POLICIES

State of California Formal Complaint Procedure

An individual may contact the Bureau for Private Postsecondary Education for review of a complaint. The bureau may be contacted at: 2535 Capitol Oaks Drive, Suite 400 Sacramento, CA 95833; http://bppe.ca.gov; (916) 431-6924; (Phone) (916) 263-1897 (FAX)

Equal Opportunity

The University of San Diego is dedicated to advancing academic excellence and creating a diverse and inclusive community. As an institution with a Catholic identity, the university is committed to creating and maintaining a work and educational environment that recognizes the dignity of each university community member.

The university is an equal opportunity educational institution. All student-related programs and services, including but not limited to admissions, financial aid, academic programs, housing, athletics and other extracurricular activities, will be administered without regard to the student’s or applicant’s race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, age, physical disability, mental disability, or other characteristic protected by federal or state law. Reasonable accommodations will be made for qualified individuals with disabilities in all such programs and services, unless the accommodation would create an undue hardship for the university.

Similarly, the university is an equal opportunity employer. All employment-related decisions, including but not limited to decisions relating to recruitment, hiring, promotion, transfers, benefits and any other terms and conditions of employment, will be made without regard to the employee’s or applicant’s race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, age, physical disability, mental disability, or other characteristic protected by federal or state law, unless a particular characteristic is a bona fide requirement of the position. Reasonable accommodations will be made for qualified individuals with disabilities in all such programs and services, unless the accommodation would create an undue hardship for the university.

The university may take affirmative steps in a manner consistent with applicable law to advance its mission and to promote equal opportunities for its students, faculty, staff and applicants. The university does not by this equal opportunity statement disclaim any right it might otherwise lawfully have to maintain its commitment to its Catholic identity or the teachings of the Catholic Church.

Student inquiries regarding the university’s equal opportunity policy should be directed to the Vice President for Student Affairs (619) 260-4590. Employee inquiries regarding the university’s equal opportunity policy should be directed to the Chief Human Resources Officer (619) 260-4594.

Policy Prohibiting Discrimination and Harassment

The University of San Diego is committed to upholding standards that promote respect and human dignity in an environment that fosters academic excellence and professionalism. It is the policy of the university to maintain an educational and work environment free from all forms of unlawful discrimination and harassment.

To that end, the university prohibits and does not tolerate unlawful discrimination against or harassment of its employees, students or applicants for employment or admission on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, age, physical disability, mental disability, or other characteristic protected by federal or state law, unless a particular characteristic is a bona fide requirement of the position.

All members of the university community are expected to uphold this policy. Engaging in unlawful discrimination or harassment will result in appropriate disciplinary action, up to and including dismissal from the university.

Definitions

Discrimination

Unlawful discrimination may occur when an individual is treated less favorably with respect to the terms and conditions of employment or education, or with respect to the individual’s receipt of employment or educational benefits, because of his or her membership in a protected class. Accordingly, all employment-related decisions, including but not limited to decisions relating to recruitment, hiring, promotion, transfers, benefits and any other terms and conditions of employment, will be made without regard to the employee’s or applicant’s race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, age, physical disability, mental disability, medical condition, covered veteran status, genetic information, or other characteristic protected by federal or state law. Similarly, all education-related programs and activities, including but not limited to admissions, financial aid, academic programs, research, housing, athletics and other extracurricular activities, will be administered without regard to the student’s or applicant’s race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, age, physical disability, mental disability, or other characteristic protected by federal or state law.

The university does not by this non-discrimination statement disclaim any right it might otherwise lawfully have to maintain its commitment to its Catholic identity or the teachings of the Catholic Church.

Harassment

Harassment includes verbal, physical or visual conduct when the conduct creates an intimidating, offensive or hostile working or educational environment, or unreasonably interferes with job or academic performance. Verbal harassment may include but is not limited to epithets, derogatory comments or slurs based upon one of the individual’s characteristics noted above. Physical harassment may include but is not limited to assault, impeding or blocking movement, or any physical interference with normal work or movement, when directed at an individual because of the individual’s protected characteristic. Visual forms of harassment may include but are not limited to derogatory posters, cartoons or drawings based on an individual’s protected characteristic.

