	Yes	No	No	0
7230 78th Street	No	Single Family Dwelling	No	Yes	No	No	0

## VI. Fire Safety & Training

Public Safety conducts fire safety training with the Residence Life staff during annual summer resident assistant (RA) training. Sessions are held covering emergency response, fire safety, fire evacuation protocol, and the role of an RA in any fire emergency.

The RAs are responsible for training their residents on fire and emergency evacuation protocol in their floor meetings at the beginning of the year. The RAs play an active role in the fire drills conducted by the professional Residence Life staff in collaboration with Public Safety. Residents are not notified of the time or date of the fire drills.

Fire safety continues to be a high priority at LMU. Facilities Management in concert with Emergency Management diligently work to enhance our fire preparedness and prevention strategies; continually assess and renew the fire safety instructions and fire evacuation procedures; and provide training and fire safety information for the LMU Community.

## VII. Fire Safety Policies & Procedures

Student Housing policies and community expectations reflect the belief that everyone living in university housing plays a role in maintaining an environment conducive to healthy living and learning. Residents must abide by these policies.

### Drill Procedures for Housing Buildings

- The RD of the building must be present.

- The drill occurs at randomly scheduled evening times.
- Resident Services will have a staff member onsite during the drill.
- Public Safety will be onsite.
- The drill is run by the RD of the building in conjunction with a Public Safety Officer.
- All students are expected to evacuate the building.
- The RA staff should be in their room.
- RA staff should evacuate when the alarm sounds.
- RA staff and the RD should convene at the designated Safe Refuge Area (and guide their residents to do so) where they will take a count of students and await further instructions from Public Safety.
- The RD will coordinate some type of educational program for the residents concerning the drill.
- The RD is expected to meet with the residents in the designated safe refuge area and discuss the drill.

### **Fire Drills for Administrative and Academic Buildings**

Public Safety partners with building captains and Emergency Response Team members from across campus to coordinate fire drills in administrative and academic buildings on campus.

### **Smoking on Campus**

Smoking, including the use of unregulated nicotine products (e.g. “e-cigarettes”), is not permitted in university housing facilities. No smoking is permitted within 25 feet of a building. Hookahs may not be smoked in or adjacent to any university housing facility. Please contact Student Leadership and Development for policies and procedures for using hookahs in designated areas. Fully disassembled hookahs may be stored in university housing facilities. However, having a fully or partially assembled hookah in your room or apartment is subject to disciplinary action.

### **Fire Safety in Residence Halls and on Campus**

- University housing facilities are smoke-free environs.
- Use only Underwriter’s Laboratory (UL) approved electrical appliances and equipment, including power strips and extension cords.
- Do not throw cigarettes or matches in trash cans or recycling cans.
- Halogen lamps are not permitted in university housing facilities.
- Open flames of any type, the burning of incense, candles, coals, possession of combustible chemicals, including propane and other fuels are not permitted.

- Power strips or surge protectors must be used in the event that the number of electrical appliances exceeds the number of electrical outlets. These must be UL approved, with a circuit breaker.
- Extension cords with a surge protector or circuit breaker are allowed in the residence hall and apartments.
- Power strips, extension cords or surge protectors must be plugged directly into the wall and should not be used in a series (i.e. one plugged into another).
- The use of multiple (“octopus”) electrical adapters and ungrounded electrical appliances are not permitted inside or within 25 feet of university housing facilities.
- Extension cords or surge protectors with signs of damage or overheating, including the use of electrical tape, are prohibited.
- Major appliances such as, but not limited to, refrigerators, micro-fridges, coffee pots and microwaves must be plugged directly into the wall outlet and not into surge protector or power strip.
- Extension cords should not run through openings in walls, ceilings or doorways, be attached or fixed to any surface, or run under carpets or flooring. Items such as loose clothing, papers, books or debris should not lie over or near surge protectors, power strips or extension cords.
- Do not leave electrical appliances unattended.
- Personal barbecues are prohibited.
- Space heaters and heating blankets are not permitted.
- Walls should not have decorations that cover more than 50% of the surface.
- Hookahs may not be smoked in or adjacent to any university housing facility. Please contact Student Leadership & Development for policies and procedures for using hookahs in designated areas. Fully disassembled hookahs may be stored in university housing facilities. However, having a fully or partially assembled hookah in your room or apartment is subject to disciplinary action.
- Fire extinguishers are located throughout the residence halls and apartment buildings. They are to be used only in the event of a fire.
- When an alarm sounds, the building must be evacuated.
- Do not tamper with the fire life safety equipment. This includes, but is not limited to, removing the smoke detector or its battery from the wall. Individuals who are found tampering with the fire alarms or equipment will be subject to disciplinary action. Disciplinary sanctions may be levied through the conduct process. The disciplinary sanction may vary from warning, to eviction, to dismissal from the university.
- All hallways and walkways must be kept clear to allow for safe entrance and exit to all individual rooms and apartments.

