

## Discrimination, Harassment, Sexual Misconduct and Retaliation Prevention Policy (DHSMR Policy)

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Dominican University of California creates and maintains a community in which all of its members are protected from discrimination and retaliation and prohibits such behavior in all University operations.

The contacts for this policy are:

**Jesse Andrews – Title IX Coordinator**

Office: Magnolia Carriage House (behind Magnolia House)

(415) 482 1847

[jesse.andrews@dominican.edu](mailto:jesse.andrews@dominican.edu) or [TitleIX@dominican.edu](mailto:TitleIX@dominican.edu)

**Paul Kaccanello – Deputy Title IX Coordinator**

Office: Courtney Bell – Title IX Coordinator – Make School

[courtney@makeschool.com](mailto:courtney@makeschool.com)

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**Lorisa Lorenzo – Student Conduct and Support**

Office: Edgehill Mansion 2<sup>nd</sup> floor

(415) 482 1989

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Sexual harassment, sexual assault, and sexual misconduct. The coordinator shall endeavor to address all complaints of discrimination, harassment, sexual misconduct, and retaliation, including but not limited to, discrimination based on race, ethnicity, national origin, sex, pregnancy, childbirth and related medical conditions, age, disability, sexual orientation, gender identity and expression, and marital status, and do not discriminate on the basis of marital status, sexual orientation, or physical disability status, including but not limited to, in policies and procedures.

plays an integral role in carrying out the University's commitment to creating, fostering and maintaining an educational, employment, and campus environment that is free of discrimination, harassment, sexual misconduct and retaliation.

To make a report or complaint, contact the Title IX Coordinator or [titleX@domi](mailto:titleX@domi)





required to promptly disclose the relationship to the Title IX Coordinator.

#### 4.2 RELATIONSHIPS BETWEEN FACULTY AND STAFF

An individual may be found to have professional influence or authority over a faculty or staff member when that individual supervises or evaluates performance, or recommends or awards salary, reappointment, promotion or tenure of the faculty or staff member. The existence of professional influence or authority is determined on a case by case basis.

When a consensual sexual or physically intimate relationship exists or develops between a faculty or staff member and a member of the faculty or staff over whom he/she has professional influence or authority, the person with professional influence or authority shall promptly report the existence of the relationship to the Title IX Coordinator. With assistance and in a manner that causes the least detrimental effect for the staff or faculty member in the subordinate position, the faculty or staff member shall take steps to remove him/herself from the position of power or authority. Because such steps may adversely affect the subordinate person in the relationship, may jeopardize the position at the University of the person with influence or authority, and may inconvenience or cause undue hardship to other members of the University community, both parties should be mindful of the potential costs before entering into a sexually or physically intimate relationship.

Failure to comply with this policy or to self report the existence of a relationship as required by this policy is considered a violation of policy and will be subject to the appropriate disciplinary action, which may include suspension without pay or dismissal/termination of employment.

### 5 REPORTING SEXUAL ASSAULTS & RESOURCES AVAILABLE

Students and employees wanting to report a sexual assault have the following reporting options, resources, and procedures available to them:

- Report the assault to the University
- Report the assault to local law enforcement
- Report the assault to BOTH the University and local law enforcement

These reporting options can be explained further by the Title IX Coordinator or Deputies, staff in the Office of the Dean of Students or Human Resources offices.

Upon receiving a report, the University will proceed with an investigation and disciplinary process if evidence supports doing so. For all reports, the University will:

- Provide information on medical resources
- Provide information on counseling and support services (both on

Provide assistance with making a report to law enforcement if requested. **IMPORTANT:**

statistics (Clery Report). These reports provide only statistic



The University will do all it can to respect the victim's wishes, but may proceed with addressing allegations of discrimination, harassment, sexual misconduct, and/or retaliation if and when it becomes aware of such allegations, especially where the circumstances present a threat of harm or injury to the victim or other members of the community. In all cases, the University will maintain confidentiality to the extent possible and will conduct a fair, timely and thorough investigation.

Prompt reporting of a complaint of discrimination, harassment, sexual misconduct, and/or

In all cases in which an interim suspension is imposed, the student, employee, or student organization will be given the option to meet with the Title IX Coordinator (or designee) prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension or other restrictions should not be implemented or should be modified. The Title IX Coordinator (or designee) has discretion to implement or stay an interim suspension and to determine its conditions and duration. Violation of an interim suspension/emergency removal under this policy will be grounds for discipline, which may include expulsion from the University or termination of employment.

During an interim suspension/emergency removal, a student or employee may be denied access to University housing and/or the University campus/facilities/events. The University will use the least restrictive interim measures possible to ensure the continued safety and health of the reporting party and/or the campus community.

