

Sexual Misconduct and Relationship Violence Reporting and Response Standards and Protocols (Non-Title IX Cases)

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I. Introduction

The University of San Diego is committed to upholding standards that promote respect and human dignity in an environment that fosters academic excellence and professionalism. Sexual misconduct and relationship violence in any form are antithetical to the university's mission and core values, violate university policy, and may also violate federal and state law.

In support of that commitment, the University of San Diego responds to allegations of sexual harassment, including sexual misconduct and relationship violence, through one of two processes:

1. Allegations that meet the threshold of Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq, as updated in May 2020 ("Title IX"), specifically allegations of sexual harassment and sexual misconduct that occurred on University of San Diego owned or managed property or at a University of San Diego sponsored event, in the United States of America where the complainant and the respondent are registered students, will follow the protocols outlined in the Title IX Sexual Harassment Grievance Process.
2. Allegations that do not meet the Title IX threshold, but nevertheless may violate University policy, are responded to using the procedures outlined in below and in the Student Code of Rights and Responsibilities.

II. BACKGROUND

Title IX is a federal law that prohibits discrimination on the basis of sex in education programs and activities by educational institutions that receive federal financial assistance. Prohibited sex discrimination includes sex harassment. Prohibited sex harassment, in turn, includes but is not limited to sexual assault and other forms of sexual violence.

The Violence Against Women Reauthorization Act of 2013 (“VAWA”), including the Campus Sexual Violence Elimination Act (“Campus SaVE Act”) amending the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), is a federal law that requires colleges and universities to have procedures in place to respond to incidents of sexual assault, domestic violence, dating violence, and stalking. All such offenses are prohibited by the university.

The university maintains a Policy Prohibiting Discrimination and Harassment that includes sexual harassment among its prohibited behaviors and that applies to all employees and students. Sexual Misconduct and Relationship Violence are forms of sex harassment prohibited by that policy, whether the conduct at issue occurred on or off campus. In order to address its responsibilities in support of its’ Mission as well as under Title IX and the VAWA, the university has implemented two reporting and response standards and protocols specifically to address incidents of Sexual Misconduct and Relationship Violence. In addition, and in compliance with the Clery Act, these standards are issued to inform the campus community of the university’s programs to address and prevent sexual assault, domestic violence, dating violence, and stalking, as well as the procedures for institutional disciplinary action in cases that are reported to the university, whether the conduct occurs on or off campus.

All students, faculty, administrators and staff at the university are expected to be familiar with and to abide by these Standards and Protocols.

III. Key Definitions (listed alphabetically)

- “Complainant” is a person who reports that they have allegedly experienced an act or acts of Sexual Misconduct or Relationship Violence.
- “Consent” is an affirmative, conscious and voluntary agreement to engage in sexual activity. It is an informed decision made freely, actively and voluntarily by all parties. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. Lack of protest or resistance does not mean consent, nor does silence mean consent. Consent cannot be obtained by threat, coercion, or force. Furthermore, a current or previous dating or sexual relationship between the persons involved should never by itself be assumed to be an indicator of consent. Being intoxicated does not diminish one’s

responsibility to obtain consent.

A person cannot give consent if they (1) are a minor (under age 18); (2) have a mental disorder or developmental or physical disability that renders them incapable of giving consent, and this is known or reasonably should have been known to the Respondent; (3) are unconscious of the nature of the act, and this is known to the Respondent; or (4) are incapacitated from alcohol or other drugs, and this condition is known or reasonably should have been known to the Respondent. Some indicators that an individual is or may be incapacitated due to intoxication may include, but are not limited to, vomiting, unresponsiveness, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, or inability to perform other physical or cognitive tasks without assistance.

For the purpose of this policy, “consent” also includes conduct defined under California Penal Code Section 261.6. California Penal Code definitions are found at www.sandiego.edu/titleix.