In addition, prohibited sex discrimination covers sexual harassment, including sexual violence. Sexual harassment includes any request or demand for sexual favors that is implicitly or expressly a condition of employment, continued employment, receipt of an employment benefit, admission to the university, participation in educational programs or activities, or evaluation of academic performance. Examples of conduct that could give rise to sexual harassment, include but are not limited to: sexual advances or suggestions; unwelcome sexually-oriented remarks; dirty jokes; the display or distribution of offensive photographs, e-mails, posters or cartoons; any unwelcome, intentional touching of the intimate areas of another person’s body; or physical sexual acts perpetrated against a person’s will or where a person is unable to give consent.

Harassment (Sexual Misconduct and Relationship Violence)

Title IX of the Educational Amendments of 1972 prohibits discrimination on the basis of sex in education programs and activities operated by recipients of federal
financial aid assistance. Sex harassment, including sexual violence, is a form of prohibited sex discrimination. The Violence Against Women Reauthorization Act of 2013, including the Campus Sexual Violence Elimination Act, requires colleges and universities to have procedures in place to respond to incidents of sexual assault, domestic violence, dating violence, and stalking.

In order to address its responsibilities under these laws, the university has implemented standards, reporting procedures, and response protocols that apply to incidents of sexual assault, domestic violence, dating violence, stalking, and sexual exploitation. For more information, please see the university’s Sexual Misconduct and Relationship Violence Reporting and Response Standards and Protocols (http://www.sandiego.edu/conduct/the-code/university-policies/sexual-assault-standards.php).

Complaint Procedure

The university encourages any person who feels that he or she has been unlawfully discriminated against or harassed, or observes or is otherwise aware of an incident of unlawful discrimination or harassment, to report the incident promptly. To assist in the investigation, the university may request that a complaint be made in writing with a detailed description of the facts giving rise to the complaint, the names of any individuals involved, including any witnesses, and copies of any documents that support or relate to the complaint. Although the university may request the submission of a written complaint, an oral complaint is sufficient to initiate the procedures set forth under this policy.

Complaints should be made to any of the following people who are the university’s designated officers for handling the complaints and implementing the university’s policy against unlawful discrimination and harassment:

Complaints Against Administrators or Staff:
Director of Title IX, EEO and Employee Relations
Maher Hall, Room 101
5998 Alcalá Park
San Diego, CA 92110
(619) 260-4594

Complaints Against Students:
Vice President for Student Affairs
Hahn University Center 232
5998 Alcalá Park
San Diego, CA 92110
(619) 260-4588

Dean of Students
Hahn University Center 232
5998 Alcalá Park
San Diego, CA 92110
(619) 260-4588

Dean, School of Business
Olin Hall 341
5998 Alcalá Park
San Diego, CA 92110
(619) 260-4886

Dean, School of Leadership and Education Sciences
Mother Rosalie Hill Hall 205
5998 Alcalá Park
San Diego, CA 92110
(619) 260-4540

Dean, School of Law
Warren Hall 200
5998 Alcalá Park
San Diego, CA 92110
(619) 260-4527

Dean, School of Nursing and Health Science
Hahn School of Nursing
5998 Alcalá Park
San Diego, CA 92110
(619) 260-4550

Dean, Joan B. Kroc School of Peace Studies
KIPJ 123
5998 Alcalá Park
San Diego, CA 92110
(619) 260-7919

Dean, Shiley-Marcos School of Engineering
Loma Hall 336
5998 Alcalá Park
San Diego, CA 92110
(619) 260-4627

If for any reason the person making the complaint does not feel comfortable directly reporting the incident to the appropriate individual identified above, the complaint may be reported through alternative channels. In the case of a complaint by a university employee, the complaint may be made to the employee’s supervisor, manager, the Human Resources department, a dean, a vice president, or the president. If the complaint involves the employee’s supervisor, the employee is not required to report the complaint to the supervisor. In the case of a complaint by a student, the complaint may be made to the Department of Public Safety, a dean, the vice president and provost, or the president.

A supervisor or manager who receives a complaint of unlawful discrimination or harassment, or observes or is otherwise aware of an incident of unlawful discrimination or harassment, shall promptly inform the appropriate university’s designated officer, as set forth above.

In cases involving potential criminal conduct, the university will determine whether appropriate law enforcement or other authorities should be notified.

Investigation and Corrective Action

The university will investigate every reported complaint of unlawful discrimination or harassment. The investigation will be conducted in a thorough, prompt and professional manner.

If the conclusion of the investigation is that unlawful discrimination or harassment occurred, the university will initiate corrective action, as appropriate under the circumstances. For employees, the corrective action may range from verbal warnings up to and including termination from employment. For students, the corrective action will be imposed in a manner consistent with the university’s
Student Code or other applicable procedures. If the individual found to have engaged in the unlawful discrimination or harassment is not an employee or student of the university, corrective action within the reasonable control of the university, and as appropriate under the circumstances, will be initiated.

