

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 Retaliation¹

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 retaliation. The University's primary concern is the safety and security of students, staff, faculty, and the University community. The purpose of this Policy is to prevent and respond to discrimination and harassment for all protected characteristics for all students, faculty, staff, patients, and visitors. The University is an equal-opportunity educator and employer, proudly pluralistic, and firmly committed to providing equal opportunity for persons of all backgrounds and a diverse, inclusive, equitable environment. The University is committed to providing a safe and transparent University community where discrimination, harassment, and retaliation are universally recognized as intolerable, where those who are harmed are provided support and resolution options, and where a fair and impartial resolution process is provided to all parties.

To this end, the University places great emphasis on those values and virtues that connect us as human beings and members of the Trojan Family. Those shared values, as well as the beliefs, actions, and associated behaviors that support those values, contribute to a University culture that prioritizes diversity, inclusivity, accessibility, integrity, respect, and accountability. The University enthusiastically and fully supports the principles in this Policy, and expects that every person associated with the University will give continuing support to its implementation.

It is the responsibility of every member of the University community to foster an environment free from discrimination, harassment, and retaliation. All members of the community are strongly encouraged to take reasonable and prudent actions to prevent or stop acts of discrimination, harassment, or retaliation. This may include directly intervening when safe to do so, enlisting the assistance of others, contacting law enforcement, or seeking assistance from a person in authority. Community members who choose to exercise this positive responsibility will be supported by the University and protected from retaliation.

This Policy applies to all students, staff, faculty, and other individuals participating in or seeking to participate in the University's program or activities, including education and employment. Any individual found responsible for engaging in Prohibited Conduct in violation of this Policy will face disciplinary sanctions up to and including expulsion (for students) 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 Reporting Party and others, if appropriate.

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

¹ This Policy and accompanying Resolution Processes apply to any report or Formal Complaint received on or after January 1, 2022, regardless of when the conduct reportedly occurred.

The University prohibits discrimination on the basis of actual or perceived race, color, ethnicity, religion (including religious dress and grooming practices), creed, sex, age (40 years and over in the employment context), marital status, national origin, citizenship status, employment status, income status, shared ancestry and ethnic characteristics, partnership status, medical condition (including cancer and genetic characteristics), pregnancy (including childbirth, breastfeeding, or related medical conditions), disability, political belief or affiliation, domestic violence victim status, military or veteran status, sexual orientation, gender, gender identity, gender expression, genetic information, and any other class of individuals protected from discrimination under federal, state, or local law, regulation, or ordinance (Protected Characteristics), and their implementing regulations, in any of its education programs and activities, in employment and application for employment, in admission and application of admission, and in all other University programs and activities, in compliance with 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 in Employment Act of 1967; Executive Order 11246 of 1965, as amended by Executive Order 11357 of 1967; the California Fair Employment and Housing Act; and other federal, state, and local laws, regulations, or ordinances that prohibit discrimination.

The University seeks to comply with all statutes prohibiting discrimination in education, even when such laws and regulations may conflict with each other. Further, in compliance with Section 504 of the Rehabilitation Act of 1973, the University provides reasonable accommodations for students, employees, and applicants for admission or employment who have disabilities. The University provides reasonable accommodations for religious beliefs to students, faculty, and staff. For questions about the application of these federal laws, please contact the Vice President for Equity, Equal Opportunity, and Title IX (VP for EEO-TIX) or the ADA/504 Coordinator. The University's Associate Vice Provost, Institutional Accessibility and ADA Compliance serves as its ADA/504 Coordinator.

III. SUMMARY OF LEGAL REQUIREMENTS REGARDING PROHIBITED SEXUAL HARASSMENT

Based on the Federal and California state law requirements, the University prohibits three forms of Sexual Harassment, some of which may overlap based on the nature of the conduct: Title IX Sexual Harassment, California Education Code Sexual Harassment, and other forms of Sexual and Gender-Based Harassment.

1. Title IX Sexual Harassment

Title IX Sexual Harassment, as defined by the Title IX regulations, includes Sexual Assault, Dating Violence, Domestic Violence, and Stalking, as defined by the Jeanne Clery Disclosure of Campus Security Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA). These forms of conduct, referred to in this Policy as Title IX Prohibited Conduct, are defined in Section VIII below.