In the evaluation of any complaints in any University disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances: (a) the Respondent’s belief in affirmative consent arose from the intoxication or recklessness of the Respondent; or (b) the Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

In the evaluation of any complaints in any University disciplinary process, it shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances: (a) the Complainant was asleep or unconscious; (b) the Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity; (c) the Complainant was unable to communicate due to a mental or physical condition.

- “Dating Violence” means 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 such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and 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. Dating violence does not include acts covered under the definition of domestic violence. Dating violence also includes conduct that is in violation of California Penal Code Section 13700. California Penal Code definitions are found at www.sandiego.edu/titleix.

- “Domestic Violence” means a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. Domestic violence also includes conduct that is in violation of California Penal Code Section 13700. California Penal Code definitions are found at www.sandiego.edu/titleix.
- “Relationship Violence” includes Dating Violence and Domestic Violence.
- “Respondent” is any individual who is alleged to have committed an act or acts of Sexual Misconduct or Relationship Violence.
- “Sexual Assault” is any unwanted physical contact of a sexual nature that occurs either without the consent of each participant or when a participant is unable to give consent freely. Physical contact of a sexual nature includes, but is not limited to, touching or attempted touching of another person’s breasts, buttocks, inner thighs, groin, or genitalia, either directly or indirectly, or sexual penetration (however slight) of another person’s oral, anal or genital opening. Sexual assault includes, but is not limited to, rape, sodomy, oral copulation, sexual battery, sexual penetration with an object, forcible fondling (e.g. unwanted touching or kissing for purposes of sexual gratification), or threat of sexual assault. Sexual assault can occur either forcibly and/or against a person’s will, or when a person is unable to give consent freely.

For the purpose of this policy, “sexual assault” also includes any sexual offense, as defined by the Clery Act, which is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Those definitions are as follows:

- “Rape” is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- “Fondling” is defined as the touching of the private body parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- “Incest” is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by laws.

- "Statutory rape" is defined as sexual intercourse with a person who is under the statutory age of consent.

Per the National Incident-Based Reporting System User Manual from the FBI UCR program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

For the purpose of this policy, sexual assault also includes any conduct in violation of California Penal Code Sections 261, 285, or 243.4. California Penal Code definitions are found at www.sandiego.edu/titleix.

- "Sexual Exploitation" is sexual misconduct that occurs when a person takes unjust or abusive sexual advantage of another for their own advantage or benefit or for the benefit or advantage of anyone other than the exploited party; and that behavior does not otherwise constitute sexual assault. Examples of sexual exploitation include, but are not limited to, videotaping or photographing of any type (web-cam, camera, Internet exposure, etc.) without knowledge and consent of all persons; prostituting another person; knowingly transmitting HIV or a sexually transmitted disease to an unknowing person or to a person who has not consented to the risk; or inducing incapacitation with the intent to commit sexual assault, without regard to whether sexual activity actually takes place.
- "Sexual Harassment" is a form of sex discrimination prohibited by Title IX. It is unwelcome conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of the person's employment or education; submission to or rejection of such conduct by a person is used as the basis for a decision affecting the person's employment or education; or such conduct has the purpose or effect of unreasonably interfering with a person's employment or education or creating an intimidating, hostile, or offensive employment or educational environment. Prohibited conduct can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature.
- "Sexual Misconduct" includes Sexual Harassment, Sexual Assault, Sexual Exploitation and Stalking.
- "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or to suffer substantial emotional distress. For the purpose 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.

- “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.
- “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking also includes any conduct that is in violation of California Penal Code Section 646.9(a). California Penal Code definitions are found at www.sandiego.edu/titleix.

- “Student” shall have the same meaning as that contained in the Student Code of Rights and Responsibilities.

III. Privacy and Confidentiality

The university is committed to protecting the privacy of all individuals involved in a report of Sexual Misconduct or Relationship Violence. In any report made under these Standards and Protocols, the privacy interests of those involved will be protected in a manner consistent with the need to respond to and to conduct a thorough review of the incident reported. Information will be shared only with those individuals who have a legitimate need to know the information in order to assist in the response to, investigation and/or resolution of the complaint. By only sharing personally identifiable information with individuals on a need-to-know basis, the university will maintain as private any accommodations or protective measures to the extent that doing so would not impair the ability of the university to provide those accommodations or protective measures. Please see Section IV below for information about reporting procedures and options.