As determined by the Title IX Coordinator (or designee), these restrictions may include classes and/or all other University activities, or privileges for which the student might otherwise be eligible. For example, such measures could include, but are not limited to: removing a student from a residence hall, temporarily re assigning an employee, restricting a student's or employee's access to or use of University facilities or equipment, allowing a student to withdraw or take incompletes without financial penalty, suspending a student's participation in extracurricular activities, student organizational leadership, or intercollegiate athletics. Alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the responding partyath o t



## 7 ADDRESSING REPORTS OF VIOLATIONS OF THE DHSMR POLICY

The University will act on any formal or informal allegation or notice of violation of the policy on Discrimination, Harassment, Sexua

violated. If so, the University will promptly implement effective remedies designed to end the action, prevent its recurrence, and address its effects.

When investigating an allegation of a violation of the DHSMR policy, the University typically takes the

### 7.3 ADVISORS

Each party may have an advisor of their choice present with them for all meetings and interviews within the resolution process, if they so choose. The parties may select whomever they wish to serve as their advisor as long as the advisor is eligible and available, and otherwise not involved in the resolution process, such as serving as a witness.

The advisor may be a friend, mentor, family member, attorney, or any other supporter a party chooses to advise them. The parties may choose advisors from inside or outside the campus community, or proceed without an advisor.

The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help their advisees to prepare for each meeting, and are expected to advise ethically, with integrity, and in good faith.

The University cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the University is not obligated to provide one.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting or interview unless invited. The advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee at any point in the investigation or resolution process, with the exception of the cross examination portion of a live hearing in Title IX complaints.

The parties are expected to ask and respond to questions on their own behalf, without representation by their advisors. Advisors may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process. Advisors may not speak on behalf of the parties involved and may not ask questions on behalf of their party. For longer or more involved discussions, the parties and their advisors should ask for breaks to step out of meetings to allow for private conversation. Advisors are expected to refrain from interference with the investigation and resolution.

If a party does not have an advisor for a hearing panel, under the scope of Title IX, the University will provide one for the hearing panel only.

Any advisor who steps out of their role will be warned once, and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting.

When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator (or designee) will determine whether the advisor may be reinstated or replaced by a different advisor.

The University expects that the parties may wish to have the University share documentation related to the

The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator (or designee). If, during the preliminary inquiry or at any point during the formal investigation, the Title IX Coordinator (or designee) determines that reasonable cause does not support the conclusion that policy has been violated, the process will end, and the parties will be notified.

The reporting party may request that the Title IX Coordinator (or designee) review the reasonable cause determination and/or re open the investigation. This decision lies in the sole discretion of the Title IX Coordinator (or designee), but the request is usually only granted in extraordinary circumstances.

Cross claims by the responding party may be made in good faith, but are also made for purposes of retaliation, on occasion. The University is obligated to ensure that this process is not abused for retaliatory purposes. The University permits the filing of cross claims, but uses the preliminary inquiry, described above, to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution procedures below, typically after resolution of the underlying allegation.

A delay in the processing of cross claims is permitted, accordingly. Occasionally, allegations and cross claims can be resolved through the same investigation, at the discretion of the Title IX Coordinator (or designee). Where cross claims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this policy.

## **7.6 RESOLUTIONS**

The following sections provide information on the various resolution processes that may be used in response to reported violations of the DHSMR policy.

### **7.6.1 Informal Resolution**

The Informal Resolution process is used when all parties agree to resolve the report informally, rather than through a formal administrative resolution. An informal resolution may not be used in reports under Title IX that involve employee harassment of a student.

It is not necessary to pursue Informal Resolution first in order to pursue Formal Administrative Resolution, and any party participating in Informal Resolution can stop the process at any time and request the Formal Administrative Resolution process. Further, if an Informal Resolution fails to resolve the matter, then Formal Administrative Resolution may be pursued.

### **7.6.2 Formal Administrative Resolution**

If Formal Administrative Resolution is initiated, the Title IX Coordinator (or designee) will provide written notification of the investigation to the responding party at an appropriate time during the investigation. Typically, notice is given in advance of an interview unless an exigency exists, such as when providing advanced notice is likely to lead to the loss or destruction of evidence or could otherwise significantly impede the integrity of the investigation. Advanced notice facilitates the responding party's ability to identify and choose an advisor to accompany them to the interview.

Notification will include a meaningful summary of the allegations and will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official University records; or emailed to the parties' University issued email account.

Once mailed, emailed and/or received in person, notice will be presumptively delivered. The notification should include the policies allegedly violated, if known at the time. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer. The reporting party is typically provided a copy of such correspondence.