2. California Education Code Sexual Harassment

California Education Code Sexual Harassment, as defined by the California legislature, includes Sexual Violence, Rape, Sexual Battery, and Sexual Exploitation. These forms of conduct, referred to in this Policy as California Education Code Prohibited Conduct, are defined in Section IX below.

3. **Other Forms of Prohibited Conduct**

Under Title VII of the Civil Rights Act of 1964 and the University's longstanding definitions, the University prohibits a broader scope of conduct under its Sexual and Gender-Based Harassment definition. These forms of conduct, referred to in this Policy as Other Forms of Sexual Misconduct, are defined in Section X below.

IV. ACADEMIC FREEDOM AND FREE SPEECH

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. 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. Therefore, 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 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 [SCampus, Part D, Free Expression and Dissent](#).

V. SCOPE

This Policy applies broadly to the entire University community, including students who are registered or enrolled in University classes or in one of the University's degree or non-degree programs (Students);² all full-time and part-time faculty (Faculty); all non-faculty University employees, including University Staff, Keck Medicine employees, professional research staff, and post-doctoral fellows (Staff); and contractors, vendors, visitors, guests, or other individuals who are participating in or seeking to participate in the University's education program or activities. (Third Parties).

This Policy also applies to Student Organizations, defined as one which (a) has satisfied the administrative procedures for recognition or (b) is functioning within the University community in the capacity of a student organization.

² A student is defined as one whose enrollment has begun (typically, enrollment begins on the first scheduled day of classes of a student's program), and who (a) is currently participating in one of the University's degree or non-degree programs; (b) has completed the immediately preceding semester and/or has registered for the next scheduled semester; (c) is officially representing the University during a period between regular academic semesters; and/or (d) is not officially registered for a particular semester but who has a continuing relationship with the University.

This Policy applies to acts of Prohibited Conduct committed by Students, Student Organizations, Faculty, Staff, and Third Parties that occur within the University’s education programs or activities, including employment and admissions.

In this Policy, the individual reported to have experienced Prohibited Conduct is referred to as the Reporting Party.³ The individual who is reported to have committed Prohibited Conduct is referred to as the Respondent.

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.

The Policy also applies to Prohibited Conduct that occurs outside of the United States, but in connection with the University’s education program or activities, such as University-sponsored, University-funded, or otherwise University-supported study abroad programs.

Under limited circumstances, the Policy and the Resolution Process may also apply to instances in which the conduct occurred outside of the 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 program or activity, the conduct could contribute to a hostile environment or otherwise interfere with a student’s access to education, or the conduct may have the effect of posing a serious threat to the University community.

A. Federal Jurisdictional Requirements Unique to Title IX Sexual Harassment

The Title IX regulations apply to specific forms of sexual harassment that occur in an education program or activity in the United States. Where conduct occurs outside of the education program or activity, outside of the United States, or would not meet the definition of Title IX Sexual Harassment, the University is required to dismiss any allegations in a Formal Complaint under Title IX.

However, in keeping with the University’s educational mission and commitment to foster a learning, living, and working environment free from discrimination, harassment, and retaliation, the University will move forward under the same Resolution Process for Sexual Misconduct for reports of California Education Code Sexual Harassment (including Sexual Violence, Rape, Sexual Battery, and Sexual Exploitation), Sexual and Gender-Based Harassment, Sexual Assault,

³ The U.S. Department of Education uses the term Complainant to refer to the individual who is reported to have experienced Sexual Misconduct. The University chooses to use the term Reporting Party, which should be read as synonymous with Complainant under the Title IX regulations; a Reporting Party has all of the same rights and procedural protections as a Complainant under Title IX’s implementing regulations.

Dating Violence, Domestic Violence, Stalking, and other forms of Prohibited Conduct that occur outside of Title IX Jurisdiction (*e.g.*, not in the United States, or as noted above, outside of the education program or activity).

B. Applicability to Third Parties

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. A Third Party who is participating in, or attempting to participate in, the University's education program or activity may also file a Formal Complaint requesting an investigation under this Policy when the Respondent is a current University Student, Faculty, or Staff member. In addition, the VP for EEO-TIX has the discretion, in consultation with relevant University stakeholders, to file 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 education program or activity, including employment and admissions. In such circumstances, the VP for EEO-TIX does not become a party.

