

The University of Southern California  
Policy on Prohibited Discrimination, Harassment, and Retaliation

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# The University of Southern California Policy on Prohibited Discrimination, Harassment, and Retaliation<sup>1</sup>

## **I. STATEMENT OF UNIVERSITY VALUES**

The University of Southern California (University) believes that all members of the University community, including students, faculty, staff, patients, and visitors, should pursue their work, education, and engagement in University programs and activities in a safe environment, free from discrimination and harassment based on protected characteristics, and related retaliation (collectively referred to as Prohibited Conduct throughout the Policy on Prohibited Discrimination, Harassment, and Retaliation (Policy)). The University's primary concern is the safety and security of students, staff, faculty, and the University community.

This Policy applies to all students, staff, faculty, and other individuals who are participating in or attempting to participate in the University's Education Program or Activity at the time a concern is reported to the University, except as otherwise noted. Any individual found responsible for engaging in Prohibited Conduct in violation of this Policy will face disciplinary sanctions up to and including expulsion and revocation of degree (for students and alumni) or termination from employment (for employees). The University will take steps to prevent recurrence of any Prohibited Conduct and to remedy any effects on the Complainant and others, if appropriate.

## **II. NOTICE OF NON-DISCRIMINATION, NON-HARASSMENT, AND NON- RETALIATION**

The University of Southern California prohibits discrimination on the basis of actual or perceived race, color, ethnicity, religion (including religious dress and grooming practices), creed, sex, ancestry, age<sup>2</sup>, marital status, national origin, citizenship status, employment status, income status, shared ancestry and ethnic characteristics<sup>3</sup>, reproductive health decision-making, partnership status, medical condition (including cancer and genetic characteristics), pregnancy (including childbirth, breastfeeding, or related medical conditions), disability, political belief or affiliation (in the employment context), domestic violence victim status, military or veteran status, sexual orientation, gender, gender identity, gender expression, genetic information, familial status, primary language, victim status associated with sexual assault, stalking, crime causing physical injury or mental injury (with threat of physical injury), sex stereotypes, as well as on the basis of

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<sup>1</sup> This Policy and the accompanying Resolution Process apply to any report or Formal Complaint of conduct occurring on or after August 1, 2025. In assessing and addressing a report, the Policy and definitions that were in place at the time that the incident occurred and the Process in place at the time that the incident is reported are what will apply. OCRC reserves the right to amend the policy or processes as needed in light of changes in the law.

<sup>2</sup> This Policy is applied in accordance with federal, state, and local law prohibiting discrimination based on age, including the Age Discrimination Act of 1975 and, as to non-discrimination in employment, the Age Discrimination in Employment Act of 1967 and the California Fair Employment and Housing Act.

<sup>3</sup> In evaluating whether an incident constitutes discrimination based on shared ancestry and ethnic characteristics, the University considers all relevant laws and regulations, including federal guidance directing executive agencies to consider the working definition of antisemitism adopted by the International Holocaust Remembrance Alliance (IHRA) in enforcing Title VI.

any other protected characteristic protected from discrimination under federal, state, or local law, regulation, or ordinance in any of the University's educational or otherwise federally-funded programs and activities (Education Program or Activity), and in the employment (including application for employment) and admissions (including application for admission) context, as required by: Title IX of the Education Amendments of 1972 and its implementing regulations, 20 U.S.C. § 1681 et seq.; Title III of the Americans with Disabilities Act of 1990, as amended in 2008; Section 504 of the Rehabilitation Act of 1973; Title VI and VII of the Civil Rights Act of 1964; the Age Discrimination Act of 1975; the Age Discrimination Act of 1967; the California Fair Employment and Housing Act; Section 1557 of the Affordable Care Act, 42 USCA § 18116, and other federal, state, and local laws, regulations, or ordinances that prohibit discrimination, harassment, and/or retaliation.

The University prohibits unlawful harassment of students, employees and third parties in any Education Program or Activity on the basis of any protected characteristic identified above.<sup>4</sup>

The name and contact information of the University's Vice President of the Office of Civil Rights Compliance is:

Linda Hoos  
Vice President, Title VI and Title IX Coordinator  
**Office for Office of Civil Rights Compliance**  
King Olympic Hall  
1025 W. 34<sup>th</sup> Street, Suite #101  
Los Angeles, Ca 90089  
(213) 740-5086  
<http://ocrc.usc.edu>  
[ocrc@usc.edu](mailto:ocrc@usc.edu)

The University also prohibits retaliation against any individual for the purpose of interfering with any right or privilege secured by this University Policy, or because the individual makes a good faith report or Formal Complaint, testifies, assists, participates, or, in some circumstances refuses to participate in any manner in an investigation, meeting, proceeding, or hearing under this Policy.

### **III. ACADEMIC FREEDOM**

Just as the University is committed to securing for its students, faculty, and staff a safe educational and work environment free of harassment, it is equally committed to maintaining academic freedom, as declared in Section 3-b(1)(a) of the Faculty Handbook, and free speech, consistent with Federal and state law. Our academic community also recognizes that when harassment is committed against students or faculty, it threatens their academic freedom.

Academic freedom protects all faculty, of every track and every rank, full-time and part-time, and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of

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<sup>4</sup> Individuals who are perceived to belong to a protected characteristic, or who are subjected to discrimination because of their known association with an individual who belongs to a protected characteristic, are also protected under this policy.

the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

Just as the University is committed through this Policy among others to securing for its students, faculty and staff a safe educational and work environment free of harassment, it is equally committed to maintaining academic freedom as declared in this section. Our academic community also recognizes that when harassment is committed against students or faculty it threatens their academic freedom. The University recognizes that students are exposed to thought-provoking ideas as part of their educational experience, and some of these ideas may challenge their beliefs and may lead a student to claim that an educational experience is offensive.

Allegations of harassment that arise in the educational context will be considered in keeping with the University's commitment to academic freedom. The educational experience may include, for example, lectures, dialogues, assigned materials, and student assignments, and visual or written material as well as speech. The faculty member should carefully consider the class climate and ground rules around academic discourse, so that student learning is promoted but students are not unreasonably exposed to potential harassment. For additional information see [Faculty Handbook \(2024\)](#).

#### **IV. FREE SPEECH AND FREE EXPRESSION**

The legitimate expression of differing opinions and concerns, including unpopular, controversial or dissident viewpoints, is an essential element of the academic process. All members of the university community have a responsibility to provide and maintain an atmosphere of free inquiry and expression respecting the fundamental human rights of others, the rights of others based upon the nature of the educational process, and the rights of the institution. USC is committed to protecting free speech and academic freedom, in compliance with state and federal law and university policy. Please review the [USC Policy on Free Speech](#) for more detail.

As a protected right under California state law, speech may not subject a currently enrolled student to discipline unless that speech rises to a legal standard of being *unprotected*. For additional information, see [Student Handbook \(2024-2025\)](#) and the University's [website](#) regarding Freedom of Expression. Allegations of harassment involving elements of speech that arise in the educational context will be considered in keeping with the University's commitment to academic freedom and free speech.

As stated above, the University recognizes that students are exposed to thought-provoking ideas as part of their educational experience, and some of these ideas may challenge their beliefs and may lead a student to claim that an educational experience is offensive. Not every act that may be offensive or insulting constitutes Discrimination or Harassment, as defined by this Policy. At the same time, all members of the campus community should recognize that the manner in which they choose to express themselves has consequences and that freedom of expression includes a responsibility to acknowledge and respect the right of others to express differing opinions, in alignment with USC's unifying, shared values.

## V. SCOPE

### A. Who is Covered by the Policy?

This Policy applies broadly to the entire University community and Third Parties, as defined below:

1. **Student:** a person who has matriculated to the University as defined in the [Student Handbook](#)
2. **Faculty:** all full-time and part-time faculty, including adjunct and volunteer faculty;
3. **Staff:** all non-faculty University employees, including University staff, Keck Medicine employees, professional research staff, post-doctoral fellows, and student staff (when the alleged Prohibited Conduct occurs within the course of a student respondent's employment)<sup>5</sup>; and
4. **Third Parties:** contractors, vendors, visitors, guests, patients, volunteers and unpaid interns or other individuals (see additional information below).
5. **Recognized Student Organizations:** An organization recognized by the University as defined in the [Student Handbook](#).<sup>6</sup>

In this Policy, the individual reported to have experienced Prohibited Conduct is referred to as the **Complainant**. The individual who is reported to have committed Prohibited Conduct is referred to as the **Respondent**.

### B. What is covered by the Policy?

The Policy applies to Prohibited Conduct that occurs in a University Education Program or Activity, except as otherwise noted and as defined below. The Policy also applies to Prohibited Conduct that occurs outside of the United States, but in connection with the University's Education Programs or Activities, such as University-sponsored, University-funded, or otherwise University-supported study abroad programs.

The Policy and the Resolution Processes may also apply to instances in which the conduct occurred outside of a University Education Program or Activity, but where the University otherwise regulates the conduct, the conduct has or could have a continuing impact within the University's education or other program or activity, the conduct could contribute to a hostile environment or

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<sup>5</sup> When a Complainant or Respondent is both a student and an employee, OCRC will make a fact-specific inquiry to determine which provisions of the Policy and Process apply. In making this determination, OCRC will consider whether the party's primary relationship with the University is to receive an education and whether the alleged Prohibited Conduct occurred while the party was performing employment-related work.