Confidentiality, on the other hand, is not the same as privacy. Confidentiality means that the information shared with a certain university employee or outside professional cannot be disclosed to others without the express permission of the individual who shared the information.

Individuals who wish to obtain confidential assistance without making a report to USD may do so by speaking confidentially with professionals who are obligated by law to maintain confidentiality, subject to the stated terms of confidentiality by that office. At USD, students may speak confidentially with any of the following:

- Counseling Center psychologists, psychiatric providers, care coordinators, or psychology trainees
Serra Hall 300
(619) 260-4655
www.sandiego.edu/usdcc
- Center for Health and Wellness Promotion providers and psychology trainees
Hahn University Center 161

(619) 260-4618
<https://www.sandiego.edu/health-wellness/>

- University Ministry pastoral counselors or members of the clergy who work for USD (provided that the communication occurs with the counselor or clergy member in their pastoral role)
Hahn University Center 238
(619) 260-4735

Information shared with these confidential sources will not be shared with USD without consent, unless the disclosure is specifically permitted or required by law, such as when the circumstances pose an imminent risk of harm to self or others or where the report involves the suspected abuse of a minor under the age of 18.

The university does not publish the names of crime victims or other identifiable information regarding victims in its daily crime log or in the annual crime statistics that are disclosed in compliance with the Clery Act. Furthermore, if a timely warning is issued pursuant to the Clery Act on the basis of a report of sexual assault, domestic violence, dating violence, or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

For further information about on-campus and off-campus resources, see Section XIV below.

IV. Reporting Procedures and Options

USD strongly encourages all members of the university community to report information about any incident of Sexual Misconduct or Relationship Violence as soon as possible, whether the incident occurred on or off campus. Reports can be made either to USD or to law enforcement.

USD *requires* all faculty members, administrators, supervisors, and any employees who have responsibility for student welfare to promptly report information about any incident of Sexual Misconduct or Relationship Violence to USD as provided below, unless the employee is required by law to keep that information confidential by virtue of their professional role (e.g. the employee received the information in their role as a psychological counselor or a pastoral counselor). In addition, those employees who have been informed by the Department of Public Safety that they are “campus security authorities” under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) are legally required to report such incidents to the Department of Public Safety. All such employees to whom an incident is reported should strongly encourage the reporting party, whether it is the individual who allegedly experienced the act or acts of Sexual Misconduct or Relationship Violence or a third party, to speak directly with the Title IX Coordinator, a CARE Advocate, and/or the Department of Public Safety.

- **Reporting to the University of San Diego**

A report to USD of an incident of Sexual Misconduct or Relationship Violence should be made to any of the following:

- Title IX Coordinator. The Title IX Coordinator can be reached in Maher Hall 101 in the Department of Human Resources or at (619) 260-4594. For more information about the Title IX Coordinator, please see www.sandiego.edu/titleix/.
- Trained Campus Assault Resources and Education (CARE) Advocate. You may reach a CARE Advocate at any time, 24 hours a day/7 days a week, through the Department of Public Safety's Dispatch Office at (619) 260-2222. When you call, you should ask specifically to speak with a CARE Advocate and you may do so without providing any information other than your contact information so that a CARE Advocate can contact you.

CARE Advocates are specially trained to provide support to USD students who are impacted by Sexual Misconduct or Relationship Violence. For more information about the CARE Advocate Program, including a list of CARE Advocates with their direct contact information during regular business hours, please see www.sandiego.edu/CARE.

- USD's Department of Public Safety. You may reach USD's Department of Public Safety by calling (619) 260-2222 at any time, 24 hours a day/7 days a week. For more information about the Department of Public Safety, please see www.sandiego.edu/safety.