The University's ability to take disciplinary action against a Third Party Respondent will be limited and is determined by the context of the Prohibited Conduct and the nature of the University's relationship to the Third Party Respondent. 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 ANND COORDINATION WITH OTHER UNIVERSITY POLICY 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:

- [SCampus](#)
Applies to all other forms of student misconduct
- [Staff Complaint Process](#)
Outlines the staff complaint process for all other forms of misconduct
- [Faculty Handbook](#)
Sets the standards of personal conduct for faculty members
- [Conflict of Interest in Professional and Business Practices](#) 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 child abuse or neglect

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, the University has the discretion to investigate and resolve the conduct under 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 and an opportunity to respond. 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 for Equity, Equal Opportunity, and Title IX (VP for EEO-TIX), who also serves as the University's Title IX Coordinator, to coordinate the University's compliance with federal and state civil rights laws, including Title IX.⁴ The VP for EEO-TIX 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.

The name and contact information of the University's Vice President for Equity, Equal Opportunity, and Title IX is:

Catherine Spear
VP for EEO-TIX and Title IX Coordinator
Office for Equity, Equal Opportunity, and Title IX
USC Credit Union Building⁵
3720 South Flower Street, 2nd Floor
Los Angeles, CA 90089-0704
(213) 740-5086
<http://eeotix.usc.edu>
eeotix@usc.edu

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

⁴ 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.

⁵ The VP for EEO-TIX and Title IX Coordinator's office is currently located in the Bovard Administration Building, Office 160 (G). In or around March 2022, the entire EEO-TIX Office will be centrally located on campus on the ground level of King Hall.

San Francisco Office
Office for Civil Rights (OCR)
U.S. Department of Education
50 United Nations Plaza
Mail Box 1200, Room 1545
San Francisco, CA 94102
(415) 486-5555
Facsimile: (415) 486-5570
TDD: (800) 877-8339
ocr.sanfrancisco@ed.gov

In addition, University employees may file reports and/or complaints of discrimination, harassment, or retaliation with:

California Department of Fair Employment and Housing (DFEH)
contact.center@dfeh.ca.gov
1-800-884-1684 (TTY 1-800-700-2320)
www.dfeh.ca.gov

United States Equal Employment Opportunity Commission (EEOC)
1-800-669-4000 (TTY 1-800-669-6820)
www.eeoc.gov

Any person who believes that the University as a federal contractor has violated nondiscrimination or affirmative action obligations may contact the Office of Federal Contract Compliance Programs (OFCCP) at 1-800-397-6251 (TTY: 1-202-693-1337).

VIII. DEFINITIONS OF TITLE IX PROHIBITED CONDUCT

Title IX Prohibited Conduct includes the following forms of conduct, including attempts to commit the conduct:

- A. **Title IX Sexual Harassment:** Title IX's implementing regulations⁶ define Sexual Harassment as conduct **on the basis of sex** that satisfies one or more of the following:
 - 1. A University employee conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;

⁶ The Title IX regulations have requirements that apply to a specific definition and category of Title IX Sexual Harassment that constitutes only one form of Prohibited Conduct under this Policy. In light of these Title IX-mandated requirements, the University, where appropriate, provides information that is specific to Title IX Sexual Harassment, as defined under the Title IX regulations. However, 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 Resolution Process for Sexual Misconduct.

2. 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; or
3. Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Retaliation, as defined below.

B. Sexual Assault: 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*).⁷ Sexual contact includes:

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.

C. Dating Violence: includes any act of violence committed by an individual:

1. who is or has been in a social relationship of a romantic or intimate nature with the Reporting Party; and
2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship;
 - ii. The type of relationship; and
 - iii. The frequency of interaction between the individuals involved in the relationship.

⁷ 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.

- D. Domestic Violence:** includes any act of violence committed by a current or former spouse or intimate partner of the Reporting Party, by an individual with whom the Reporting Party shares a child in common, by a person who is cohabitating with, or has cohabitated with, the Reporting Party as a spouse or intimate partner, by a person similarly situated to a spouse of the Reporting Party under California state law, or by any other individual against an adult or minor Reporting Party who is protected from that individual's acts under California state law.
- E. Stalking:** 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 fear for their own safety or the safety of others or suffer substantial emotional distress.