<sup>6</sup> In some instances, recognized student organizations may be covered by this Policy. Allegations against Recognized Student Organizations will be addressed through the Resolution Process for Discrimination, Harassment, and Retaliation

otherwise interfere with a student's access to education or an employee's access to employment, or the conduct may have the effect of posing a serious threat to the University community.

### **C. Applicability to Third Parties**

*Reporting Concerns:* Any individual, including a Third Party, may make a report to the University of Prohibited Conduct committed by a Student, Faculty, or Staff member and receive access to reasonably available supportive measures.

*Submitting a Formal Complaint:* A Third Party who is participating in, or attempting to participate in, a University Education Program or Activity may also submit a Formal Complaint alleging Prohibited Conduct under this Policy when the Respondent is a current University Student, Faculty, or Staff member. In addition, the Vice President (VP) of the Office of Civil Rights Compliance (OCRC) or their designee has the discretion, in consultation with relevant University stakeholders, to initiate a Formal Complaint on behalf of a Third Party where the Respondent is a current University Student, Faculty, or Staff member and the reported conduct has or could have a continuing impact on the University's programs or activities, including education, employment, and admissions. In such circumstances, the VP for OCRC or their designee does not become a party to the matter.

*Jurisdiction Regarding Third-Party Respondents:* The University generally does not have jurisdiction to initiate an investigation involving a Third-Party Respondent and, therefore, the University's ability to take disciplinary action against a Third-Party Respondent will be limited and determined based on careful consideration of the context of the Prohibited Conduct and the nature of the University's relationship to the Third-Party Respondent. The University will consider an applicant for admission or employment as well as an admitted student (who does not otherwise meet the definition of Student in the Student Handbook) as a Third Party. The University will determine the appropriate manner of resolution, which may include referral to local law enforcement or to the home school or employer of the Third-Party Respondent, and/or restriction from access to campus or University programs or activities.

## **VI. INTERSECTION AND COORDINATION WITH OTHER UNIVERSITY POLICIES AND PROCEDURES**

Reports of Prohibited Conduct may sometimes implicate conduct prohibited by another University policy. For example, Student, Staff, and/or Faculty conduct is also governed by the following University policies:

- [The USC Student Handbook](#)  
Applies to all other forms of student misconduct
- [Staff Disciplinary Practices](#)  
Outlines the staff complaint process for other employment related concerns
- [Faculty Handbook](#)  
Sets the standards of personal conduct for faculty members
- [Conflict of Interest and Commitment Policy](#)

Outlines conflicts of interest for faculty and staff

- [Protecting Minors Policy](#)  
Outlines the University policies regarding the protection of minors
- [Mandated Reporters](#)  
Identifies mandated reporters and outlines reporting requirements for suspected abuse or neglect relating to children, elders or dependent adults, which responsibility is separate and distinct from the Responsible Employee requirements discussed below.
- [Clery Policy](#)  
The Clery Act requires the University to disclose certain reported crimes that have occurred within the University's Clery geography (on or near campus) to the University community and the U.S. Department of Education. For more information see [Clery and Crime Alerts](#).

Individual academic programs may also require students to adhere to certain standards of professional conduct as set forth in program-specific student handbooks. Where conduct involves the potential violation of both this Policy and another University policy arising from the same or similar set of facts and circumstances, OCRC has the discretion to investigate and resolve the conduct under one of the Resolution Processes set forth in this Policy, provided that doing so does not unduly delay a prompt and equitable resolution of the report and that the parties are provided timely notice of this decision. In order to ensure a thorough and timely response to conduct allegations that implicate multiple policies, OCRC may also investigate matters concurrently with other departments or refer matters to other departments to review for potential policy violations that fall outside of the scope of this Policy. Where the definitions conflict, the definitions in this Policy will control.

## **VII. CONTACT FOR QUESTIONS ABOUT THIS POLICY**

The University has appointed a Vice President of Office of Civil Rights Compliance (VP for OCRC) to coordinate the University's compliance with federal, state, and local civil rights laws.<sup>7</sup> The VP for OCRC is responsible for coordinating the provision of comprehensive education and training; coordinating the University's timely, thorough, and fair response, investigation, and resolution of all reports of Prohibited Conduct under this Policy; and monitoring the effectiveness of this Policy and related Resolution Processes, as well as education and training programs, to ensure a safe, non-discriminatory, non-harassing, non-retaliatory, and inclusive University environment.

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<sup>7</sup>The VP for OCRC is also the University's Title IX and Title VI Coordinator. Title IX's implementing regulations require that the University designate and authorize at least one employee, called a Title IX Coordinator, to coordinate its efforts to comply with its responsibilities under Title IX. California Education Code, Section 66281.8, also requires the designation of at least one employee to coordinate the University's efforts to comply with and carry out its responsibility.

The name and contact information of the University's Vice President of Office of Civil Rights Compliance is:

Linda Hoos  
Vice President, Title VI and Title IX Coordinator  
**Office of Civil Rights Compliance**  
King Olympic Hall  
1025 W. 34<sup>th</sup> Street, Suite #101  
Los Angeles, Ca 90089  
(213) 740-5086  
<http://ocr.usc.edu>  
[ocr@usc.edu](mailto:ocr@usc.edu)

Additionally, you may contact:

Sascha Heller  
Assistant Vice President and Executive Director – Healthcare  
(213) 740-5086  
[ocr@usc.edu](mailto:ocr@usc.edu)

Jessica Lew  
Assistant Vice President and Executive Director – Title IX  
(213) 740-5086  
[ocr@usc.edu](mailto:ocr@usc.edu)

Adrienne Mundy-Shephard  
Assistant Vice President and Executive Director – Title VI  
(213) 740-5086  
[ocr@usc.edu](mailto:ocr@usc.edu)

Complaints about the University's application of this Policy and compliance with certain federal civil rights laws (e.g., Title IX, Title VI, Section 504, and the Age Discrimination Act), may also be filed with the U.S. Department of Education, Office for Civil Rights at:

**U.S. Department of Education**  
Office for Civil Rights  
Seattle Regional Office

915 Second Avenue Room 3310  
Seattle, WA 98174-1099  
(206) 607-1600  
Facsimile: 206-607-1601  
TDD: 800-877-8339  
[ocr.seattle@ed.gov](mailto:ocr.seattle@ed.gov)

Complaints and inquiries regarding discrimination, harassment, and retaliation involving federal laws related to healthcare may be directed to:



**U.S. Department of Health and Human Services**

Office for Civil Rights  
90 7th Street, Suite 4-100  
San Francisco, CA 94103  
[ocrmail@hhs.gov](mailto:ocrmail@hhs.gov)  
800-368-1019  
TDD: 800-537-7697

In addition, University employees seeking additional information about the requirements under this Policy or seeking to file a report of discrimination, harassment, or retaliation may contact:

**California Civil Rights Department (CRD)**

320 West 4<sup>th</sup> Street, Suite 1000, 10<sup>th</sup> Floor  
Los Angeles, CA 90013

[contact.center@calcivilrights.ca.gov](mailto:contact.center@calcivilrights.ca.gov)

800-884-1684

TTY

800-700-2320

<https://calcivilrights.ca.gov/>

**United States Equal Employment Opportunity Commission (EEOC)**

Roybal Federal Building  
255 East Temple Street, 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
213-785-3090  
TTY 800-669-6820

<https://www.eeoc.gov/>

Any person who believes that the University as a federal contractor has violated nondiscrimination obligations may contact the Office of Federal Contract Compliance Programs at:

**U.S. Department of Labor**

Office of Federal Contract Compliance Programs  
90 7th St, Suite 18-300  
San Francisco, CA 94103-1516  
415-625-2200  
TTY: 202-693-1337

## VIII. DEFINITIONS OF PROHIBITED CONDUCT

There are several forms of Prohibited Conduct. Title IX definitions of Prohibited Conduct apply when the University has knowledge of sexual harassment in an Education Program or Activity. The California Education Code definitions apply in relation to matter in which sexual harassment, including forms of sexual violence, is alleged to occur and involves a student. Additionally, other forms of Prohibited Conduct and Discrimination, Harassment, and Retaliation Conduct addresses conduct involving members of the University community. This section addresses these categories of Prohibited Conduct as follows:

<b>Title IX Prohibited Conduct</b>	<b>California Education Code Prohibited Conduct<sup>8</sup></b>	<b>Other Forms of Prohibited Conduct</b>	<b>Discrimination, Harassment, and Retaliation Conduct</b>
Title IX Sexual Harassment (quid pro quo)	California Education Code Sexual Harassment (quid pro quo)	Disparate Treatment Discrimination	Hostile Environment Harassment
Title IX Sexual Harassment (hostile environment)	California Education Code Sexual Harassment (hostile environment)	Sex and Gender-Based Harassment	Quid Pro Quo Harassment
Title IX Sexual Assault	California Education Code Sexual Violence	Exposure	Retaliation
Title IX Dating Violence	California Education Code Sexual Exploitation	Other Forms of Dating and Domestic Violence	Violation of a University Directive
Title IX Domestic Violence		Nonconsensual Viewing, Recording, and Dissemination	
Title IX Stalking		Complicity	

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<sup>8</sup> These forms of Prohibited Conduct apply to students only.