Where the matter involves allegations of sexual assault or other criminal conduct and/or the matter involves the safety of any member of the USD community, the Department of Public Safety will notify law enforcement of a report of Sexual Misconduct or Relationship Violence. If the incident is alleged to have been perpetrated against an individual under age 18, appropriate notifications will be made as required by California law addressing the mandatory reporting of incidents of child abuse and neglect.

In every case, the CARE Advocate or the Department of Public Safety will inform the Title IX Coordinator of the report. In addition, if the incident involves a university employee, the Chief Human Resources Officer will be informed of the report.

An individual who has experienced an incident of Sexual Misconduct or Relationship Violence may report the incident at any time, regardless of how much time has elapsed since the incident occurred. USD is committed to supporting the rights of a person reporting an incident of Sexual Misconduct or Relationship Violence to make an informed choice among options and services available.

USD will respond to all reports in a manner that treats each individual with dignity and respect and will take prompt responsive action to end any misconduct, prevent its recurrence, and address its effects.

- **Reporting to Law Enforcement**

An incident of Sexual Misconduct or Relationship Violence can be reported to law enforcement at any time, 24 hours a day/7 days a week, by calling 911.

At the Complainant's request, USD will assist the Complainant in contacting law enforcement. If the Complainant decides to pursue the criminal process, USD will cooperate with law enforcement agencies to the extent permitted by law. A Complainant has the option to decline making their report to law enforcement but is strongly encouraged to do so.

As stated above, where the matter involves allegations of sexual assault or other criminal conduct and/or the matter involves the safety of any member of the USD community, the Department of Public Safety will notify law enforcement of a report of Sexual Misconduct or Relationship Violence. A Complainant has the option to decide whether or not to participate in any investigation conducted by law enforcement.

- **Making an Anonymous Report**

An individual may report an incident of Sexual Misconduct or Relationship Violence anonymously at www.sandiego.edu/safety/reporting/anonymous.php.

An anonymous report does not require the disclosure of the name of the person making the report or the names of individuals involved, and the anonymous report may, but need not, request any particular action. Depending on the amount of information available about the incident or the individuals involved, USD's ability to respond may be limited.

V. Preservation of Evidence and Identifications of Witnesses

Any individual who has experienced an act or acts of Sexual Misconduct or Relationship Violence is encouraged to take steps to preserve evidence, as doing so may be necessary to the proof of a criminal act or to obtain a protection order from the court.

In order to preserve evidence, the urge to change clothes, bathe, shower, douche, change clothing or clean the bed or linens where the incident occurred should be resisted. If clothing is changed, each garment should be placed in a separate paper (not plastic) bag. If the incident involves any written or electronic communications (e.g. pictures, texts, social media posts, videos, etc.), preserve copies.

Additional steps that can be taken to preserve evidence include, but are not limited to, the following:

- **Medical-Legal Evidence Collection (SART Exam)**

A person who has experienced an incident of Sexual Misconduct or Relationship Violence (particularly rape, forcible oral copulation, or sodomy) is encouraged to request collection of medical-legal evidence. Collection of evidence entails a police report and interaction with the police and the County's Sexual Assault Response Team (SART) at an off-campus medical facility. Prompt collection of physical evidence through an exam is important should a person later decide to pursue criminal prosecution and/or a civil action. For more information regarding the SART exam, or if you wish to get a SART exam without reporting the incident to USD, please contact the Center for Community Solutions Hotline (888-385-4657) (www.ccssd.org/get-help/hotline).

- **Non Investigative Report (NIR)**

A person who wishes to have physical evidence collected pursuant to an incident of Sexual Misconduct or Relationship Violence, but does not wish to have law enforcement investigate the incident, may have this evidence collected at one of the SART facilities in San Diego County. This non-investigative SART reporting process is to allow DNA and other physical evidence to be collected and stored in the event a victim decides to initiate the investigative process at a later time. This evidence may include SART kits, clothing, or other items collected, sexual assault exam report forms, and photographs. For more information regarding the NIR option, or if you wish to pursue the NIR option without reporting the incident to USD, please contact the Center for Community Solutions Hotline (888-385-4657) (www.ccssd.org/get-help/hotline).