“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. DEFINITIONS OF CALIFORNIA EDUCATION CODE PROHIBITED CONDUCT

Under California Senate Bill 493, which amended the California Education Code, prohibited conduct includes the following forms of conduct related to Students, including attempts to commit the conduct:

- A. California Education Code Sexual Harassment:** California's Education Code defines Sexual Harassment to include:
1. 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:
 - a. 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*).

- b. 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).
2. Sexual Violence, including Rape and Sexual Battery, and Sexual Exploitation, as defined below.

B. California Education Code Sexual Violence: Physical sexual acts perpetrated against a person without the person's affirmative consent, including.⁸

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.
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.

C. California Education Code Sexual Exploitation: means 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:⁹

1. The prostituting of another person.
2. 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.
3. The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent.
4. The distribution of images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual

⁸ 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.

⁹ 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.

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.

5. 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.

X. DEFINITIONS OF OTHER PROHIBITED CONDUCT

A. Other Forms of Sexual Misconduct

1. **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:
 - i. 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
 - ii. 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*).

2. **Exposure:** Exposure of the genitals to another without that individual's consent under circumstances where there is not a reasonable expectation of privacy.
3. **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 (i) 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 (ii) 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. Discrimination: Discrimination can take two primary forms:

1. **Disparate Treatment Discrimination**

Disparate Treatment 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; 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.

2. **Disparate Impact Discrimination**

Employment: In the employment context, Disparate Impact Discrimination occurs when there is sufficient evidence that policies, tests, or practices that are neutral on their face disproportionately exclude or adversely impact a group of individuals within the class of individuals with Protected Characteristics, where the policies, tests, or practices are not job-related and consistent with business necessity. In determining whether a facially-neutral policy has a disparate impact on the basis of Protected Characteristics, the University considers the following issues:

- a. Does the policy, test, or practice have a disparate impact on the basis of a particular Protected Characteristic? This typically requires a statistical analysis.

- b. Is the policy, test, or practice job-related and consistent with business necessity?
- c. If job-related and consistent with business necessity, is there a less discriminatory alternative available?

Student/Educational Program or Activity: In the student or educational context, Disparate Impact Discrimination occurs when there is sufficient evidence that facially-neutral policies, tests, or practices, although not adopted with the intent to discriminate, nonetheless have an unjustified effect of disproportionately excluding or adversely impacting Students or Third Parties on the basis of Protected Characteristics. In determining whether a facially-neutral policy has a disparate impact on the basis of Protected Characteristics, the University engages in the following three-part inquiry:

- a. Has the policy, test, or practice resulted in an adverse impact on Students or Third Parties of a particular Protected Characteristic?
 - b. Is the policy, test, or practice necessary to meet an important educational goal?
 - c. If necessary to meet an important educational goal, are there comparably effective alternative policies, tests, or practices available that would meet the stated educational goal with less of a burden or adverse impact on the disproportionately affected Protected Characteristic, or is the proffered justification a pretext for discrimination?
- In addition to the above, discrimination includes failing to provide reasonable accommodations, consistent with state and federal law, to a qualified individual with a disability or to accommodate the religious beliefs of students, staff, and faculty.

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.

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

C. Hostile Environment Harassment: Harassment occurs when verbal, physical, written, electronic, or other conduct based on an individual's Protected Characteristics¹⁰ 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 Reporting Party's mental or emotional state; whether the conduct was directed at more than one individual; whether the conduct arose in the context of other discriminatory conduct; whether the conduct unreasonably interfered with the Reporting Party'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.

¹⁰ Please note that this definition does not apply to Title IX Sexual Harassment, which has a different definition under the new Title IX regulations that is separately included in this Policy.

- 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 Reporting Party.
- 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 is written and interpreted broadly to 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.

D. *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).¹¹

E. Nonconsensual Viewing, Recording, and Dissemination: This type of conduct involves one or more of the following behaviors committed for any purpose, including sexual arousal or gratification, financial gain, or other personal benefit:

¹¹ Please note that this definition does not apply to Title IX Sexual Harassment, which has a different definition under the final Title IX regulations and is defined separately in this Policy.