Prohibited Conduct includes the following forms of conduct:

**A. Disparate Treatment Discrimination<sup>9</sup>**

Discrimination is any unlawful distinction, preference, or detriment to an individual as compared to others that is based on an individual's Protected Characteristic(s) and that:

1. Excludes an individual from participation in;
2. Denies the individual benefits of;
3. Treats the individual differently in; or
4. Otherwise adversely affects a term, condition, or benefit of an individual's employment, education, living environment, or participation in a University program or activity.

Examples of potential Discrimination under this Policy include but are not limited to those that result in the interference with, limitation of, or denial of access to:

- An employee's, or applicant for employment's, access to employment or terms, conditions, and/or benefits of employment (e.g., hiring, advancement, assignment);
- A student's, or admission applicant's, ability to participate in, access, or benefit from educational programs, services, or activities (e.g., admission, academic standing, grades, assignment, campus housing; athletics);
- An authorized volunteer's ability to participate in a volunteer activity; or

A guest's or visitor's ability to participate in, access, or benefit from the University's programs or activities.

Disparate Treatment and Religious Belief

In addition to the above, disparate treatment discrimination includes failing to accommodate the sincerely held religious beliefs of students, staff, and faculty, consistent with federal, state, and local laws.

Disparate Treatment and Disability

Disparate treatment discrimination based on disability includes:

- Failure to engage in the interactive process resulting in the denial of reasonable workplace accommodations, including reasonable modifications to policies or processes, for qualified employees with a disability;

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<sup>9</sup> The Policy does not apply to reported concerns of a University policy, pattern, or practice that is alleged to have a disparate impact on an individual or group based on one or more protected characteristics. Such concerns will be referred to appropriate staff in OCRC and/or other University offices as appropriate.

- Failure to engage in the interactive process resulting in the denial of appropriate academic adjustments and auxiliary aids and services, including reasonable modifications to policies or processes, for qualified students with disabilities; or
  - Failure to provide a qualified individual with a disability with accommodations that have been approved by the University's Office of Institutional Accessibility and ADA Compliance or Office of Student Accessibility Services.

## **B. Title IX Sexual Harassment<sup>10</sup>**

Title IX's implementing regulations define Sexual Harassment **on the basis of sex** as the following forms of conduct:

1. **Quid pro quo harassment:** A University employee, conditioning the provision of an aid, benefit, or service of the University on a person's participation in unwelcome sexual conduct;
2. **Hostile environment harassment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity (i.e., creates a hostile environment);
3. **Specific Offenses:** Sexual Assault, Dating Violence, Domestic Violence, and Stalking, as defined below.

## **C. Sexual Assault<sup>11</sup>**

Sexual assault is having or attempting to have sexual contact with another individual without consent or where the individual cannot consent because of age or temporary or permanent mental incapacity (*see below for definition of consent and incapacitation*).<sup>12</sup> Sexual contact includes:

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<sup>10</sup> The University has the discretion to continue to address and respond to allegations of Sexual and Gender-Based Harassment and other forms of Sexual Misconduct that fall outside the scope of the Title IX Sexual Harassment definition—and does so pursuant to this Policy and the Resolution Process for Sexual Misconduct. Where conduct that may otherwise fall outside of the scope of Title IX, such as where conduct occurs outside of the United States, the University maintains jurisdiction over such conduct in accordance with state and local laws and University policy.

<sup>11</sup> The definitions for Sexual Assault, Dating Violence, Domestic Violence, and Stalking incorporate state requirements and apply to conduct that occurs outside of the scope of the Title IX regulations. As such, matters will be noticed as Sexual Assault, Dating Violence, Domestic Violence, and Stalking as well as Title IX Sexual Assault, Title IX Dating Violence, Title IX Domestic Violence, and Title IX Stalking where there is not clarity on the scope and location of the conduct.

<sup>12</sup> The statutory definition of Sexual Assault referenced by the Title IX regulations also includes having or attempting to have sexual contact between individuals who are related to each other within the degrees of relationship where marriage is prohibited by law.

1. sexual intercourse (anal, oral, or vaginal), including penetration with a body part (*e.g.*, penis, finger, hand, tongue) or an object, or requiring another to penetrate themselves with a body part or an object, however slight; or
2. sexual touching of the private body parts, including, but not limited to, contact with the breasts, buttocks, groin, genitals, or other intimate part of an individual's body for the purpose of sexual gratification.

#### **D. Dating Violence**

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:
  - (1) The length of the relationship;
  - (2) The type of relationship; and
  - (3) The frequency of interaction between the persons involved in the relationship.

#### **E. Domestic Violence**

Includes any act of violence committed by a person who:

1. Is a current or former spouse or intimate partner of the victim under the family or a person similarly situated to a spouse of the victim;
2. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
3. Shares a child in common with the victim; or
4. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

#### **F. Stalking<sup>13</sup>**

Stalking occurs when an individual engages in a course of conduct directed at a specific individual under circumstances that would cause a reasonable person to:

1. Fear for their own safety or the safety of others; or
2. Suffer substantial emotional distress.

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<sup>13</sup> Title IX Stalking requires that the conduct occurred on the basis of sex, while Stalking does not.

“Course of conduct” means two or more instances, including but not limited to unwelcome acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about an individual, or interferes with an individual’s property.

“Substantial emotional distress” means significant mental suffering or anguish.

Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

## **IX. ADDITIONAL DEFINITIONS OF CALIFORNIA EDUCATION CODE PROHIBITED CONDUCT**

### **A. California Education Code Prohibited Conduct**

Under California Senate Bill 493, which amended the California Education Code, prohibited conduct or Sexual Misconduct involving Student Complainants or Respondents includes the following forms of conduct, including attempts to commit the conduct:

### **B. California Education Code Sexual Harassment**

California’s Education Code defines Sexual Harassment to include:

Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or a condition of an individual’s employment, academic status, or progress; submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual; and/or submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution (*Quid Pro Quo*);
2. The conduct has the purpose or effect of having a negative impact upon the individual’s work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment (Hostile Environment); or
3. Sexual Violence, including Rape and Sexual Battery, and Sexual Exploitation, as defined below.

### C. California Education Code Sexual Violence

Physical sexual acts perpetrated against a person without the person's affirmative consent, including:<sup>14</sup>

1. **Rape:** Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral copulation of a sex organ by another person, without the consent of the victim; or
2. **Sexual Battery:** 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.

### D. California Education Code Sexual Exploitation

Sexual Exploitation is a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, including, but not limited to, any of the following acts:<sup>15</sup>

- i. The prostituting of another person.
- ii. The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion.
- iii. The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent.
- iv. The distribution of images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure.
- v. The viewing of another person's sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire.

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<sup>14</sup> The definitions of Sexual Violence under the California Education Code and Sexual Assault under Title IX are aligned in many of their elements. Where there is overlap in the definitions, a student Respondent will not be sanctioned for the same conduct twice.

<sup>15</sup> The definitions of Sexual Exploitation under California Education Code and the definition of Non-Consensual Viewing, Recording, and Dissemination under Other Prohibited Conduct under this Policy are aligned in many of their elements. Where there is overlap in the definitions, a student Respondent will not be sanctioned for the same conduct twice.

## **X. DEFINITIONS OF OTHER PROHIBITED CONDUCT**

### **A. Sexual and Gender-Based Harassment**

Consistent with Title VII of the Civil Rights Act of 1964, as well as the recognition that Sexual and Gender-Based Harassment may also occur in a wider variety of contexts involving both students and employees, the University also defines Sexual and Gender-Based Harassment to include any sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, electronic, or otherwise (*sexual harassment*); or, any act of intimidation or hostility, whether verbal or non-verbal, graphic, physical, or otherwise based on sex or gender, sexual orientation, gender identity, or gender expression, even if the acts do not involve conduct of a sexual nature (*gender-based harassment*); when one or more of the following conditions are present:

1. Submission to or rejection of such conduct is either an explicit or implicit term or condition of, or is used as the basis for decisions affecting, an individual's educational environment, employment, living environment, appointment, admission, or academic evaluation (*Quid Pro Quo Harassment*); this form of harassment is not limited to employee-employee conduct (e.g., the president of a student organization promises another student entry to the organization if the student submits to unwelcome sexual advances); or
2. The conduct is sufficiently severe, pervasive, or persistent that it has the purpose or effect of unreasonably interfering with, limiting or depriving an individual from participating in or benefiting from the University's learning, working, or living programs under both a subjective and objective perspective (*Hostile Environment Harassment*).

### **B. Exposure**

Willful exposure of genitals to another without that individual's consent under circumstances where there is not a reasonable expectation of privacy.<sup>16</sup>

### **C. Other Forms of Dating and Domestic Violence**

In addition to the definitions above, which require an act of violence to establish Dating Violence or Domestic Violence, the University also prohibits non-physical conduct that would cause a reasonable person to be fearful for their safety. Examples include economic abuse and behavior that intimidates, frightens, or isolates; conduct can involve one act or an ongoing pattern of conduct.

In evaluating non-physical conduct, the University considers whether the conduct is sufficiently severe, persistent or pervasive that it:

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<sup>16</sup> Depending on the context, matters involving Exposure may be reviewed under other codes of conduct for students, faculty, or staff.



1. unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the university's education or employment programs, activities, or living environment or
2. causes substantial emotional distress.

The totality of known circumstances, including the nature, frequency, intensity, location, context, and duration of the conduct, will be considered from both a subjective and objective perspective.