In addition, an individual who has experienced an act or acts of Sexual Misconduct or Relationship Violence is encouraged to identify potential witnesses.

VI. Medical and Mental Health Treatment

A person who has experienced or otherwise been impacted by an incident of Sexual Misconduct or Relationship Violence is urged to seek appropriate medical and/or mental health treatment as soon as possible. When the incident is reported to USD, USD will help the individual get to a safe place and seek medical attention.

The following medical treatment options are available:

- For emergency situations, contact 911 or go to the nearest hospital emergency room.

- A list of local hospitals can be found on the USD Student Health Center website at www.sandiego.edu/healthcenter/resources.
- For non-emergency situations during regular business hours, students may visit the USD Student Health Center, located in Maher Hall, Room 140, (619) 260-4595, www.sandiego.edu/healthcenter. To contact a provider after regular business hours, contact the Department of Public Safety at 619-260-2222.
- For other resources offered at USD or in the San Diego community, please see Section XIV below.

VII. Protective Orders and Restraining Orders

A Complainant may seek a protective order, a restraining order, or other similar order issued by the court. At the Complainant's request, the Department of Public Safety will assist the Complainant in making the request. If an order is issued by the court, and if USD is notified of the order, the Department of Public Safety will take appropriate action to support its enforcement on USD property or at USD-sponsored events. Additional information about protective orders and restraining orders that can be obtained through the court is available through the Center for Community Solutions (www.ccssd.org) and through the San Diego Superior Court (www.sdcourt.ca.gov).

VIII. Accommodations, Safety Measures and Interim Measures

After a report is made and prior to a final determination, USD will provide written notification to the Complainant of options for accommodations, safety measures, and interim measures. USD will implement appropriate accommodations, safety measures, and interim measures to protect the Complainant and the needs of others involved in the incident, if so requested by the Complainant or others involved in the incident and if such measures are reasonably available, regardless of whether the Complainant chooses to make their report to local law enforcement or participate in any law enforcement investigation. The implementation of these measures typically is coordinated by or under the supervision of the Title IX Coordinator or the Dean of Students.

These measures may include, but are not limited to:

- the implementation of a USD-issued no-contact order
- academic accommodations
- residential accommodations
- transportation accommodations
- employment accommodations
- safety consultations with the Department of Public Safety
- personal protection devices
- on-campus escorts

If USD receives a report that a USD-issued no-contact order has been violated, USD will investigate the report and initiate appropriate disciplinary proceedings and sanctions if the individual is found responsible for the violation.

Referrals also may be made to on-campus offices for information regarding student financial aid, immigration and visa assistance, leaves of absence, or other matters relating to the student's enrollment.

Until the matter is resolved, and when necessary and appropriate to protect the safety and well-being of the parties involved, the Dean of Students, in consultation with the Title IX Coordinator, may limit an Respondent's access to certain USD facilities or activities or may impose an interim suspension. Interim measures taken with respect to USD employees will be implemented in consultation with the Title IX Coordinator in a manner consistent with the university's processes applicable to the employee.

IX. Investigation

USD will respond promptly and equitably to all reports of Sexual Misconduct or Relationship Violence to ensure the safety of the individuals involved and the USD community, in order to provide an environment that is free from gender and sex discrimination.

When a report is made, USD will initiate an investigation which typically will be conducted either by or under the supervision of the Title IX Coordinator, the Department of Public Safety, or one of their designees.

If a Complainant requests that their name or other identifiable information not be shared with the Respondent or that USD not pursue an investigation or take any other action, USD will balance this request with its obligation to protect the Complainant and provide a safe and non-discriminatory environment for all USD community members. In these circumstances, USD will take all reasonable steps to investigate and respond to the report consistent with the request for confidentiality or request not to pursue an investigation, but its ability to respond may be limited by the request for confidentiality. USD will weigh the request for confidentiality against various factors, including but not necessarily limited to the following: the seriousness of the alleged conduct, any potential threats to campus safety, the respective ages and positions of the Complainant and Respondent, whether there have been other complaints against the Respondent, whether the Respondent has a record of any prior acts of violence, and whether the circumstances suggest there is an increased risk of future acts of sexual violence under similar circumstances. USD will seek to respect the request of the Complainant, and where it cannot do so, USD will keep the Complainant informed about USD's chosen course of action. The Title IX Coordinator and the Dean of Students are responsible for evaluating confidentiality requests.