- Bathroom doors in the suites may not be locked or blocked from the bathroom side.
- In compliance with health and safety codes, cooking is permitted only in the apartments. Residents in residence halls may use hot pots or coffee pots. Other cooking equipment, including, but not limited to, rice cookers, steamers, electric frying pans, electric grills, portable stoves and toaster ovens is not permitted. Free standing microwave ovens are available in residence hall common areas and are not permitted in the residence hall rooms.
- To enhance the safety of LMU residents, fire sprinklers have been installed in many of the residence halls. Nothing may cover, be attached to or hung from any part of the fire sprinkler system, including, but not limited to, sprinkler heads, cages and pipes. LMU is not responsible for damage caused by the fire sprinkler system.

### VIII. Additional Emergency/Fire Information and Policy Resources

Emergency response resources information can be found online on the Emergency Management website, the Loyola Marymount University Community Standards, and the Student Housing Policies. Please follow the Student Life link below for detailed information on the university's candle policy, open flame policy, and portable electrical appliances restrictions.

Site	Link	Information
LMU Fire Safety Policies	<a href="http://lmu.edu/studentaffairs">lmu.edu/studentaffairs</a> > Housing > On-Campus Housing > Life in the Halls > Student Housing Policies	LMU Fire Safety procedures in Campus Student Housing
LMU Emergency Management	<a href="http://lmu.edu/emergency">lmu.edu/emergency</a> > Emergency Preparedness > Preparedness Tips	LMU Emergency Management preparedness and response tips
Center for Campus Fire Safety	<a href="http://campusfiresafety.org">campusfiresafety.org</a>	The Center for Campus Fire Safety – A non-profit advocate for the promotion of campus fire safety
Anonymous Tip Line	<a href="http://lmu.edu/publicsafety">lmu.edu/publicsafety</a> > Report a Crime	Report criminal activity anonymously

### Important Contact Numbers

Department - Agency	From a Campus Phone	Other Phone
Police or Fire Emergency	9-1-1	9-1-1
Los Angeles Police Department (non-emergency)	310.482.6334	310.482.6334

Department - Agency	From a Campus Phone	Other Phone
Los Angeles Fire Department, Station 67 (non-emergency)	310.862.2844	310.862.2844
LMU Public Safety Services	Ext. 222	310.338.2893
Office of Environmental Health & Safety	310.420.5385	310.420.5385
University Operator	0	310.338.2700
Office of Facilities Management	Ext. 82761	310.338.2761
Student Housing Office	Ext. 82693	310.338.2693
Office of Student Life	Ext. 82877	310.338.2877



## ANNUAL DISCLOSURE OF CLERY ACT CRIME STATISTICS

The crimes reported are not necessarily committed against a member of the university community. Crimes that may have occurred on off-campus locations are not included in the University's statistics. The definition of each crime may differ from the definition of comparable crimes under the California Penal Code or university discipline policies. In addition, the Clery Act also requires reporting of hate crimes in the above categories where prejudice on account of race, gender, gender identity, religion, sexual orientation, ethnicity/national origin, or disability was a factor.

The following statistics, which include crimes on campus and crimes in adjacent public areas, are collected by Public Safety and are based on crimes reported directly to Public Safety by a witness, complainant, respondent, Campus Security Authority, or any other individual including local law enforcement officers.

### I. Definitions

- **Aggravated Assault** is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury.
- **Arson** is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- **Burglary** is the unlawful entry of a structure to commit a felony or theft.
- **Dating Violence** is violence committed by a person:
  - a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - b. Where the existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the following factors:
    - i. The length of the relationship.
    - ii. The type of the relationship.
    - iii. 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 the "Complainant's statement" with consideration of the length of the relationship, the type of relationship and the frequency of

interaction between the persons involved. Dating Violence does not include acts covered under the definition of Domestic Violence.

- **Domestic Violence** is 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 California law, or by any other person against an adult or youth victim who is protected from that person's acts under California law.
- **Forcible Sex Offense** is any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against that person's will where the victim is incapable of giving consent. Includes forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling.
- **Hate Crime** are acts of physical force, threats, or intimidation that are willfully or knowingly committed because of the victim's actual or perceived disability, gender, nationality, race or ethnicity, religion or sexual orientation. Hate crimes are expressed in several ways, sometimes physical violence and sometimes violence against property. (California Penal Code, §§422.55 and 422.6).
- **Motor Vehicle Theft** is the theft or attempted theft of a motor vehicle.
- **Murder/Non-Negligent Manslaughter** is the willful (non-negligent) killing of one human by another.
- **Negligent Manslaughter** is the killing of another person through gross negligence.
- **Non-Forcible Sex Offense** is unlawful, non-forcible sexual intercourse, including incest and statutory rape.
- **Non-Campus** includes all buildings owned or controlled by LMU used in direct support of, or in a manner related to, the institutions educational purposes, frequently used by students and not within the same reasonably geographic area the LMU campus.