#### **D. Nonconsensual Viewing, Recording, and Dissemination**

This type of conduct or attempted conduct involves one or more of the following behaviors committed for any purpose, including sexual arousal or gratification, financial gain, or other personal benefit:

1. Observing or recording by any means the nudity or sexual activity of another without the knowledge and consent of all individuals involved;
2. Allowing another to observe or record the nudity or sexual activity of another without that person's knowledge and consent; or
3. Sharing images or recordings of the nudity or sexual activity of another without that person's knowledge and consent.

#### **E. Hostile Environment Harassment**

Harassment occurs when verbal, physical, written, electronic, or other conduct based on an individual's Protected Characteristics<sup>17</sup> is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or denies that individual's ability to participate in or benefit from the University's educational program or activity, employment access, benefits, or opportunities, or other University programs and activities (e.g., campus housing, official University list-servs, University-sponsored platforms), when viewed from both a subjective and objective perspective.

In evaluating whether a hostile environment exists, the University will evaluate the totality of known circumstances, including, but not limited to:

the nature, frequency, intensity, location, context, and duration of the conduct;

whether the conduct was physically threatening;

the effect of the conduct on the Complainant's mental or emotional state;

whether the conduct was directed at more than one individual;

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<sup>17</sup>Please note that this definition does not apply to Title IX Sexual Harassment, which has a different definition under the Title IX regulations that is separately included in this Policy.

whether the conduct arose in the context of other discriminatory conduct;

whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University's programs or activities;

whether the conduct implicates academic freedom or protected speech; and other relevant factors that may arise from consideration of the reported facts and circumstances.

Hostile Environment Harassment does not need to be directed at a specific person to be a violation of this Policy. Examples of conduct that may constitute Hostile Environment Harassment based on a Protected Characteristic include but are not limited to:

- Ridicule, abuse, insults, or derogatory comments that are directly or indirectly based on a Protected Characteristic.
- Offensive remarks about an individual's looks, clothing, hair, or body parts, that relate to a Protected Characteristic.
- Offensive comments about an individual's racial, ethnic, religious, or other Protected Characteristics.
- Disparaging or offensive remarks about an individual's gender, gender identity, gender expression, or sexual orientation, whether or not sexual in nature.
- Disparaging or offensive comments about an individual's religious beliefs or affiliations, or lack of religious beliefs or affiliations.
- Expressing negative stereotypes about an individual based on Protected Characteristics (e.g., gender, country of birth, ancestry, citizenship, race), including acts of cultural appropriation.
- Disparaging, intimidating, or offensive references to an individual's disability, record of disability, or perceived disability.
- Disparaging or offensive racial or ethnic remarks, including racial or ethnic slurs, jokes, or epithets.
- A course of conduct of pursuing, following, waiting, or showing up uninvited at or near places frequented by the Complainant.
- Unwelcome touching and physical conduct.

- Inappropriate displays of sexually explicit objects, pictures, cartoons, posters, computer screen savers, websites, movies, drawings, or sexual gestures.

This Policy may include unwelcome conduct that occurs online or through other technology or electronic forms of communication (*e.g.*, email, instant messages, direct messages, iMessages, text messages, blogs, pictures, videos, postings on social media), provided that it occurs within the scope and jurisdiction articulated in this Policy. For example, online conduct occurring completely outside of the University's education program or activity may only be addressed where the University otherwise regulates the conduct, the conduct has or could have a continuing impact within the University's education program or activity, or the conduct may have the effect of posing a serious threat to the University community.

#### **F. Quid Pro Quo Harassment**

*Quid pro quo* harassment occurs when submission to or rejection of unwelcome conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education (*e.g.*, admission, academic standing, grades, assignment); employment (*e.g.*, hiring, advancement, assignment); or participation in a University program or activity (*e.g.*, campus housing).<sup>18</sup>

#### **G. Retaliation**

Retaliation means any intimidation, threats, coercion, discrimination, or Adverse Employment Action taken against any individual for the purpose of interfering with any right or privilege secured by this policy or one of the laws identified in the Notice of Non-Discrimination, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Retaliation includes such conduct through associates or agents<sup>19</sup> of a Complainant, Respondent, or participant in any investigation or proceeding related to this Policy.

#### **H. Complicity**

Complicity is any act that knowingly aids, facilitates, promotes, or encourages the commission of Prohibited Conduct by another person. Complicity requires that the conduct be knowing and intentional, which means that the individual is aware that another individual intends to engage or has engaged in Prohibited Conduct and takes an overt action in support of the individual.

#### **I. Violation of a University Directive**

Any individual may be found in violation for failure to comply with a University directive regarding a restrictive supportive measure (*e.g.*, violating the terms of an Avoidance of Contact (AOC) directive).<sup>20</sup>

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<sup>18</sup> Please note that this definition does not apply to Title IX Sexual Harassment, which has a different definition under the Title IX regulations and is defined separately in this Policy.

<sup>19</sup> This may include, but is not limited to, friends, family, or attorneys.

<sup>20</sup> The University, in its discretion, will determine the process that will apply to address a violation which may include additional policies and processes outside of the current Policy.

## **XI. CONSENT AND INCAPACITATION**

### **A. Affirmative Consent**

Consent must be an affirmative, conscious, mutual, and voluntary agreement to engage in sexual activity. It is positive cooperation in act and attitude made with knowledge and agreement to the nature of the act.

Consent cannot be obtained through physical force, threats, or coercion, or by taking advantage of another person's incapacitation. Coercion is conduct, including intimidation or express/implied threats of immediate or future physical, emotional, financial, or reputational harm to the Complainant or another, which would place a reasonable person in fear they will be injured or harmed if they do not submit.

It is the responsibility of each individual involved to ensure they have the Affirmative Consent of the other(s) to engage in *each act* of sexual activity.

Additional Guidance about Affirmative Consent:

- Affirmative Consent can be given by clear words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity.
- Affirmative Consent to one form of sexual activity (or one sexual act) does not constitute Affirmative Consent to other forms of sexual activity.
- Affirmative Consent must be ongoing throughout the sexual activity and can be revoked at any time. Sexual contact must cease immediately once consent is withdrawn and clearly communicated.
- Lack of protest or resistance does not mean there is Affirmative Consent. Affirmative Consent cannot be inferred from silence, passivity, or lack of verbal or physical resistance. Relying on nonverbal communication alone may result in a violation of this Policy.
- Affirmative Consent cannot be inferred from an existing or previous dating relationship. The existence of a prior or current relationship does not, in itself, constitute Affirmative Consent; even in the context of a relationship, there must be real-time and mutual Affirmative Consent to sexual activity.
- There must be mutual Affirmative Consent to engage in the sexual activity each time it occurs.
- Affirmative Consent to one form of sexual activity does not imply or constitute Affirmative Consent to another form of sexual activity.
- A request for someone to use a condom or birth control does not, in and of itself, mean that there is Affirmative Consent.

- Affirmative Consent to engage in sexual activity at one time is not Affirmative Consent to engage in the same or different sexual activity at a different time.
- Affirmative Consent to engage in sexual activity with one individual is not Affirmative Consent to engage in sexual activity with another.

## **B. Incapacitation**

Incapacitation means an individual cannot understand the fact, nature, or extent of a sexual activity. An incapacitated individual lacks the physical and mental capacity to make informed, reasonable judgments about whether or not to engage in sexual activity. An individual who is incapacitated may not be able to understand where they are, whom they are with, how they got there, or what is happening.

- Affirmative Consent cannot be obtained by taking advantage of another individual's incapacitation. Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. An individual who is incapacitated is not capable of giving affirmative consent.
- Further, an individual may be incapacitated as a result of consumption of alcohol, medication, or drugs. When alcohol, medication, or other drugs are involved, incapacitation is a state of intoxication or impairment that is so severe that it interferes with an individual's capacity to make informed and knowing decisions. Impairment must be significant enough to render an individual unable to understand the fact, nature, or extent of the sexual activity.
- Alcohol and other drugs impact each individual differently, and determining whether an individual is incapacitated requires an individualized determination. The University does not expect students, faculty, or staff to be medical experts in assessing incapacitation. Individuals should look for common and obvious warning signs that show that an individual may be incapacitated or approaching incapacitation. An individual's level of intoxication is not always demonstrated by objective signs; however, some signs that an individual may be incapacitated include clumsiness, difficulty walking, poor judgment, difficulty concentrating, slurred speech, vomiting, combativeness, or emotional volatility.
- Another effect of excessive alcohol consumption can be memory impairment or an inability to recall entire or partial events (sometimes referred to as "black-out" or "brown-out"). An individual may experience this symptom while appearing to be functioning "normally," including communicating through actions or words that can reasonably and objectively be interpreted as communicating consent to engage in sexual activity. Total or partial loss of memory, alone, may not be sufficient, without additional evidence, to prove that an individual was incapacitated under this Policy. Whether sexual activity under these circumstances constitutes

Prohibited Conduct depends on the presence or absence of the outwardly observable factors indicating that an individual is incapacitated, as described above.

- An individual's level of intoxication may change over a period of time based on a variety of individual factors, including the amount of substance intake, speed of intake, body mass, height, weight, tolerance, quantity and pattern of food and sleep, drinking pattern, and metabolism. It is critical, therefore, that any individual engaging in sexual activity is aware of both their own and the other individual's level of intoxication and capacity to give consent.

**In evaluating Affirmative Consent in cases involving incapacitation, the University considers the totality of available information in determining two issues:**

- (i) Did the Respondent know the Complainant was incapacitated?; or, if not,
- (ii) Would a sober, reasonable individual in a similar set of circumstances as the Respondent have known that the Complainant was incapacitated?