Upon the conclusion of the fact-finding investigation, the findings are shared with those individuals at USD who have a legitimate need to know the information in order to

X. USD Disciplinary Procedures

Complaints of Sexual Misconduct or Relationship Violence against a USD student will be addressed pursuant to the Student Conduct Procedures contained in USD's Student Code of Rights and Responsibilities.

Complaints of Sexual Misconduct or Relationship Violence against a USD employee will be addressed pursuant to USD's Policy Prohibiting Discrimination and Harassment and the procedures applicable to the employee. If termination of a faculty member is contemplated, applicable rules governing dismissal for serious cause will be followed.

Typically, the period from commencement of an investigation through resolution will not exceed sixty (60) calendar days. This timeframe may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by law enforcement for a temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for USD breaks or vacations, to account for the complexities of a case, including the number of witnesses and amount of information provided by the parties, and for other legitimate reasons. The Complainant and the Respondent will be provided with periodic updates as to the status of the investigation.

XI. Possible Sanctions

The sanctions generally applicable to a student who is found responsible for violating USD's Student Code of Rights and Responsibilities is found within the Sanctions section of the Code. Engaging in Sexual Misconduct or Relationship Violence is a violation of USD's Student Code of Rights and Responsibilities and will result in the imposition of one or more such sanctions against the Respondent, up to and including suspension or expulsion.

Sanctions against an employee who is found to have engaged in Sexual Misconduct or Relationship Violence may include, but are not limited to, verbal or written warnings, suspension, or termination from employment with USD. If termination of a faculty member is contemplated, applicable rules governing dismissal for serious cause will be followed.

XII. No Retaliation

USD prohibits retaliation against any person who makes a good faith complaint of an incident of Sexual Misconduct or Relationship Violence or any other person who participates in the investigation of any such complaint. Any incident of retaliation should be promptly reported to the Title IX Coordinator, the Dean of Students, the Department of Public Safety, or the Chief Human Resources Officer.

XIII. Timely Warnings

When an incident of Sexual Misconduct or Relationship Violence that is reported to USD discloses an alleged crime that constitutes an ongoing or continuing threat to the USD campus community, USD may issue a timely warning in a manner consistent with the requirements of the Clery Act and USD's Timely Warning Policy.

XIV. On-Campus and Off-Campus Resources

Any individual who has been impacted by Sexual Misconduct or Relationship Violence is encouraged to seek appropriate help, whether or not the individual chooses to report the incident to USD. Specific on-campus and off-campus resources for counseling, health, mental health, victim advocacy, legal assistance and other services are listed below, and information about those resources is provided in writing to students and employees.

- **USD Campus Resources**

- **CARE Advocates, (619) 260-2222 (Public Safety Dispatch), www.sandiego.edu/CARE**

Specially trained USD community members are available to support students impacted by Sexual Misconduct or Relationship Violence. CARE Advocates will help students understand reporting options, access support services, and identify concerns and accommodations. In addition, CARE Advocates will facilitate a report to the Title IX Coordinator, the Department of Public Safety and/or law enforcement.

- **Counseling Center, Serra Hall 300, (619) 260-4655 (for after hour emergencies, call (619) 260-2222), <http://www.sandiego.edu/usdcc>**

Students may access confidential counseling services from licensed professionals and interns through the Counseling Center. See Privacy and Confidentiality, Section III above.

