



American  
Jewish  
University

Policy on Prohibition of  
Unlawful Discrimination,  
Harassment, and  
Retaliation

August 2024  
Revised: September 2024

**AMERICAN JEWISH UNIVERSITY**  
**POLICY ON PROHIBITION OF UNLAWFUL**  
**DISCRIMINATION, HARASSMENT, AND RETALIATION**

**Contents**

1.	Notice of Nondiscrimination .....	3
2.	Introduction.....	3
3.	Office of Equity, Compliance, and Title IX .....	4
4.	Scope of Policy and Jurisdiction.....	4
5.	Policy Implementation.....	5
6.	DHR Conduct.....	5
7.	DHR Conduct That Occurs Online.....	7
8.	Policy Definitions.....	8
9.	Academic Freedom and Freedom of Speech.....	14
10.	Reporting to the Office of Equity, Compliance, and Title IX.....	14
11.	Seeking Assistance from Confidential Employees.....	15
12.	Reporting to Responsible Employees.....	17
13.	Anonymous Reporting.....	18
14.	Clery Act Mandated Reporting.....	18
15.	Reporting to Law Enforcement and Hate Crimes.....	19
16.	External Reporting.....	19
17.	Time Limits on Reporting.....	20
18.	False Reporting.....	20
19.	Standard of Proof.....	20
20.	Confidentiality/Privacy/Privilege.....	21
21.	Amnesty for Complainants and Witnesses.....	21
22.	Resources.....	22

## **1. Notice of Nondiscrimination**

The Policy on Prohibition of Unlawful Discrimination, Harassment, and Retaliation (“Anti-DHR Policy”) prohibits all forms of discrimination or harassment on the basis of (actual or perceived) race, color, religion, national origin, language, ancestry, age, physical or mental disability, medical condition, genetic information/characteristic, veteran status, or any other characteristic protected by federal, state, or local law. The Anti-DHR Policy also prohibits retaliation against a person who reports, complains about, or who otherwise participates in good faith in any matter related to this Policy. All the foregoing conduct will be referred to as “DHR Conduct.”

American Jewish University (“AJU” or “University”) complies with Title VI and Title VII of the Civil Rights Act of 1964, the Clery Act, the California Fair Employment and Housing Act, relevant sections of the California Education Code, and other applicable federal, state and local statutes.

The University also does not discriminate on the basis of sex, actual or perceived, in any of its educational programs or activities, including educational, extracurricular, athletic, or other programs or in the context of employment, as required by the Title IX of the Education Amendments of 1972. Such prohibited conduct is addressed by [AJU’s Policy on Prohibition of Sex Discrimination and accompanying Procedures on Prohibition of Sex Discrimination](#).

## **2. Introduction**

This Policy provides information about what constitutes Unlawful Discrimination, Harassment, and Retaliation under the law and University Policy. The University has also adopted accompanying Procedures that provide for the timely, equitable, and effective resolution of Complaints alleging violation(s) of this Policy made by Students, Employees, or other individuals who are participating or attempting to participate in programs and activities offered by the University. Please see the accompanying [Procedures on Prohibition of Unlawful Discrimination, Harassment, and Retaliation](#) (“Anti-DHR Procedures”).

The Anti-DHR Policy and Procedures are under the authority of University’s Office of Equity, Compliance, and Title IX (“Office”). The Office may delegate specific duties to one or more designees. The Anti-DHR Policy and Procedures will be published and accessible via the University’s website.

The Anti-DHR Policy is effective August 1, 2024, and is not retroactive. The University may revise the Anti-DHR Policy and Procedures from time to time. Allegations of DHR Conduct will be reviewed using Policy definitions in place at the time of the alleged incident(s). The definitions of DHR Conduct in this Policy should be used for alleged

misconduct that occurs on or after August 1, 2024. For alleged DHR Conduct that occurred before August 1, 2024, please refer to the [AJU Student Handbook 2023-2024](#) and AJU Employee Handbook (Revised July 1, 2022).

### **3. Office of Equity, Compliance, and Title IX:**

The University's Office of Equity, Compliance, and Title IX is responsible for receiving, reviewing, and responding to reports of alleged violations of the Anti-DHR Policy. The Office is also tasked with providing education and training, overseeing Supportive Measures, and coordinating the University's Investigation, response, and resolution of all Reports under the Anti-DHR policy. Inquiries or concerns about DHR Conduct and this Policy may be referred to the University's Director of Equity, Compliance, and Title IX.

**Meng "May" Zhang**  
**Director of Equity, Compliance, and Title IX**  
**15600 Mulholland Drive**  
**Los Angeles, CA 90077**  
**Phone: 310-440-1571**  
**Email: [may.zhang@aju.edu](mailto:may.zhang@aju.edu)**

### **4. Scope of Policy and Jurisdiction**

The Anti-DHR Policy applies to all University community members, including students, faculty, staff, contractors, volunteers, visitors, alumni, and any individuals who participate in AJU's programs and activities, including education, employment, and admissions. This Policy applies to AJU programs and activities both on and off-campus, including programs that occur outside of the United States.

The Anti-DHR Policy covers non-discrimination in access to both employment and educational opportunities. Therefore, any member of the AJU community whose acts deny, restrict, unreasonably interfere or limit the education, employment, residential, and/or social access, benefits, and/or opportunities of any member of the AJU community, guest, or visitor on the basis of that person's actual or perceived Protected Status(es), is in violation of the Anti-DHR Policy.