If either question is answered positively, Affirmative Consent was absent, and the conduct is likely a violation of this Policy.

### **C. Reasonable Belief in Affirmative Consent**

A Respondent may indicate that they had a reasonable belief in affirmative consent as a defense to sexual assault. In evaluating whether a Respondent's belief was plausible and reasonable, the University will consider the totality of circumstances, including information known to the Respondent, as well as information that should reasonably have been known to the Respondent. The University will evaluate whether the communication (through clear words and/or actions) between the parties would be interpreted by a reasonable person (under similar circumstances and with similar identities) as a willingness to engage in a particular sexual act.

Belief in Affirmative Consent is not reasonable if it arose from a Respondent's voluntary intoxication or recklessness, and such intoxication is not an excuse for engaging in Prohibited Conduct. Further, such belief is not reasonable if reasonable steps are not taken to determine Affirmative Consent.

## **XII. PRIVACY AND CONFIDENTIALITY**

The University is committed to protecting the privacy of all individuals involved in the reporting, investigation, and resolution of a report of Prohibited Conduct under this Policy. All employees who are involved in the University's response to reports of Prohibited Conduct receive specific training and guidance about safeguarding private information in accordance with state and federal law.

It is important to understand that privacy and confidentiality have distinct meanings under this Policy.

**Privacy** refers to the discretion that will be exercised by the University in the course of any investigation or disciplinary processes under this Policy. Information related to a report of Prohibited Conduct will be handled discreetly and shared with a limited group of University officials who need to know in order to assist in the assessment, investigation or resolution of the report and related issues. Taking into consideration the wishes of the Complainant, the University will make reasonable efforts to address and/or investigate reports of Prohibited Conduct under this Policy. If the report proceeds to an investigation, information may be disclosed to participants as necessary to facilitate the thoroughness and integrity of the investigation. In all such proceedings, the University will maintain the privacy of the parties to the extent reasonably possible.

**Confidentiality** refers to the level of protection that must be applied to statutory protections provided to individuals who disclose information in legally-protected or -privileged relationships, including, for example, relationships with professional mental health counselors (including therapists and psychotherapists), sexual assault counselors, domestic violence counselors, medical professionals, attorneys, ordained clergy, and any individual acting in a professional capacity for which confidentiality is mandated by law (i.e., Confidential Resources). Individuals who provide administrative assistance or support in the provision of direct services by Confidential Resources are also considered confidential under this Policy. These Confidential Resources must maintain the confidentiality of communications disclosed within the scope of their provision of professional services. Information shared by an individual with a Confidential Resource, on campus or in the community, intended as confidential communication, cannot be revealed to any other individual without the express permission of the individual seeking the services, unless there is an imminent threat of harm to self or others, or the conduct involves suspected abuse of a minor.

When a report involves suspected abuse of a minor under the age of 18, these Confidential Resources are required by state law to notify child protective services and/or local law enforcement. Similarly, California law requires medical providers to notify law enforcement when providing care to an individual with an injury suspected to be caused by assaultive or abusive conduct.

Medical and counseling records cannot be released without the individual's written permission or unless permitted or required consistent with ethical or legal obligations. Individuals who wish to seek confidential assistance may do so by speaking with a Confidential Resource.

**Release of Information by the University:** Pursuant to the Clery Act, the University must disclose statistics about Clery Act crimes in its daily crime log and Annual Security Report and provide those statistics to the U.S. Department of Education. If a report of Sexual Assault, Dating Violence, Domestic Violence or Stalking discloses a serious or continuing threat to the campus community, the University will issue a timely notification to the community to protect the health and safety of the community as required by the Clery Act. In all of these instances, the information is reported in a manner that does not include personally identifying information about persons involved in an incident, unless identification of a Respondent is required by the Timely Warning. In addition, Confidential

Resources may submit anonymous statistical information for Clery Act purposes, unless they believe it would be harmful to their client, patient, or student.

The University will not release the name of the Complainant, the Respondent, or witnesses to the general public, except as otherwise permitted or required by law. The University will also maintain the confidentiality of any supportive measures provided to a Complainant, to the extent that maintaining such confidentiality would not impair the University's ability to provide the supportive measures. The University may also share non-personally identifying information about reports received in aggregate form, including data about outcomes and sanctions. All University proceedings are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act (as amended by VAWA), Title IX, state and local law, and University policy.

### **XIII. REPORTING OPTIONS**

#### **A. Reporting to the University**

The University recognizes that deciding whether to make a report of Prohibited Conduct is a personal decision. *Making a report is different from submitting a Formal Complaint.* Making a report ensures that a Complainant has access to supportive measures and information about their rights and options under this Policy. As defined in the Appendix, a Formal Complaint is a request to the University to investigate and make a determination, by a preponderance of the evidence, about whether Prohibited Conduct occurred. Information provided to the University in which an investigation is not being requested is a report.

When the University receives a report of Prohibited Conduct, the University will inform the Complainant of the availability of supportive measures (with or without a request for an investigation), and explain to the Complainant the process for submitting a Formal Complaint. The University will consider the Complainant's wishes with respect to supportive measures and seek to respect a Complainant's autonomy in making the determination regarding how to proceed. As detailed in the Resolution Processes, in limited circumstances, the VP for OCRC may initiate an investigation into Prohibited Conduct on behalf of, or in the absence of, a Complainant.

When OCRC receives a report, the Complainant will receive written notification about existing counseling, health, mental health, support and advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services, both within the University and in the local community.

The University encourages anyone who has experienced Prohibited Conduct to report it directly to OCRC. Any individual may make a report of Prohibited Conduct under this Policy regardless of affiliation with the University and regardless of whether the individual reporting is the individual alleged to be the subject of the conduct. Reports can be made in person, by mail, by telephone, or by electronic mail, or by any other means that results in the VP for OCRC receiving the verbal or written report. A report may be made at any time (including during non-business hours) using the telephone number, email address, or office mailing address for the VP for OCRC, Title VI and Title IX Coordinator, as listed below:



- Vice President for OCRC, Title VI and Title XI Coordinator  
**Office of Civil Rights Compliance (OCRC)**

King Olympic Hall  
1025 W. 34<sup>th</sup> Street, Suite #101  
Los Angeles, Ca 90089  
(213) 740-5086  
<http://ocrc.usc.edu>  
[ocrc@usc.edu](mailto:ocrc@usc.edu)

Assistant Vice President and Executive Director – Healthcare  
(213) 740-5086  
[ocrc@usc.edu](mailto:ocrc@usc.edu)

Assistant Vice President and Executive Director – Title VI  
(213) 740-5086  
[ocrc@usc.edu](mailto:ocrc@usc.edu)

Assistant Vice President and Executive Director – Title IX  
(213) 740-5086  
[ocrc@usc.edu](mailto:ocrc@usc.edu)

## **B. Time Frame for Reporting**

Individuals are encouraged to report Prohibited Conduct as soon as possible in order to maximize the University's ability to respond promptly and effectively. Although the University does not limit the timeframe for reporting, the passage of time may impact or limit the University's jurisdiction and/or ability to gather relevant evidence that may be lost due to the passage of time.

If the Respondent is no longer affiliated with the University at the time of the report, the University will still provide reasonably available supportive measures to the Complainant, assist the Complainant in identifying external reporting options, and may take other appropriate action to address the reported conduct. Depending on the relationship of the Respondent to the University, the University's authority to impose disciplinary action may be limited.

## **C. Anonymous Reporting**

Anonymous reports can be made to:

1. The Department of Public Safety through the [LiveSafe Mobile Safety App](#); and
2. The USC [Report and Response website](#).

The USC Report and Response website is managed by [USC's Office of Professionalism and Ethics \(OPE\)](#). OPE will refer all reports of Prohibited Conduct to OCRC.

An individual may also anonymously report Prohibited Conduct to OCRC if they do so in a manner that does not reveal personally identifiable information when making the report.

Depending on the amount of information available about the incident and/or the individuals involved, however, the University's ability to respond to an anonymous report may be limited.

#### **D. Amnesty**

The University encourages good faith reports of Prohibited Conduct under this Policy. To that end, the University will not pursue disciplinary action for illegal consumption of alcohol or drugs in violation of the Student Handbook against a student enrolled in the University who makes a good faith report to the University as a Complainant, who is a witness to an incident of Prohibited Conduct, unless the University determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty. This amnesty applies only to conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the investigation.

#### **E. Coordination with Law Enforcement**

A Complainant has the right to report, or decline to report, potential criminal conduct to law enforcement. Upon request, the University will assist a Complainant in contacting law enforcement at any time. Under limited circumstances where there is a threat to the health or safety of any University community member, the University may independently notify law enforcement. The University is also required under certain circumstances to report crimes that occur within its Department of Public Safety geography to the Los Angeles Police Department. If the Complainant does not wish to be identified, the University will withhold that information from the report. In some circumstances, the University will identify the Respondent where a danger to the community is present.

An individual may make a report to the University, to law enforcement, to neither, or to both. The University's resolution process and law enforcement investigations may be pursued simultaneously but will operate independently of one another. The University will, when appropriate, coordinate information with law enforcement if law enforcement is notified. The University, upon request, may also temporarily pause its investigation to allow preliminary fact-gathering by law enforcement.