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

F. Retaliation: Retaliation means any adverse action, intimidation, threat, coercion, or discrimination against an individual taken for the purpose of interfering with any right or privilege secured by this Policy or federal, state, or local laws or ordinances, and their implementing regulations (*e.g.*, protesting, making a report), or because the individual has made a report or Formal Complaint of Prohibited Conduct, testified, assisted, or participated or refused to participate in any manner in any investigation, proceeding or hearing under this policy. Retaliation includes such conduct through associates or agents of a Reporting Party, Respondent, or participant in any investigation or proceeding related to this Policy.

G. Complicity: Complicity is any act that knowingly aids, facilitates, promotes, or encourages the commission of Prohibited Conduct by another person.

H. 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 Directive).

XI. CONSENT AND INCAPACITATION

A. Consent: Consent must be affirmative. "Affirmative Consent" means affirmative, conscious, 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 Reporting Party 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:

- 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 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.
- 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.
- Consent cannot be inferred from an existing or previous dating relationship. The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be real-time and mutual consent to sexual activity.
- There must be mutual consent to engage in the sexual activity each time it occurs.
- Consent to one form of sexual activity does not imply or constitute consent to another form of sexual activity.
- Consent to engage in sexual activity at one time is not consent to engage in the same or different sexual activity at a different time.
- Consent to engage in sexual activity with one individual is not consent to engage in sexual activity with another.

B. Incapacitation: 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 valid, affirmative consent.

Incapacitation means an individual cannot understand the fact, nature, or extent of the 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.

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 Reporting Party was incapacitated?; or, if not,
- ii. Would a sober, reasonable individual in a similar set of circumstances as the Respondent have known that the Reporting Party 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 Reporting Party, 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 a 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.

Similarly, 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 Reporting Party, 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 Reporting Party, 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 RESPONSIBILITIES OF UNIVERSITY EMPLOYEES (STAFF AND FACULTY)

A. Designated Employees

Designated University employees are required to immediately¹² report Prohibited Conduct to the EEO-TIX Office to ensure that the University has a comprehensive process for centralized reporting and responding appropriately to notice of sex discrimination, including sexual and gender-based harassment and violence. These employees are referred to as Designated Employees.¹³ Employees with reporting responsibilities include the following roles, or individuals with substantially similar positions or job duties:

- Title IX Coordinator, EEO-Deputy Title IX Coordinators, and all members of the EEO-TIX Office, the Office of Professionalism and Ethics, and the Office of Culture, Ethics, and Compliance;
- Provost, faculty, including associate faculty, teachers, instructors, and lecturers;
- academic advisors, faculty advisors to registered student organizations or academic teams or activities, and Faculty in Residence;
- staff, including Human Resources staff and employees within the Division of Student Affairs, such as USC Housing Services staff, Assistant Directors (ADs), Residential College/Community Coordinators (RCCs), and Graduate Residential College/Community Coordinators (GRCCs), and Student Judicial and Community Standards (SJACS);
- Department of Public Safety employees;
- Athletics Department staff, including the Athletics Director and coaches,
- internship/externship directors or coordinators,
- study abroad program directors or coordinators, and
- research assistants, laboratory directors, coordinators, or principal investigators.

In addition, students who exercise leadership roles or perform designated functions for the University have the same reporting responsibilities as Designated Employees, when acting within their role. Students with reporting responsibilities include resident assistants; virtual peer mentors; teaching assistants; graduate assistants/student instructors; designated student leaders, such as Trojan Marching Band squad leaders and section leaders and Student Athletic Academic Services (SAAS) tutors; leaders of registered student organizations; and student employees who supervise other students.

¹² Immediately means as soon as possible but preferably within 24-48 hours.

¹³ 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. USC uses Designated Employee to mean the same as Responsible Employee.

The duty of Designated Employees is to immediately share all known information about Prohibited Conduct with the EEO-TIX Office, regardless of how the information is learned—whether from a direct report from a Reporting Party, from social media, or from a concerned third party (i.e., Reporter). The failure by a Designated 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. Questions regarding reporting responsibilities should be directed to the VP for EEO-TIX and Title IX Coordinator [at eeotix@usc.edu](mailto:eeotix@usc.edu) or (213) 740-5086.