- **On-Campus** includes all buildings owned or controlled by LMU within the same reasonably contiguous geographic area and used by LMU in direct support of, or in a manner related to, the institution's educational purposes, including residence halls.
- **Public Property** includes all public property, including thoroughfares, streets, sidewalks, and parking facilities, within the campus or immediately adjacent to and accessible from the campus.
- **Residence Halls** is a subset of on-campus property and includes all LMU owned or controlled buildings on-campus that are used for student residence.
- **Robbery** is taking or attempting to take anything of value from the car, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **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 his or her safety, or the safety of others or suffer substantial emotional distress.
  - a. 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.
  - b. 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.

## II. Crime Statistics: Clery Data Reported to Public Safety<sup>4</sup>

### 2022 Clery Crime Statistics

Offense	On-Campus*	Residence Hall	Public Property	Non-Campus
Murder/Non-Negligent Manslaughter	0	0	0	0

<sup>4</sup> \*The "On-Campus" category includes corresponding crimes committed within residence halls. "Non-Campus" includes areas owned or controlled by the university that are not located within the core campus geography. In the 2022 reporting period, there was one motor vehicle theft from a parking lot at the Playa Del Oro Apartments and

Offense	On-Campus*	Residence Hall	Public Property	Non-Campus
Negligent Manslaughter	0	0	0	0
Rape	2	1	0	0
Fondling	4	2	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	3	2	0	3*
Motor Vehicle Theft	13	0	0	4*
Arson	1	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	1	0	0	0
Stalking	10	0	0	1

ARRESTS	On-Campus*	Residence Hall	Public Property	Non-Campus
Weapons	0	0	0	0
Drugs	1	1	0	0
Alcohol	0	0	0	0

REFERRALS	On-Campus*	Residence Hall	Public Property	Non-Campus
Weapons	2	2	0	0
Drugs	70	55	0	0
Alcohol	16	0	0	0

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3 motor vehicle thefts from a parking lot at the Park West Apartments. There were also three non-campus burglaries, one from an off-campus house and another two from the Park West Apartments.”

## 2023 Clery Crime Statistics

Offense	On-Campus*	Residence Hall	Public Property	Non-Campus
Murder/Non-Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Rape	10	8	0	1
Fondling	1	0	0	1
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	1	1	0	0
Aggravated Assault	1	0	0	0
Burglary	4	0	0	0
Motor Vehicle Theft	13	1	0	6
Arson	1	0	0	0
Domestic Violence	2	1	0	0
Dating Violence	2	2	0	0
Stalking	9	0	0	0

ARRESTS	On-Campus*	Residence Hall	Public Property	Non-Campus
Weapons	0	0	0	0
Drugs	0	0	0	0
Alcohol	1	0	0	0

REFERRALS	On-Campus*	Residence Hall	Public Property	Non-Campus
Weapons	2	1	0	0
Drugs	62	56	0	0
Alcohol	14	0	2	0

## 2024 Clery Crime Statistics

Offense	On-Campus*	Residence Hall	Public Property	Non-Campus
Murder/Non-Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Rape	7	6	0	0
Fondling	4	0	0	0
Incest	0	0	0	0
Statutory Rape	1	1	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	1
Burglary	4	2	0	0
Motor Vehicle Theft <sup>5</sup>	36	6	0	0
Arson	0	0	0	0
Domestic Violence	3	1	0	0
Dating Violence	2	1	0	0
Stalking	7	0	0	0

ARRESTS	On-Campus*	Residence Hall	Public Property	Non-Campus
Weapons	1	0	0	0
Drugs	0	0	0	0
Alcohol	2	0	0	0

REFERRALS	On-Campus*	Residence Hall	Public Property	Non-Campus
Weapons	3	1	0	0
Drugs	50	49	0	0
Alcohol	30	0	0	0

<sup>5</sup> \*\*\*During the 2024 reporting period, the university saw a significant uptick both in on-campus usage of e-scooters and e-bicycles, as well as an uptick in the theft of said items. Given that the items are electronically-powered, they were classified as motor vehicles.

### **III. Hate Crimes**

- 2022: One hate crime reported – One criminal mischief/vandalism incident characterized by race/ethnicity bias.
- 2023: No hate crimes during the reported period.
- 2024: During the 2024 reporting period, there were five reported hate crimes:
  - a. Two larceny thefts incidents characterized by sexual orientation bias.
  - b. One larceny theft incident characterized by national origin bias.
  - c. One vandalism incident characterized by race bias.
  - d. One vandalism incident characterized by national origin bias.

### **IV. Unfounded Crimes**

- 2022: No unfounded crimes during the reporting period.
- 2023: No unfounded crimes during the reporting period.
- 2024: No unfounded crimes during the reporting period.

### **V. Daily Crime Log**

As required by the Clery Act, Campus Safety utilizes the LMU Daily Crime Log to disclose the information on all incidents, including Clery Crimes that have reportedly occurred on our campus geography. The LMU Daily Crime Log is posted at [safety.lmu.edu/incidents/logs](https://safety.lmu.edu/incidents/logs); a hard copy is also available in the Campus Safety office in Foley Annex Suite #100. Campus Safety updates this information at least every two business days.



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