#### **F. Obligation to Provide Truthful Information**

All University community members are expected to provide truthful information in any proceeding under this Policy. Submitting or providing deliberately false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanctions. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are erroneous or are not later substantiated.

## **XIV. REPORTING RESPONSIBILITIES OF UNIVERSITY EMPLOYEES (STAFF AND FACULTY)**

### **A. Responsible Employees (Employees who have a duty to report)**

All Employees, with the exception of Confidential Resources, are Responsible Employees.<sup>21</sup> Responsible Employees are required to immediately<sup>22</sup> report Prohibited Conduct to OCRC to ensure that the University has a comprehensive process for centralized reporting and responding appropriately to notice of Prohibited Conduct.

### **Additional Categories of Community Members Required to Report**

In addition, students who exercise leadership roles or perform designated functions for the University have the same reporting responsibilities as Responsible Employees, when acting within their role. Students with reporting responsibilities include:

- resident assistants;
- peer mentors;
- teaching assistants;
- research assistants;
- graduate assistants/student instructors; and
- designated student leaders.<sup>23</sup>; and

### **Duties of Responsible Employees and Community Members Required to Report**

The duty of Responsible Employees is to immediately share all known information about Prohibited Conduct with OCRC, regardless of how the information is learned—whether from a direct report from a Complainant, from social media, or from a concerned third party (i.e., Reporter). The failure by a Responsible Employee to make a timely report of Prohibited Conduct may subject the employee to discipline, up to and including termination and notation in their personnel file, as appropriate. Questions regarding reporting responsibilities should be directed to the VP for OCRC, Title VI and Title IX Coordinator at [ocrc@usc.edu](mailto:ocrc@usc.edu) or (213) 740-5086.

In addition, all University supervisors are required to promptly inform OCRC after completing an employee's performance evaluation, if the evaluation reveals that:

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<sup>21</sup> Under California Education Code § 66281.8(a)(2)(B), a Responsible Employee is an employee who has the authority to take action to redress sexual harassment or provide supportive measures to students, or who has the duty to report sexual harassment to an appropriate school official who has that authority.

<sup>22</sup> Immediately means as soon as possible but preferably within 24-48 hours.

<sup>23</sup> Designated student leaders include those who receive scholarships, such as Trojan Marching Band squad leaders and section leaders and Student Athletic Academic Services (SAAS) tutors.

1. an oral or written report or complaint of discrimination or harassment based on a protected characteristic was provided to the supervisor at any time prior to the performance evaluation, or
2. information arises during the performance evaluation that suggests possible discrimination or harassment based on a protected characteristic by the employee.

Further, the supervisor must document this information in the employee's personnel file. The failure to take the foregoing actions may subject the supervisor to discipline, up to and including termination, or other personnel action.

## **B. Confidential Resources**

As described above, University employees who serve as Confidential Resources are prohibited from sharing information unless required or permitted to do so by law or ethical obligations. Information shared with Confidential Resources when they are acting in the scope of their profession, will not be disclosed to OCRC or any other University official, without the express written permission of the individual seeking services or as otherwise provided by law.

Confidential Resource means:

- An employee whose communications are privileged or confidential under federal, state, or local law. The employee's confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;

Confidential Resources include but are not limited to: professional mental health counselors (including therapists, psychotherapists), sexual assault counselors, domestic violence counselors, medical professionals, attorneys, ordained clergy, and any an individual acting in a professional capacity for which confidentiality is mandated by law. Confidential Resources at the University include USC Student Health personnel, including Counseling and Mental Health (CMH) and Confidential Advocacy, Resources, and Education Support Center (Care-SC); the Ombuds; team/sports psychologists; and WorkWell. Individuals who provide administrative assistance or support in the provision of direct services are also considered confidential under this Policy.

## **C. Campus Security Authorities**

Some employees, because of their role on campus, also have reporting responsibilities under the Clery Act. Employees who are considered Campus Security Authorities (CSAs) have a duty to report Sexual Assault, Dating Violence, Domestic Violence, Stalking, and other Clery Act-defined crimes. This reporting helps to provide the community with a clear picture of the extent and nature of campus crime in order to ensure greater community safety and enable campus community members to make important decisions about their own safety. CSAs include Department of Public Safety personnel, external security staff (e.g., CSC personnel (Yellow Jackets) and Staff Pro personnel), Student Affairs Council members, Student Judicial Affairs and Community Standards staff, VP for OCRC/Title IX Coordinator and OCRC staff, Clery Coordinator and staff, resident assistants, residence coordinators, assistant directors, faculty in residence, Athletic department

coaches, trainers and directors, Directors and Assistant Directors, and Deans and Assistant Deans, as well as other officials with significant responsibility for student and campus activities.

#### **D. Mandated Reporters**

The University complies with California state law requirements under the Child Abuse and Neglect Reporting Act (CANRA) and the Welfare and Institutions Code. Designated University employees are required to report known or suspected abuse, molestation or neglect relating to children, elders or dependent adults to the Department of Children and Family Services Child Protection Hotline at (800) 540-4000 or local law enforcement, as well as to USC's Department of Public Safety (DPS). For more information, please visit the [Mandated Reporters Policy](#).

#### **E. Other Reporting Responsibilities**

For other responsibilities, see the [Reporting Wrongdoing Policy](#).

#### **F. Public Awareness Events**

When the Title IX Coordinator is notified of information about conduct that reasonably may constitute sex-based harassment under Title IX that was provided by a person during a public event to raise awareness about sex-based harassment that was held on the University campus or through an online platform sponsored by the University, the University is not obligated to act in response to the information, unless it indicates an imminent and serious threat to the health or safety of a Complainant, any Students, Faculty, Staff, or other persons. However, in all cases the University will use this information to inform its efforts to prevent sexual harassment, including by providing tailored training to address alleged sexual harassment in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of sexual harassment.

### **XV. RESOURCES**

The University encourages anyone who has experienced Prohibited Conduct to reach out to discuss available resources and supportive measures as described in greater detail below. The University recognizes that a Complainant may have different needs at different times. A Complainant does not need to know whether they wish to request any particular course of action or how to label what happened in order to make a report. Individuals who are uncertain about what they wish to do in response to an incident of Prohibited Conduct, including how or whether to report the conduct, may contact and consult a Confidential Resource to address questions and concerns in a confidential setting. Individuals with questions or concerns about the University's processes may also contact OCRC directly to learn more about available resources and options.

The following section outlines University and/or non-University Emergency, Confidential, and Private Resources:

#### **A. Emergency Resources**

All individuals who experience Prohibited Conduct are encouraged to seek immediate medical treatment and preserve physical evidence, even if they have not decided whether they wish to

pursue any campus or law enforcement action. Such action helps to ensure that a Complainant receives proper medical care, preserves any available evidence, and supports their opportunity to access a disciplinary or criminal action at a later time. Available resources include:

#### **University Resources:**

- **Department of Public Safety**  
<https://dps.usc.edu/>  
UPC: (213) 740-4321  
HSC: (323) 442-1000
- **Engemann Student Health Center – Confidential**  
<https://studenthealth.usc.edu/>  
University Park Campus 1031 West 34<sup>th</sup> St.  
Los Angeles, CA 90089  
[studenthealth@usc.edu](mailto:studenthealth@usc.edu)  
(213) 740-9355 (WELL)
- **Eric Cohen Student Health Center – Confidential**  
<https://studenthealth.usc.edu/>  
Health Sciences Campus  
1510 San Pablo St. Suite 104  
Los Angeles, CA 90033  
[studenthealth@usc.edu](mailto:studenthealth@usc.edu)  
(213) 740-9355 (WELL)

#### **Non-University Resources**

- **Los Angeles Police Department**  
911 (for emergencies)  
1-877-ASK-LAPD (24-hour, non-emergency number)
- **[Los Angeles County Medical Center – Confidential](#)**  
(323) 409-1000
- **[Santa Monica Rape Treatment Center – Confidential](#)**  
Provides free confidential treatment for sexual assault victims, including 24-hour emergency medical care with forensic exam and proper preservation of evidence.  
(310) 319-4000
- **[East Los Angeles Women’s Center](#)**  
Advocacy Center for survivors of domestic violence and sexual assault and their families. 1-800-585-6231
- **[Jenesse Center](#)**  
Domestic violence intervention and prevention program.

1-800-585-6231

## **B. Confidential University Resources**

As described above, University employees who serve as Confidential Resources are prohibited from sharing information unless required or permitted to do so by law or ethical obligations.