If termination of a faculty member is contemplated, the applicable rules governing dismissal for serious cause will be followed.

The employee or student who raised the complaint will be advised of the results of the investigation, unless doing so is prohibited by FERPA or other applicable law. Similarly, an employee or student who is accused of the unlawful discrimination or harassment will be advised of the results of the investigation.

Retaliation Prohibited

The university prohibits and does not tolerate retaliation against any individual who in good faith files a complaint of unlawful discrimination or harassment or is involved as a witness or participant in the complaint or investigation process. Engaging in unlawful retaliation can result in disciplinary action, up to and including dismissal from the university.

The university encourages any individual who believes he or she has been subject to unlawful retaliation, or observes or is otherwise aware of an incident of unlawful retaliation in violation of this policy, to report the incident promptly pursuant to the complaint procedure identified above. The investigation and corrective action procedures set forth above will similarly apply in the case of a complaint of unlawful retaliation in violation of this policy.

Right to Appeal

An employee or student who is found to have engaged in unlawful discrimination, harassment or retaliation in violation of this policy shall have the right to appeal the decision. Similarly, a complainant may appeal the decision.

If a vice president was the university’s designated officer responsible for handling the complaint, the appeal must be made to the president or the president’s designee. If someone other than a vice president was the university’s designated officer responsible for handling the complaint, the appeal must be made to the vice president to whom that designated officer reports. The appeal may address the decision of whether unlawful discrimination, harassment or retaliation occurred, and it also may address the corrective action imposed.

The appeal must be submitted in writing within ten (10) working days after written notification of the results of the investigation. The appeal should describe with specificity why the findings or corrective action imposed were not reasonably based upon the evidence and information made available to the investigator and/or the university official who made the decision regarding the corrective action.

The president or vice president who is deciding the appeal may receive or consider additional information if he or she believes such information would aid in the review of the appeal. This right to appeal shall not entitle the appellant to a new or second investigation. The appeal should be granted only if the president or the vice president who is deciding the appeal concludes that the findings were not reasonably based upon the evidence and information available to the investigator, or that the corrective action imposed was not reasonably based upon the evidence and information available to the university official who made the decision regarding the corrective action.

The president or vice president who is deciding the appeal will provide the decision to the individual who submitted the appeal within 45 days of receipt of the written appeal. The decision of the president or the vice president who is deciding the appeal is final.

During the time of the appeal and review, any corrective action taken as a result of the original complaint may be implemented and enforced.

If the decision was made pursuant to the procedures identified in the Student Code of Rights and Responsibilities, the appeal procedures identified in the Student Code shall apply.

Other Resources

In addition to the internal resources described above, individuals may pursue complaints with the government agencies that enforce the laws prohibiting discrimination, harassment and retaliation, including the California Department of Fair Employment and Housing (www.dfeh.ca.gov), the Equal Employment Opportunity Commission (www.eeoc.gov), or the United States Department of Education’s Office for Civil Rights (www2.ed.gov/ocr).

Acts of Intolerance

The University of San Diego’s mission statement affirms the institution’s commitment to advancing academic excellence and creating a diverse and inclusive community. An act of intolerance is an affront to a community that values diversity and strives to create an inclusive environment.

USD expects all members of the university community to comply with the law and applicable university policies, including those that set forth the standards of behavior expected of community members, such as the Student Code of Rights and Responsibilities and the Policy Prohibiting Discrimination and Harassment.

USD adopts these Response Procedures in furtherance of the university’s existing policies and applicable law.

For the purpose of these Response Procedures, an act of intolerance is conduct that adversely and unfairly targets an individual or group on the basis of one or more of the following actual or perceived characteristics: (1) gender or gender identity; (2) race or ethnicity; (3) disability; (4) religion; (5) sexual orientation; (6) nationality; or (7) age.

Some acts of intolerance rise to the level of a hate crime. Under California law, a hate crime means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim(s).

Hate crimes are not separate distinct crimes, but rather are traditional offenses motivated by the offender’s bias. Hate crimes may include crimes involving not only offenses against persons but also offenses involving damage to property, such as breaking windows of religious institutions, spray painting walls with offensive words and/or symbols, or defacing or burning property. It is a violation of both California law and university policy to commit a hate crime.