In addition, all University supervisors are required to promptly inform the EEO-TIX Office after completing an employee's performance evaluation, if the evaluation reveals that: 1) an oral or written report or complaint of sex discrimination was provided to the supervisor at any time prior to the performance evaluation, or 2) information arises during the performance evaluation that suggests possible sex discrimination 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 the EEO-TIX Office or any other University official, without the express written permission of the individual seeking services or as otherwise provided by law.

Confidential Resources include, but are not limited to: professional mental health counselors (including therapists, psychotherapists), sexual assault counselors, domestic violence counselors, medical professionals, attorneys,¹⁴ 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 Relationship and Sexual Violence Prevention Services (RSVP); the Ombuds; team/sports psychologists; and Center for Work and Family Life (CWFL). Individuals who provide administrative assistance or support in the provision of direct services are also considered confidential under this Policy.

Confidential Resources will inform each student or employee who provides the individual with information regarding Prohibited Conduct, including sexual and gender-based harassment, of their ability to report to a Designated Employee and direct the student to those specific reporting resources, such as the EEO-TIX Office.

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

¹⁴ Attorneys within the Office of General Counsel are only considered Confidential Resources when information is received by a University employee in the context of seeking legal advice.

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 EEO-TIX/Title IX Coordinator and EEO-TIX 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 <https://policy.usc.edu/mandated-reporters/>.

E. Other Reporting Responsibilities

For other responsibilities, see Reporting Wrongdoing at <https://policy.usc.edu/reporting-wrongdoing/>.

XIV. Resources

The University encourages anyone who has experienced Prohibited Conduct to reach out to available resources. The University recognizes that a Reporting Party may have different needs at different times. A Reporting Party 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 the EEO-TIX Office directly to learn more about available resources and options.

The following section outlines 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 Reporting Party 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:

- **Los Angeles Police Department**
911 (for emergencies)
1-877-ASK-LAPD (24-hour, non-emergency number)
- **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 34th St.
Los Angeles, CA 90089
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
(213) 740-9355 (WELL)
- **Los Angeles County Medical Center – Confidential**
<http://dhs.lacounty.gov/wps/portal/dhs/lacusc>
(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.
<https://www.uclahealth.org/santa-monica/rape-treatment>
(310) 319-4000

B. Confidential University Resources

Confidential Resources on campus and in the community include:

- **Relationship and Sexual Violence Prevention and Services (RSVP)**
Provides direct support to Reporting Parties, including crisis appointments, group therapy, discussions of reporting options, and support surrounding academic accommodations.
<https://studenthealth.usc.edu/sexual-assault/>
USC Student Health’s Engemann Student Health Center
Suite 356
(213) 740-9355 (WELL)

- **Counseling and Mental Health**
Provides counseling and support for students, including direct support to both Reporting Parties and Respondents.
<https://studenthealth.usc.edu/counseling/>
BIPOC Mental Health
<https://sites.google.com/usc.edu/bipocmentalhealth>
(213) 740-9355
- **Center for Work and Family Life**
Provides counseling and support for employees (faculty and staff), including direct support to both Reporting Parties and Respondents.
<http://cwfl.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)
upcombuds@usc.edu
(323) 442-0341 (Health Sciences Campus)
hscombuds@usc.edu

C. Private University Resources

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

- **Office for Equity, Equal Opportunity, and Title IX (EEO-TIX)**
USC Credit Union Building
3720 South Flower Street, 2nd Floor
Los Angeles, CA 90089-0704
(213) 740-5086
<http://eeotix.usc.edu>
eeotix@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 the EEO-TIX Office, provides direct support to Reporting Parties, 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 connecting to other available support services and resources.
<https://campussupport.usc.edu/>

- **Office of Student Accessibility Services (OSAS)**
Provides support services for individuals with disabilities.
213-740-0776 (University Park Campus)
323-442-1000 (Health Sciences Campus)
- **Student Affairs**
<https://studentaffairs.usc.edu/>
- **Residential Life**
<https://admission.usc.edu/live/residential-life/>
- **Human Resources**
In consultation with the EEO-TIX Office, provides direct support to 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/>