Confidential Resources on campus and in the community include:

- **Confidential Advocacy, Resources, and Education Support Center (CARE-SC)**  
Provides direct support to Reporting Parties, including crisis appointments, group therapy, discussions of reporting options, and support surrounding academic accommodations.  
<https://sites.usc.edu/clientservices/>  
USC Student Health's Engemann Student Health Center  
Suite 356  
(213) 740-9355 (WELL)  
[studenthealth@usc.edu](mailto:studenthealth@usc.edu)
- **Counseling and Mental Health**  
USC provides counseling and support for students, including direct support to both Reporting Parties and Respondents.  
<https://studenthealth.usc.edu/counseling/>  
(213) 740-9355
- **WorkWell Center**  
USC provides counseling and support for employees (faculty and staff), including direct support to both Reporting Parties and Respondents.  
<https://workwell.usc.edu/>  
(213) 821-0800
- **Office of the Ombuds**  
Available to faculty, staff, and students experiencing University-related concerns, conflicts, or challenging situations.  
(213) 821-9556 (University Park Campus)  
(323) 442-0341 (Health Sciences Campus)  
[hscombuds@usc.edu](mailto:hscombuds@usc.edu)

## **C. Private University Resources**

In addition, the following campus offices can provide assistance to students, faculty, and staff:

- **Office of Civil Rights Compliance (OCRC)**  
King Olympic Hall  
1025 W. 34<sup>th</sup> Street, Suite 101  
Los Angeles, CA 90089

(213) 740-5086  
<http://ocrc.usc.edu>  
[ocrc@usc.edu](mailto:ocrc@usc.edu)

- **Department of Public Safety (DPS)**  
<https://dps.usc.edu/>  
UPC: (213) 740-6000 (24 hour, non-emergency number)  
HSC: (323) 442-1200 (24 hour, non-emergency number)
- **Campus Support & Intervention (CSI)**  
In consultation with OCRC, provides direct support to Complainants, Respondents, or other students who are involved in reports of Prohibited Conduct. This support includes Avoidance of Contact Directives; help with accommodations; help with taking a voluntary leave of absence from the University; and help connecting to other available support services and resources.  
<https://campussupport.usc.edu/>  
213-740-0411  
[uscsupport@usc.edu](mailto:uscsupport@usc.edu)
- **Office of Student Accessibility Services (OSAS)**  
Provides support services for individuals with disabilities.  
[OSASFrontDesk@usc.edu](mailto:OSASFrontDesk@usc.edu)  
213-740-0776 (University Park Campus)  
323-442-1000 (Health Sciences Campus)  
<https://osas.usc.edu/>
- **[Office of Institutional Accessibility and ADA Compliance](#)**  
For employees to request accommodations, learn about planning accessible events, and access other helpful campus resources.  
[accessibility@usc.edu](mailto:accessibility@usc.edu)  
<https://accessibility.usc.edu/faculty-and-staff/>
- **[Office of International Services](#)**  
OIS is a resource center that provides advising, information, and opportunities for involvement to help members of the USC international community make the most of their USC experience.  
[ois@usc.edu](mailto:ois@usc.edu)  
<https://ois.usc.edu/>
- **Student Life**  
<https://studentlife.usc.edu/>  
(213) 740-2421  
[studentlife@usc.edu](mailto:studentlife@usc.edu)
- **Residential Life**  
<https://resed.usc.edu/>  
(213) 740-2080



[resed@usc.edu](mailto:resed@usc.edu)

- **Human Resources**

In consultation with OCRC, provides direct support to Complainants, Reporting Parties, Respondents, or other employees who are involved in reports of Prohibited Conduct. This support includes Avoidance of Contact Directives; help with employment accommodations; help with taking a voluntary leave of absence from the University; and connecting to other available support services and resources.

<https://svphr.usc.edu/>

- **Provost**

<https://www.provost.usc.edu/>

## **XVI. SUPPORTIVE MEASURES, EMERGENCY REMOVAL, AND ADMINISTRATIVE LEAVE**

### **A. Supportive Measures**

Supportive measures are non-disciplinary, non-punitive, individualized support services that are offered as appropriate, as reasonably available, and without fee or charge to the parties whether or not a Formal Complaint is filed. Supportive measures are designed to address the safety of the parties or the University's educational or employment environment, or to provide support during the formal resolution process. Supportive measures may be made available to the parties at any point after a report and throughout the resolution processes.

Supportive measures may be temporary or permanent and may include, but not be limited to, the following:

- access to confidential counseling and providing assistance with scheduling initial appointments;
- arranging a meeting with appropriate law enforcement to discuss or report conduct and/or to discuss safety planning;
- assistance in seeking academic assistance, such as modified class schedules (including transfer to another section); permission to withdraw from and/or retake a class or attend a class via alternative means (e.g., online or independent study), extensions of deadlines or other course-related adjustments, and voluntary leaves of absence;
- assistance in modifying University housing arrangements, including immediate temporary relocation to safe living quarters and/or permanent reassignment of University residence halls;

- assistance in modifying University employment conditions, such as changes in work schedules, job or supervisory assignments, work locations, and/or assigned parking;
- assistance in arranging campus escort services;
- imposition of a mutual Avoidance of Contact Directive (*i.e.*, a written directive to refrain from contact, directly or indirectly through a third-party proxy) to the parties;<sup>24</sup>
- increased security and monitoring of certain areas of the campus;
- training and education programs; and
- any other similar measures that may be arranged by the University (to the extent reasonably available) to ensure the physical safety and emotional well-being of a Complainant or Respondent.

The University will consider a non-exhaustive list of risk factors that are set forth in the Resolution Processes in determining which supportive measures to take, including the needs of the Student or Employee seeking supportive measures; the severity or pervasiveness of the reported Prohibited Conduct; any continuing effects on the Complainant; whether the Complainant and the Respondent share the same residence hall, academic course(s), or job location(s); and whether judicial measures have been taken to protect the Complainant (*e.g.*, protective orders).

The University will work in good faith to implement the requirements of judicially-issued protective orders and similar orders, to the extent it has authority to do so.

The VP for OCRC or designee is responsible for ensuring the implementation of supportive measures and coordinating resources with the appropriate offices on campus.

The University will also provide reasonably available supportive measures for Third Parties who either are Complainants or Respondents, provided that the supportive measures are within the scope of that individual's relationship to the University and taking into account any contractual relationship with the University.

## **B. Emergency Removal**

Certain circumstances may warrant removing a Student Respondent from a University program or activity on an emergency basis, typically in the form of interim restrictive measures. The

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<sup>24</sup> One-way Avoidance of Contact (AOC) Directives are permitted in limited circumstances, including to help enforce a restraining order, preliminary injunction, or other order of protection issued by a court, when requested by a Complainant, or if a one-way AOC Directive does not unreasonably burden the other party. When an allegation is made that an AOC has been violated, the assessment and determination will be incorporated into a pending investigation for resolution. When an allegation arises that an AOC is violated where there is no matter pending, OCRC will address the alleged violation using the Resolution Process for Discrimination, Harassment, and Retaliation.

University may remove a Student Respondent on an emergency basis from University property or employment, education, or research programs or activities.

Before imposing an Emergency Removal, OCRC, in consultation with appropriate stakeholders, will undertake an individualized analysis as articulated in the Resolution Processes to determine whether the circumstances justify the removal of the Respondent from an Education Program or Activity. The non-exhaustive list of factors that will be considered are set forth in the Resolution Processes.

Upon determining that an Emergency Removal is appropriate, OCRC will issue notice to the parties and coordinate with appropriate stakeholders to effectuate removal, including but not limited to the Department of Public Safety.

The Respondent will have an opportunity to challenge the Emergency Removal within three (3) business days from the date of the removal by submitting a written challenge to the safety and risk analysis to the VP for OCRC. The notice of removal will include information regarding the process for challenging the removal, including a statement that information the Respondent chooses to provide during the challenge may subsequently be used in implementing any aspect of this Policy, including the investigation and determination.

### **C. Administrative Leave**

Following a report of Prohibited Conduct, the University may place a non-student employee Respondent on administrative leave, with or without pay. In reaching a determination as to administrative leave, the VP for OCRC may consult with appropriate stakeholders, such as the Respondent's supervisor or designee, Human Resources/Employee Relations, the Office of the Provost (for faculty), or other appropriate University officials.

## **XVII. OVERVIEW OF RESOLUTION PROCESSES**

To implement this Policy, the University has developed processes to investigate or otherwise address reports of Prohibited Conduct, called the Resolution Process for Discrimination, Harassment, and Retaliation and the Resolution Process for Sexual Misconduct.

In implementing the Resolution Processes, the University will treat Complainants and Respondents equitably by offering supportive measures to a Complainant when the University has notice of potential Prohibited Conduct, and by following the resolution process before the imposition of any disciplinary sanction against a Respondent. Upon receipt of a report of Prohibited Conduct, the University will conduct an initial assessment of the available information and consider the Complainant's stated interests, as well as the University's compliance obligations, in determining how to proceed. A report of discrimination, harassment, or retaliation may be resolved through: the provision of supportive measures only; a resolution process, which involves a prompt, thorough, equitable, and impartial investigation, and an appeal; or an Informal Resolution process. A Complainant is always entitled to reasonably available supportive measures, regardless of whether an investigation has been initiated.

The VP for OCRC or designee, in partnership and consultation with relevant stakeholders, may address unprofessional, disrespectful, and/or offensive conduct directed at a member of a protected class that:

1. Does not rise to the level of creating a hostile environment or a violation of this Policy, or
2. Is of a generic nature not clearly based on a Protected Characteristic; and
3. Runs counter to the University's mission and values.

Addressing such behaviors will not typically result in the imposition of discipline or other punitive measures under this Policy, but may be addressed through restorative remedial actions, such as coaching, education, and/or effective conflict resolution or other alternative resolution mechanisms. However, the University reserves the right to take any action it deems, in its sole discretion, appropriate in response to such behaviors, and conduct may be referred to the appropriate codes of conduct for students, staff, and faculty for potential disciplinary action.

## **XVIII. PREVENTION AND EDUCATION PROGRAMS**

The University is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. All incoming students and new employees (faculty and staff) receive primary prevention and awareness programming and returning students and current employees receive ongoing training and related programming.