The conduct underlying some acts of intolerance may violate university policy, even if the conduct does not rise to the level of a hate crime. Some acts of intolerance may involve protected speech, but still are inconsistent with the university’s community values and in those circumstances the university may elect to respond through education and/or through other corrective or responsive action. Acts of intolerance will be addressed by the university on a case-by-case basis.

Promptly report all acts of intolerance. Acts of intolerance should never be written off as "pranks" or "bad behavior." This type of behavior should not be tolerated in classrooms, residence halls, in offices, study areas, social gatherings or elsewhere on campus or as part of any university activities. A person who commits an act of intolerance cannot be held accountable for his or her actions if the incident is not reported. The university encourages the prompt reporting of all acts of intolerance. A supervisor or manager who receives a complaint related to an act of intolerance, or observes or is otherwise aware of an incident involving an act of intolerance, shall promptly inform the appropriate university’s designated officer as described below.

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• Preserve any evidence related to the incident (e.g., graffiti, phone call recording, e-mail message, letter, photo, flyer) and make that evidence available when the report is made.
• Be aware of your reporting options.

To make a report of a hate crime, contact:
Department of Public Safety
Hughes Administration Center, Room 150
Phone: (619) 260-2222 (24-hour emergency line).

To make a report of any other act of intolerance by a student(s), contact:
Dean of Students or designee
Hahn University Center, Room 232
Phone: (619) 260-4588

To make a report of any other act of intolerance by an administrator or staff member, contact:
Director of Title IX and Equal Employment Opportunity Programs
Department of Human Resources
Maher Hall, Room 101
Phone: (619) 260-7408

To make a report of any other act of intolerance by a faculty member, contact:
Vice President for Academic Affairs and Provost
Hughes Administration Center 214
Phone: (619) 260-4553

Dean, College of Arts and Sciences
Founders Hall 114
Phone: (619) 260-4545

Dean, School of Business
Olin Hall 341
Phone: (619) 260-4886

Dean, School of Leadership and Education Sciences
Mother Rosalie Hall 205
Phone: (619) 260-4540

Dean, School of Law
Warren Hall 200
Phone: (619) 260-4527

Dean, Hahn School of Nursing and Health Science
Hahn School of Nursing
Phone: (619) 260-4550

Dean, Joan B. Kroc School of Peace Studies
KIPJ 123
Phone: (619) 260-7919

Dean, Shiley-Marcos School of Engineering
Loma Hall 336
Phone: (619) 260-4627

Note: Complaints that fall within the scope of the Policy Prohibiting Discrimination and Harassment (http://www.sandiego.edu/legal/policies/community/institutional/Policy%202.2.2.pdf) also may be reported in the manner described by that policy.

If you are a student and you are unsure of whether to report, and would like to obtain assistance and/or explore options in a confidential setting, contact:
Counseling Center
Serra Hall 300
Phone (619) 260-4655
Counselors are also available after hours by calling 619-260-2222.

What will USD do when it receives a report of an alleged act of intolerance?

The university will respond to reported acts of intolerance in a professional and appropriate manner. The response will take into consideration the impact on the target and the USD community.

The university will investigate all reported acts of intolerance. The investigation will be conducted in a thorough, prompt, and professional manner. Reported acts of intolerance that may rise to the level of a hate crime will be investigated by Public Safety. Where the reported conduct does not rise to the level of a hate crime, the investigation will be conducted or overseen by the Dean of Students or designee (in the case of a complaint against a student) or Human Resources (in the case of a complaint against an employee). The Office of the Provost or the appropriate Dean’s Office will conduct or oversee the investigation of a complaint against a faculty member.

The university will take appropriate corrective or other responsive action, consistent with current policies and procedures, based upon the findings of the investigation. The employee or student who made the complaint will be advised of the results of the investigation, unless doing so is prohibited by FERPA or other applicable law. Similarly, an employee or student who is accused of engaging in the conduct that resulted in the report will be advised of the results of the investigation.

The university will consider the facts and circumstances of each reported act of intolerance to determine whether a communication to the campus community about the incident is appropriate, taking into consideration various interests such as safety and confidentiality. The university’s Sensitive Issues Team or Critical Incident Response Team may be involved in evaluating the appropriate type of communication in a particular case.

No. The university prohibits and does not tolerate retaliation against any individual who in good faith files a complaint of an act of intolerance or is involved as a witness or participant in the complaint or investigation process. Engaging in retaliation can result in disciplinary action, up to and including separation from the university.

What can I do to make a difference?

