SOUTHWESTERN LAW SCHOOL
LOS ANGELES

Sexual Misconduct Policy: Annual Refresher

January 28, 2022

Faculty Meeting

Agenda

- Objective and Purpose
- Institutional Values and Commitments
- Overview of Sexual Misconduct Policy
  - Student Reports of Sexual Misconduct
  - Supportive Measures
  - Advisors

Objective and Purpose

- Refresher on Sexual Misconduct Policy
- Provide guidance on responding to reports of sexual misconduct
- Answer questions on Sexual Misconduct Policy

Institutional Values and Commitments

- Maintain an environment that is free from discrimination and harassment
- Compliance with federal and state laws
- Provide fair and equitable procedures
- Provide recourse for individuals and the community

Scope of Sexual Misconduct (SM) Policy

- SM Policy covers students
- Appendix B of the SM Policy covers students *and* employees
- SM Policy applies to on-campus conduct and some off-campus conduct

Prohibited Conduct

- Sex- or gender-based discrimination
- Sexual or gender-based harassment
- Sexual assault
- Sexual exploitation
- Stalking
- Non-consensual sexual contact
- Intimate partner violence

Sexual Harassment

- Quid Pro Quo Harassment – "If you do *this* for me, I'll do *that* for you."
- Hostile environment – the conduct is sufficiently severe, pervasive, or persistent that is unreasonably interferes with education or employment.
- Conduct includes verbal conduct, visual conduct, and written conduct

Title IX - Appendix B

Nature of Complaint

- Sexual harassment;
- Quid pro quo harassment by employee
- Sexual misconduct – dating violence, domestic violence, stalking, or sexual assault

Location of Alleged Incident(s)

- On campus; or
- In a building owned or controlled by a recognized student org; or
- SWL programs or activities within the U.S.

Status of Parties

- Reporting Party is an SWL employee or student and
- Responding Party is an SWL employee or student

Student Reports of Sexual Misconduct

If a student comes to you:

- Inform the student that you are not a confidential resource. Share with the student that depending on what they share with you, you may have to inform need-to-know administrators.
  - If the student wishes to speak to a confidential resource, direct them to Dr. Spino.
- Listen. Your role is not to investigate, resolve, determine credibility, or share your personal experience.
- Immediately contact the Title IX Coordinator or Deputy Title IX Coordinator. Share all of the information you were given.

Confidentiality and Privacy

- All Southwestern employees are required to report incidents of sexual misconduct to the Title IX Coordinator or Deputy Title IX Coordinator.
  - Employees do not need to make a determination or weigh the facts before reporting to the Title IX Coordinator or Deputy Title IX Coordinator.

- Privacy – Identifiable details of a report are shared on a need to know basis.

Presumption of Non-Responsibility

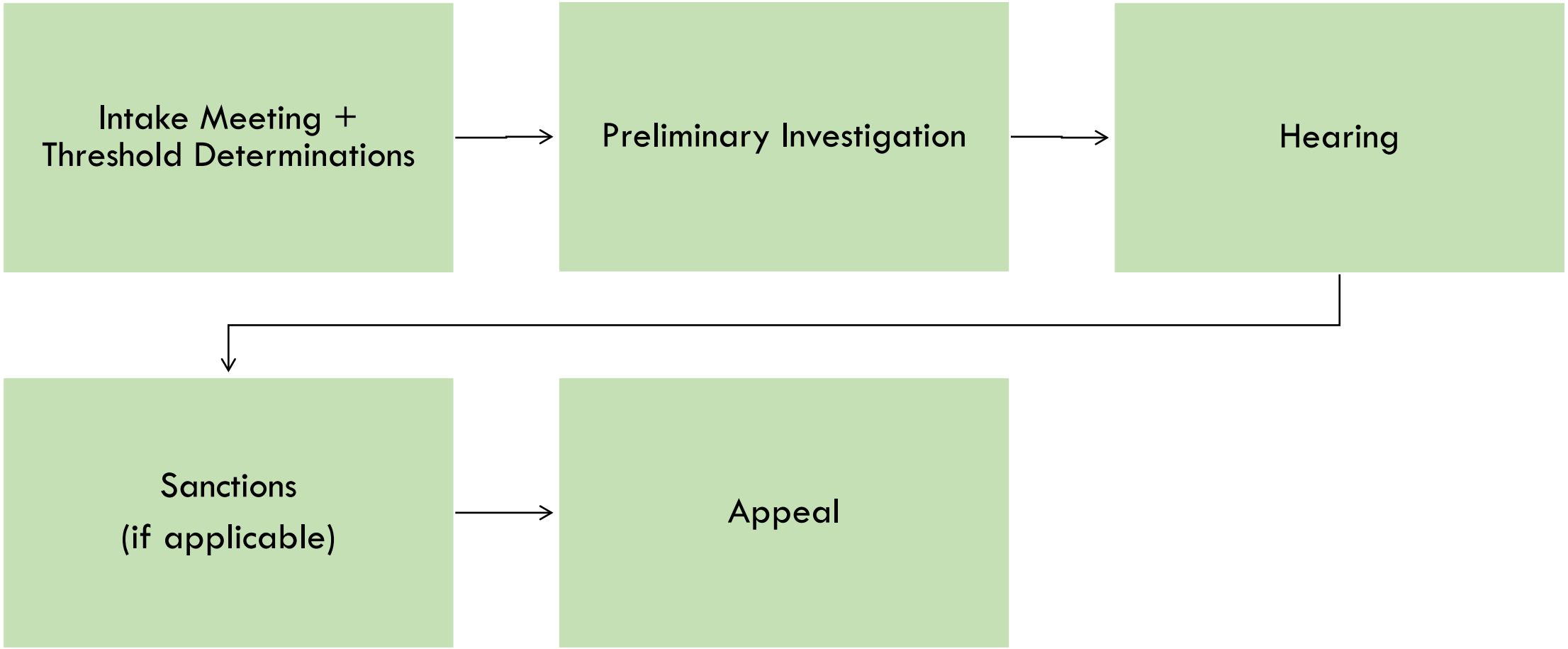
Any Responding Party is presumed not responsible for the alleged conduct, unless and until a decision of responsibility has been made at the completion of the adjudication process.

Southwestern's Responsibilities

When Southwestern is notified of a report of sexual misconduct, we must provide the reporting party with information including:

- The range of supportive measures
- On- and off-campus resources
- Options for filing a formal complaint with Southwestern and/or law enforcement

Formal Resolution Process



Advisors

- All parties are permitted to bring an advisor to any meeting or interview to provide support
- The advisor may direct and cross-examine parties at hearing
- Parties are not prohibited from asking a faculty member to be an advisor

Retaliation

Southwestern will take immediate and responsive action to any report of retaliation following a report that is made in good faith, even if the report is later not proven.

Contact Information

- Email – TitleIX@swlaw.edu
- Phone – (213) 738-6800
- Title IX Coordinator, Jessica E. Johnson – jejohnson@swlaw.edu
- Deputy Title IX Coordinator, Marcie Canal – mcanal@swlaw.edu

Questions?