For a description of the University's Prohibited Conduct prevention and awareness programs, including programs on minimizing the risk of incidents of Prohibited Conduct and bystander intervention, see the University's Annual Security Report.

Individuals involved in the implementation of this Policy also receive regular, comprehensive training on this Policy and Resolution Processes, which incorporates all required training content, including specific training required by the Clery Act and Title IX.<sup>25</sup>

## **XIX. DOCUMENTATION AND RECORDS RETENTION POLICIES**

The University will create and maintain the following records for a period of seven years: records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of Prohibited Conduct; records of investigations, including any determination regarding responsibility and any audio or audiovisual recording(s) or transcript(s) created, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant; any appeal and the result of that appeal; and any informal or alternative resolution, and the result of such resolution processes. These records will be maintained in accordance with the privacy protections set forth in Title IX, Title VII, the Clery Act, FERPA, and applicable state law regarding the privacy of personnel and education records.

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<sup>25</sup> As required by the Title IX regulations, training required of – and received by – University officials involved in responding to reports of Title IX Sexual Harassment is published online. See <https://eeotix.usc.edu/resources/eeo-title-ix-implementers-training/>.

## **XX. REVIEW OF THIS POLICY**

This Policy reflects the University's good faith effort to implement federal, state, and local civil rights laws, the Clery Act, and California state law applicable to students (e.g., SB-493) and employees. Updates to the Policy are reviewed through the University's Policy governance structure. The University reserves the right to modify this Policy and the accompanying procedures as necessary to comply with federal or state law, and such modifications may be made before or during an ongoing resolution process.

The VP for OCRC will review this policy on a periodic basis to ensure effectiveness and continued compliance with evolving legal requirements

## XXI. APPENDIX

### **Definitions**

The following definitions apply to terms used throughout the Policy on Prohibited Discrimination, Harassment, and Retaliation. The definitions also apply to the terms used in the Resolution Processes accompanying the Policy.

**Admission** – Means selection for part-time, full-time, special, associate, transfer, exchange or any other enrollment, membership, or matriculation in or at an education program or activity operated by the University.

**Adverse Action** – Adverse actions include intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by this Policy.

An adverse employment action is an action or pattern of conduct that, taken as whole, materially and adversely affects the terms and conditions of employment or privileges of a Complainant. It can include conduct that is reasonably likely to impair a reasonable employee's job performance or prospects for advancement or promotion.

However, minor or trivial actions or conduct that is not reasonably likely to do more than anger or upset an individual does not constitute an adverse action.

**Advisor** – The Complainant and the Respondent each have the right to be accompanied at any meeting or hearing under the Policy and the Resolution Processes by an advisor of their choice. This advisor may be any person, including an attorney, but need not be an attorney. The University will not share information with a student party's advisor unless the student has executed a Family Education Rights and Privacy Act (FERPA) waiver.

**Business Days** – Monday through Friday, excluding all official holidays or campus closures are business days.

**Complainant** - A student, employee, or third party who is reported to have been subjected to conduct that could constitute Prohibited Conduct or a person other than a student or employee who is reported to have been subjected to Prohibited Conduct and who was participating or attempting to participate in the University's Education Program or Activity at the time of the alleged conduct.

**Education Program or Activity** - The term "education program or activity," whether in singular or plural form, includes all of the University's operations, including locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the conduct occurred; and any building owned or controlled by a student organization that is officially recognized by the University. The University's education program or activity can include on-campus, off-campus, or online conduct, and applies to employment and admissions. Examples include University-sponsored, University-funded or otherwise University-supported study off campus, research, internship, mentorship, summer session, conferences, meetings, social events, or other affiliated programs or premises.

**Formal Complaint** - An oral or written request that objectively can be understood as a request for investigation and determination about alleged Prohibited Conduct.

**Investigator** – The investigator is the person tasked with investigating a Formal Complaint that has been accepted for investigation. An investigator may be an employee of the University or an external professional.

**Protected Characteristics** – Specific attributes or traits that cannot be the basis upon which someone is discriminated against. The following are Protected Characteristics covered by this Policy:

**Age** – In the context of employment, age refers to the chronological age of any individual who has reached their 40<sup>th</sup> birthday. With respect to discrimination or harassment in student programs and activities, age means how old a person is, or the number of years from the date of a person's birth.

**Color** – Refers to the pigmentation of one's skin.

**Disability** – Refers to:

1. Having a physical or mental condition that substantially limits one or more major life activity. "Limits" means making the achievement of a major life activity difficult. "Limits" is determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity. A "major life activity" is broadly construed and includes physical, mental, and social activities (such as walking, talking, seeing, hearing) and working; or
2. Having a known history of a qualifying impairment; or
3. Being regarded or treated as having or having had a qualifying impairment; or
4. Being regarded or treated as having or having had such an impairment that has no presently disabling effects but may become a qualifying impairment in the future.
5. Having or being regarded as having HIV and/or AIDS.

**Ethnicity** – A socially defined category based on common language, religion, nationality, history, or another cultural factor.

**Gender/Sex** – The terms gender and sex are used interchangeably. It includes gender identity, gender expression, and sex stereotyping.

1. Sex includes, but is not limited to pregnancy, childbirth, breastfeeding or any related medical conditions.

2. Gender identity means a person's identification as female, male, nonbinary, or another gender different from the person's sex assigned at birth.
3. Nonbinary is a general term for people whose gender identities fall outside of the binary conception of male or female. Nonbinary people may or may not identify as transgender.
4. Transgender is a general term that refers to a person whose gender identity differs from their sex assigned at birth. A transgender person may or may not medically transition and may identify as male, female, or nonbinary.
5. Gender expression means a person's gender-related appearance or behavior whether or not stereotypically associated with the person's assigned sex at birth.
6. Sex stereotype means an assumption about a person's appearance or behavior or about an individual's ability or inability to perform certain kinds of work based on a myth, social expectation, or generalization about the individual's sex.

**Genetic Information** – genetic information derived from an individual's or the individual's family members' genetic tests, receipt of genetic services, participation in genetic services clinical research or the manifestation of a disease or disorder in an individual's family members.

**Marital Status** – An individual's state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state, including domestic partnership.

**Medical Condition** – Means either of the following:

1. Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer; or
2. Genetic characteristics. For purposes of this section, "genetic characteristics" means either of the following:
  - i. Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder; or
  - ii. Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or offspring, or that are determined to be associated with a statistically



increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.

**National Origin** – The national origin of an individual, or their ancestor is protected. It includes, but is not limited to actual or perceived:

1. physical, cultural, or linguistic characteristics associated with a national origin group;
2. marriage to or association with persons of a national origin group;
3. tribal affiliation;
4. membership in or association with an organization identified with or seeking to promote the interests of a national origin group;
5. attendance or participation in schools, churches, temples, mosques, or other religious institutions generally used by persons of a national origin group; and name that is associated with a national origin group.

**Parental Status** – The status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:

1. A biological parent
2. An adoptive parent
3. A foster parent;
4. A stepparent;
5. A legal custodian or guardian;
6. In loco parentis with respect to such a person; or
7. Actively seeking legal custody, guardianship, visitation, or adoption of such a person.

**Political Belief/Political Affiliation** – Employees’ political activities outside of work may not be limited by the: (1) making, adopting or enforcing any rule, regulation or policy forbidding or preventing employees from engaging or participating in politics or running for public office; (2) making, adopting, or enforcing any rule, regulation or policy that tends to control or direct the political activities or affiliations of employees; or (3) using the threat of discharge or loss of employment to coerce, influence or attempt to coerce or influence employees to take or refrain from taking any particular course of political action or political activity.

**Pregnancy or Related Conditions** – Means:

1. Pregnancy, childbirth, termination of pregnancy, or lactation;
2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

**Race** – A socially defined category based on real and perceived differences between groups of people. A person's race or personal characteristics associated with race (such as hair texture, skin color, or certain facial features) is a protected characteristic.

**Religion or Religious Creed** - Includes all aspects of religious belief, observance, and practice, including religious dress and grooming practices, and includes agnosticism and atheism. Religious dress and grooming practices, such as wearing religious clothing, head or face covering, jewelry, and artifacts, are part of an individual's religious observance or belief.

**Sexual Orientation** – A person's identity in relation to the sex/gender or genders to which they are sexually or romantically attracted and includes, but is not limited to, heterosexual, gay, lesbian, bisexual, and queer.

**Veteran or Military Status** – Service in the uniformed services either past or current is a protected characteristic. Association with a member of the military or a veteran, such as a veteran's spouse or child, may also be a protected characteristic.

**Relevant** - Means related to the allegations of Prohibited Conduct under investigation. Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged Prohibited Conduct occurred.

**Remedies** - Means measures provided, as appropriate, to a Complainant or any other person the University identifies as having had their equal access to the University's Education Program or Activity limited or denied by Prohibited Conduct. These measures are provided to restore or preserve that person's access to the University's Education Program or Activity after it has been determined that Prohibited Conduct occurred.

The Title IX Coordinator is responsible for determining the provision of remedies and coordinating their effective implementation.

**Reproductive Health Decision-making** – With regard to applicants for employment and employees, this refers to a decision to use or access a particular drug, device, product, or medical service for reproductive health.

**Respondent** – The individual who is reported to have engaged in Prohibited Conduct.

**Third-Party** – A person other than an employee or a student. Examples include employees of auxiliary organizations, alumni, unpaid interns, volunteers, independent contractors, vendors, and their employees, and visitors.