To learn more about how to get involved in promoting awareness and openness, and USD’s efforts to educate our community, please visit www.sandiego.edu/unitedfront/

Responsibility of Students

Students enrolled at USD are responsible for adhering to all regulations, schedules and deadlines outlined in this course catalog and in any handbooks, contracts, or guideline sheets pertinent to their program. Students have the further responsibility of ensuring that all graduation requirements are met. Questions on these matters should be directed to the student’s faculty advisor.

Student Conduct

Students attending USD are accountable to the Student Code of Rights and Responsibilities, which is published online at www.sandiego.edu/conduct. The purpose of the code is to maintain a safe environment for the campus community, support the academic goals of the university and to foster the
personal development of students. Included in the code are the rules of conduct, disciplinary process and sanctions, university policies and procedures and the academic integrity policy. Parking regulations are available at parking services.

**Smoking and Tobacco-Free Policy**

The university is dedicated to providing a healthy, comfortable and productive environment for its employees, students and guests. The Surgeon General of the United States has determined that cigarette smoking is the leading preventable cause of illness and premature death in the nation. Moreover, research indicates that non-smokers who are regularly exposed to passive (secondhand) tobacco smoke are also at increased risk of illness. Passive smoke appears to be especially deleterious to the health of certain populations, including the elderly, children and individuals with allergies, asthma, respiratory disease, or cardiovascular disease. For these reasons, the Surgeon General has urged employers to implement broadly-based health promotion programs with special emphasis on smoking cessation. The response to the Surgeon General’s advice and the medical evidence has been an overwhelming trend toward protection of the health and safety of non-smokers.

Therefore, as an institution committed to providing a safe and healthful environment, the University of San Diego prohibits smoking and the use of any smoking or tobacco products at all times on or in any USD-owned or USD-leased property or facility, either indoor or outdoor. Effective August 18, 2015, all USD property shall be smoking and tobacco free.

This policy applies to all employees, students, contractors, vendors, guests, organizers and attendees at any on-campus programs or events, and other visitors.

No Smoking signs will be posted and maintained in public areas by the appropriate authority, with additional signs available for departments and administrative units to post within their areas as needed.

Additionally, smoking and tobacco products may not be sold, distributed or promoted on university property. The university will not accept smoking or tobacco related advertising on university property or within any university published materials.

For the purpose of this policy:

- “Smoking” means smoking any substance, including but not limited to tobacco, cloves or marijuana.
- “Smoking products” include, but are not limited to, all cigarette products (cigarettes, cigars, hookahs, pipes, etc.)
- “Tobacco products” means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, e-cigarettes, chewing tobacco, dipping tobacco, or any other preparation of tobacco, whether or not such product is smoke-producing.
- “Smoking or Tobacco related” applies to the use of a smoking or tobacco brand or corporate name, trademark, logo, symbol, motto, selling message, etc. identical to or similar to those used for any brand of smoking or tobacco products or manufacturer of smoking or tobacco products.
- “USD-owned or USD-leased property or facility” includes, but is not limited to: all indoor and outdoor spaces on the USD campus or at off-campus locations owned or leased by USD, including all residence halls, buildings, classrooms, outdoor common and educational areas, recreational areas, athletic venues, dining areas, and university-owned and university-leased vehicles (regardless of location).

The only exceptions to the policy include:

- Smoking and/or tobacco use may be permitted for traditional ceremonial activities of recognized cultural and/or religious groups.

- Research involving tobacco or tobacco products, or tobacco use for educational or clinical purposes upon review and written preapproval as specified by campus procedures.

The university community is encouraged to take responsibility for communication and enforcement of this policy. Enforcement should be primarily educational with an emphasis on cessation resources.

Where this is not possible, does not occur or otherwise fails, then responsibility for enforcement of the policy shall be as follows:

- Employees: Appropriate Supervisor or Manager
- Students: Dean of Students or Designee (Violations may be reported to residence hall staff and public safety officers.)
- Visitors: Department of Public Safety

The consequences for a failure to comply with this policy will be determined as appropriate under the circumstances. Those consequences may include without limitation a request to refrain from the activities prohibited by this policy; a request to leave campus; in the case of a student, disciplinary action in accordance with the Student Code of Rights and Responsibilities, or, in the case of a university employee, disciplinary action in accordance with the university’s disciplinary process.

This policy shall be included in the Student Code of Rights and Responsibilities and the university’s policy manual. Information and services related to smoking and/or tobacco use, prevention and cessation are available for students and employees. Contact the Student Health Center or Human Resources for more information.