Once the decision is made to commence a formal investigation, a Primary Investigator will be assigned. Either party may, at any time during the resolution process, raise a concern regarding bias or conflict of interest and the Title IX Coordinator (or the Vice President for Academic Affairs if the concern involves the Title IX Coordinator) will determine whether the concern is reasonable and supportable. If so, another investigator

Unless determined it is appropriate, the investigation and the finding do not consider: (1) incidents not

The University aims to complete all Formal Administrative Resolutions (including investigations, rendering of findings, and sanctions) within a sixty (60) business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator (or designee), with notice to the parties as appropriate.

## 7.7 SANCTIONS

Sanctions are determined by the Decision Making Administrators (or Hearing Panel). Factors considered when determining a sanction/responsive action may include, but are not limited to:

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



Suspension – Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at Universi



*appeal request (including the submitted summaries), the original record (including the investigator's report), and any other relevant information, and will take one or a combination of the following actions:*

- 1) Uphold the findings and/or sanctions outlined in the Administrative Disposition;*
- 2) Modify the findings and/or sanctions outlined in the Administrative Disposition;*

The right to be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations;

The right to receive a detailed notice of investigation, once the University has decided to pursue a formal investigation, containing the identity of the parties in





**8.8 INFORMATION CONCERNING REGISTERED SEX OFFENDERS**

As required by the federal Campus Sex Crimes Prevention Act, in



**Support Person:** The complainant and/or the respondent may have a support person present with him/her at all meetings associated with a complaint in which the party to the complaint is participating. The support person must be a current member of the University community, except in sexual misconduct cases. In sexual misconduct cases, both parties may choose an advisor of their choice. The support person may attend, but shall not participate in meetings. The role of the support person shall be limited to counsel



Affirmative consent cannot result from force, or threat of force, coercion, fraud, intimidation, or incapacitation. Physical force includes but is not limited to: hitting, kicking and restraining. Intimidation is generally understood to mean forcing someone into some action or deterring a person from some action by inducing fear. Coercion is generally understood to mean the use of express or implied threats of violence or reprisal or other intimidating behavior that puts a person in immediate fear of the consequences in order to compel that person to act against his/her will. Threatening someone can come in the form of words, gestures, or non verbal actions. It is not possible to obtain consent for a sexual act through the above described means. If at any time consent is withdrawn, the activity must stop immediately.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a social relationship is based on the reporting party's statement with consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved.

**Discrimination:** Conduct that is based upon an individual's race, color, religion, national origin, sex (including pregnancy, childbirth and any related medical condition), gender (including gender identity and gender expression), age, marital status, registered domestic partnership status, mental or physical disability status, religion (including religious dress and grooming practices), sexual orientation, military or veteran status, genetic information or any other characteristic protected by law. Such behavior has the effect of excluding individuals from participation, denies the individual the benefits of, treats the individual differently, or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in a University program or activity.

**Domestic Violence:** Domestic violence includes felony or misdemeanor crimes of violence committed by family members related by blood; people who are married or used to be married; people who share or used to share a home, apartment or other common dwelling; people who have or allegedly have a child in common or a blood relationship through a child in common; people who are dating or engaged or used to date, including same sex couples; people with disabilities and their personal assistants; or violence by any other person against an adult or youth victim who is protected !

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and constitute prohibited discrimination, harassment, sexual misconduct, or retaliation if it meets the definition of discrimination, harassment, sexual misconduct, or retaliation as noted throughout this policy and a) is reasonably regarded as non professorial speech (i.e., advances a personal interest of the faculty member or student as opposed to furthering the learning process or legitimate objectives of the course), or b) lacks accepted pedagogical purpose or is not germane to the academic subject matter.

**Hostile Work, Learning, or Living Environment:** In general, sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace, learning environment, or living environment that is hostile, offensive, intimidating, or humiliating may constitute sexual harassment. Such conduct may create a hostile environment for individuals other than those at whom the conduct is directed. Harassment that creates a hostile environment includes peer harassment, such as student to student or colleague to colleague. To constitute a hostile environment, the harassment must be sufficiently severe or pervasive to affect the conditions of the complainant's employment, academic standing or participation in an education program or activity, and must create an offensive or

or of academic standing; or  
Submission to or rejection of such conduct is used as the basis

ADDITIONAL  
TERMINOLOGY

**Background Checks:** A search for sex related offenses in an individual's counties of residence for the past seven years; a search of the state registry of sex offenders; and a database search for criminal activity in the individual's states of residence for the past seven years.

**Camp Counselors and Program Leaders:** Includes those students, faculty,