XV. 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 a Reporting Party, before or after filing a Formal Complaint or where no Formal Complaint has been filed, and to a Respondent after a Formal Complaint has been filed. Supportive measures may be made available to the parties at any point after a report and throughout the resolution processes. Such measures are designed to restore or preserve equal access to the University’s education programs and activities without unreasonably burdening the other party, and include measures designed to protect the safety of all parties or the University’s educational environment, or to deter Prohibited Conduct.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties,¹⁵ changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, or other similar measures.

The University will consider a number of factors in determining which supportive measures to take, including the needs of the student or employee seeking supportive measures; the severity or

¹⁵ One-way Avoidance of Contact 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 Reporting Party, or if a one-way Avoidance of Contact Directive does not unreasonably burden the other party.

pervasiveness of the alleged Prohibited Conduct; any continuing effects on the Reporting Party; whether the Reporting Party 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 Reporting Party (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 EEO-TIX is responsible for ensuring the implementation of supportive measures and coordinating resources with the appropriate offices on campus. The University will maintain the confidentiality of any supportive measures provided under this Policy to the extent practicable and will promptly address any violation of supportive measures.

The University will also provide reasonably available supportive measures for Third Parties who either are Reporting Parties 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. The 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, the University will undertake an individualized analysis of safety and risk for the campus community to determine whether the Respondent's presence in the program or activity poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct, and justifies removal of the Respondent from the University program or activity. In making this determination, the VP for EEO-TIX may consult with campus partners who review interim actions or conduct threat assessments.

The VP for EEO-TIX will promptly provide the Respondent with written notice of any removal and an opportunity to challenge the removal. During any challenge, the Respondent will remain off campus and must comply with the notice of removal. That notice shall include a statement that any information the Respondent chooses to provide may subsequently be used in implementing any aspect of this Policy, including the investigation and adjudication of the allegations of Prohibited Conduct. The Respondent will have 72 hours from the date of the removal to submit a written challenge to the safety and risk analysis to the VP for EEO-TIX.

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 EEO-TIX will consult with the Respondent's immediate supervisor or designee, the Senior Vice President of Human Resources, the Provost, or other appropriate officials.

XVI. REPORTING OPTIONS

A. Reporting to the University

The University encourages anyone who has experienced Prohibited Conduct to report it directly to the VP for EEO-TIX or the Equity, Equal Opportunity, and Title IX Office (EEO-TIX Office). 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 EEO-TIX 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 EEO-TIX, listed below:

- VP for EEO-TIX and Title IX Coordinator
Office for Equity, Equal Opportunity, and Title IX (EEO-TIX)
USC Credit Union Building
3720 South Flower Street, 2nd Floor
Los Angeles, CA 90089-0704
(213) 740-5086
<http://eeotix.usc.edu>
eeotix@usc.edu
- Associate Vice President and Deputy Title IX Coordinator
Office for Equity, Equal Opportunity, and Title IX (EEO-TIX)
USC Credit Union Building
3720 South Flower Street, 2nd Floor
Los Angeles, CA 90089-0704
(213) 740-5086
eeotix@usc.edu
- Deputy EEO-TIX Coordinator for Healthcare
Office for Equity, Equal Opportunity, and Title IX (EEO-TIX)
USC Credit Union Building
3720 South Flower Street, 2nd Floor
Los Angeles, CA 90089-0704
(213) 740-5086
eeotix@med.usc.edu

The University recognizes that deciding whether to make a report of Prohibited Conduct is a personal decision. *Making a report is different from filing a Formal Complaint.* When the University receives a report of Prohibited Conduct, the University will offer supportive measures to the Reporting Party, inform the Reporting Party of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Reporting Party the process for filing a Formal Complaint. The University will consider the Reporting Party's wishes with respect to supportive measures and seek to respect a Reporting Party's autonomy in making the determination regarding how to proceed. In limited circumstances, the VP for EEO-TIX may file a Formal Complaint initiating an investigation into reported conduct. Additional information about the circumstances that might require this action is detailed in the Resolution Processes.