- **Student Health Center, Maher 140, (619) 260-4595 (for after-hours emergencies, call (619) 260-2222), <http://www.sandiego.edu/health-center/>**

Student Health Center professional staff members are available to provide primary health care to and promote the health and well-being of USD students. If a Student Health Center health practitioner treats a student who is suffering from a physical injury that is the result of assaultive or abusive conduct, reports to local law enforcement will be made as required by California Penal Code Section 11160.

- **Center for Health and Wellness Promotion, Hahn University Center 161, (619) 260-4618, <http://www.sandiego.edu/health-wellness/>**

The Center for Health and Wellness Promotion provides USD students with a comprehensive array of health and wellness promotion initiatives and clinical alcohol and other drug services. See Privacy and Confidentiality, Section III above.

- **Title IX Coordinator, Department of Human Resources, Maher 101, (619) 260-4594, <http://www.sandiego.edu/titleix/>**

The Title IX Coordinator monitors and oversees USD's compliance with

Title IX and the prevention of sex harassment and discrimination, including the coordination of education and training activities and the response to Title IX complaints. The Title IX Coordinator receives complaints of sex harassment and participates in the coordination of accommodations and interim measures for parties impacted by an incident, including those described in Section VIII above and facilitating access to on-campus resources and offices.

- **University Ministry, University Center 238, (619) 260-4735, <http://www.sandiego.edu/ministry/>**
University ministers are available to provide support and confidential pastoral care to students in need. See Privacy and Confidentiality, Section III above.
- **Office of the Dean of Students, University Center 232, (619) 260-4588, <http://www.sandiego.edu/student-affairs/>**
The Assistant Vice President for Student Affairs/Dean of Students or their designee is available to provide support to students and to facilitate the response to and resolution of any complaints made under USD's Student Code of Rights and Responsibilities.
- **Department of Public Safety, Hughes Administration Center 144, (619) 260-2222 (available 24/7), <http://www.sandiego.edu/safety/>**
The Department of Public Safety is responsible for a wide range of activities that contribute to the safety and security of the USD campus community, including but not limited to crime prevention programs, responding to reports of crimes and medical emergencies, facilitating reports made to the law enforcement, and providing other general assistance.
- **Women's Center, Student Life Pavilion 420, (619) 260-2396, <http://www.sandiego.edu/womenscenter/>**
The USD Women's Center is a student-centered learning community that provides resources and engages women and men in educational dialogue around gender-related issues. The Women's Center advocates for a safe, supportive campus environment that promotes equity among all voices.
- **San Diego Community Resources**
 - **Center for Community Solutions, (858) 272-5777, www.ccssd.org**
The Center for Community Solutions (CCS) is an organization whose mission is to end relationship and sexual violence by being a catalyst for caring communities and social justice. CCS provides a wide range of prevention and education programs and response services for those impacted by domestic violence and sexual assault. CCS provides a 24-hour hotline and legal, victim advocacy, counseling, and shelter and transitional services.
 - **San Diego Domestic Violence Hotline, (888) 385-4657**
 - **San Diego Community Medical Resources**
See Section VI above.

- **San Diego Family Justice Center, (866) 933-4673, <http://www.sandiego.gov/sandiegofamilyjusticecenter/>**
Located in downtown San Diego at 1122 Broadway, Suite 200, San Diego, CA 92101, the San Diego Family Justice Center is a public safety initiative launched by the City of San Diego to assist victims of family violence.

XV. Education and Prevention

USD provides prevention and awareness programs on Sexual Misconduct and Relationship Violence to the campus community in order to create and maintain an environment that is safe and inclusive and that respects the dignity of each USD community member. USD is committed to the prevention of Sexual Misconduct and Relationship Violence through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming, and returning students and current employees receive ongoing training and related education. USD also provides programs addressing safe and positive options for risk reduction and bystander intervention.

USD strongly encourages all USD community members to take reasonable and prudent actions to prevent or stop an act of Sexual Misconduct or Relationship Violence. Taking action may include direct intervention (where doing so does not present a safety risk), calling USD's Department of Public Safety or law enforcement, or seeking assistance from a person in authority.

(August 14, 2020)