When a report is made to the University, the Reporting Party 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.

B. Time Frame for Reporting

Reporting Parties and witnesses 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.

Depending on the relationship of the Respondent to the University, the University also may not have the authority to impose disciplinary action; this may occur when a student Respondent has graduated or an employee Respondent is no longer employed by the University. If the Respondent is no longer affiliated with the University, the University will still provide reasonably available supportive measures to the Reporting Party, assist the Reporting Party in identifying external reporting options, and may take other appropriate action to address the reported conduct.

C. Anonymous Reporting

An individual may anonymously report Prohibited Conduct to the University by contacting the VP for EEO-TIX or the EEO-TIX Office. Providing personally identifiable information is not required to make a report. Depending on the amount of information available about the incident and/or the individuals involved, the University's ability to respond to an anonymous report may be limited.

Anonymous reports can also be made to the Department of Public Safety through the [LiveSafe Mobile Safety App](#); by contacting the USC Help & Hotline at (213) 740-2500 (staffed by live operators 24 hours a day, 7 days a week), or by visiting [USC's My Compliance Report](#), an online reporting site maintained by a third-party company for the purpose of gathering information regarding compliance and ethics concerns. Both USC's Help & Hotline and My Compliance Report are managed by [USC's Office of Professionalism and Ethics \(OPE\)](#). OPE will refer all reports of Prohibited Conduct to the EEO-TIX Office.

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 Reporting Party, or 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. See SCampus for the [Medical Amnesty/Good Samaritan Policy](#).

E. Coordination with Law Enforcement

A Reporting Party has the right to report, or decline to report, potential criminal conduct to law enforcement. Upon request, the University will assist a Reporting Party 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. 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.

XVII. OVERVIEW OF RESOLUTION PROCESSES

To implement this Policy, the University has developed formal and informal processes to investigate or otherwise address reports of Prohibited Conduct. Because the regulatory requirements for resolution processes are more prescriptive under Title IX than other forms of harassment, discrimination, or retaliation, the University maintains the following two distinct resolution processes for resolving a report or Formal Complaint of Prohibited Conduct under this Policy:

1. Resolution Process for Discrimination, Harassment, and Retaliation
2. Resolution Process for Sexual Misconduct

In all Formal and Alternative Resolution Processes, the University will treat Reporting Parties and Respondents equitably by offering supportive measures to a Reporting Party 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 Reporting Party's stated interests, as well as the University's compliance obligations, in determining how to proceed. A report of discrimination, harassment, or retaliation, including Title IX Sexual Harassment, may be resolved through: the provision of supportive measures only; a formal resolution process, which involves a prompt, thorough, equitable, and impartial investigation, a live hearing in certain instances, and an appeal; or an alternative resolution process, which requires the voluntary and written consent of the Reporting Party and the Respondent. A Reporting Party is always entitled to reasonably available supportive measures, regardless of whether a formal or alternative resolution process has been initiated.

The VP for EEO-TIX, in partnership and consultation with relevant stakeholders, may address unprofessional, disrespectful, and/or offensive conduct 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.

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 Clery reports.

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.¹⁶

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 Reporting Party; 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 records.

XX. REVIEW OF THIS POLICY

This Policy reflects the University's good faith effort to implement the Title IX regulations issued in May 2020, and to conform the obligations imposed under those regulations with other federal laws, including the Clery Act, as well as state law applicable to students and employees. The University reserves the right to modify this Policy and the accompanying procedures as necessary

¹⁶ 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://eotix.usc.edu/resources/eo-title-ix-implementers-training/>.

to comply with federal or state law, and such modifications may be made before or during an ongoing resolution process.

Given the evolving nature of the legal requirements applicable to Prohibited Conduct, and the desire to provide accessible, effective, and legally-complaint policies and procedures, the VP for EEO-TIX will review this policy on at least an annual basis. The review will take into consideration evolving legal requirements, evaluate the supports and resources available to the parties, and assess the effectiveness of the resolution process. The review will include the opportunity for individuals affected by the Policy to provide feedback and will incorporate an aggregate view of reports, resolution, and climate. The VP for EEO-TIX will publish an aggregate report of this review that protects individual privacy while still providing meaningful information to the University community.