The University prohibits DHR Conduct including conduct occurring on campus or off campus, when the University determines there is a connection or link to the University and the University has a substantial interest. This extends to online and electronic communication or conduct. The University will address concerns to determine whether the conduct occurred in the context of its educational programs and activities or employment, or has continuing effects on campus or in an off-campus sponsored program or activity. The University has a substantial interest when the DHR Conduct:

- Occurs at University-related events including internships or academic programs
- Constitutes a violation of local, state or federal law, including repeat violations committed in any county where the University is located
- Shows that the individual may present a danger or threat to the health or safety of

themselves or others

- Significantly threatens the rights or property of those protected by this Policy, or significantly breaches the peace or causes social disorder
- Is harmful to the educational mission or interests of the University
- Involves individuals covered by this Policy at a non-University event

All vendors serving the University through third-party contracts are subject to the policies and procedures of their employers and/or to this Policy and the accompanying Procedures to which their employer has agreed to be bound via their contracts.

## **5. Policy Implementation**

This Policy is established in compliance with:

- A. Title VI and VII of the Civil Rights Act of 1964;
- B. Title II of the Americans with Disabilities Act of 1990;
- C. Section 504 of the Rehabilitation Act of 1973;
- D. The Age Discrimination Act of 1975;
- E. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990;
- F. California Fair Employment and Housing Act; and
- G. Other applicable state and federal laws which prohibit DHR Conduct.

## **6. DHR Conduct**

*This Policy is effective August 1, 2024, and is not retroactive. The definitions of DHR Conduct and capitalized terms below should be used for alleged misconduct that occurs on or after August 1, 2024. References for alleged misconduct that occurred before August 1, 2024 can be found in the [AJU Student Handbook 2023-2024](#) and [AJU Employee Handbook \(Revised July 1, 2022\)](#).*

*The definitions of DHR Conduct are not intended to be identical to legal requirements. In certain cases, conduct may be determined to violate this Policy even though it does not necessarily violate federal or state law.*

### **Discrimination**

Discrimination is conduct that causes harm to a Complainant based on their actual or perceived Protected Status within the University's educational programs, activities, or employment which results in the denial or limitation of services, benefits, or opportunities provided by the University. Under this Policy, the definition of Discrimination includes:

- a. Disparate Treatment Discrimination: Disparate Treatment Discrimination occurs when the Complainant is: 1) treated less favorably; 2) than other similarly situated individuals under similar circumstances; 3) because of the Complainant's actual or perceived protected status; and 4) not for a legitimate, nondiscriminatory reason. Insignificant or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant do not constitute "Disparate Treatment Discrimination."
  - Under this Policy, discrimination in employment includes any adverse employment action or conduct that is reasonably likely to impair the Employee's job performance or prospects for advancement or promotion.
- b. Disparate Impact Discrimination: Disparate Impact Discrimination occurs when a policy or practice that is neutral on its face has a disproportionate, adverse effect on individuals of a particular protected status.

### **Harassment**

Unwelcome verbal, nonverbal, visual, or physical conduct directed at an individual because of their actual or perceived Protected Status. Harassment includes, but is not limited to, verbal harassment (e.g., slurs, epithets, or derogatory language), physical harassment (e.g., physical assault, physical obstruction of movement, or any physical interference with normal work or movement), and visual displays of harassment (e.g., derogatory artwork, signs, symbols, or gestures.). Single, isolated incidents will typically be insufficient to meet the level of Harassment.

Harassment also includes these forms of conduct if they are directed at a person due to actual or perceived Protected Status:

- Conduct which threatens or endangers the health or safety of any person;
- Actual or implied threats or that causes an unreasonable fear of harm in another person; and
- Bullying or behavior perceived to be bullying.

The alleged unwelcome verbal, nonverbal, visual, or physical conduct must be so severe, or pervasive, and objectively offensive, that it interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities (i.e. creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the Complainant's ability to access the University's programs or activities, including education, employment, and admissions;
- The type, frequency, and duration of the conduct;

- The parties' ages, roles within the University's programs or activities, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other occurrences of harassment in the University's programs or activities.

### **Retaliation**

Intimidation, threats, coercion, discrimination, or adverse employment or education actions against any person for the purpose of interfering with any right or privilege secured by laws prohibiting unlawful DHR conduct. Such actions may also be exerted because the person has:

- 1) opposed conduct which was reasonably and in good faith believes to be in violation of the Anti-DHR Policy;
- 2) reported information;
- 3) made a Complaint;
- 4) testified, assisted or participated or refused to participate in any manner in an Investigation, proceeding or hearing under the Anti-DHR Policy (regardless of whether the Complaint was substantiated);
- 5) assisted someone else in reporting or opposing a violation of the Anti-DHR Policy; or
- 6) assisted someone else in reporting or opposing retaliation under the Anti-DHR Policy.

Retaliation may be undertaken by a Student, faculty or an Employee, or other person authorized by the University to provide aid, benefit, or service under the University's programs or activities including education, employment, and admissions.

Retaliation includes Peer Retaliation, which means Retaliation by a Student against another Student.

Retaliation may occur even when there is not a power differential between the individuals involved.

Retaliation under this definition does not include exercise of rights protected under the First Amendment.

Retaliation under this definition includes conduct that would discourage a reasonable person from reporting or participating in a process outlined in the Anti-DHR Policy.

Actions made in good faith and lawfully pursued to address a Complaint are not considered **Retaliation**. These actions may include, but are not limited to, providing Supportive Measures, gathering evidence, disciplining Students or Employees who have been found responsible for a violation of the Anti-DHR Policy.

## **7. DHR Conduct That Occurs Online**

This Policy applies to online displays of any of the DHR Conduct identified above, when

that conduct occurs in or has an impact on the University's programs or activities (including education, employment, and admissions), or when it involves the use of University networks, technology, or equipment. Impact includes causing substantial disruption to AJU's programs or activities, or infringement on the rights of others.

When online communications that could constitute DHR Conduct is reported to the University, AJU will take measures to address and mitigate the impact even if the University may not control websites, social media, and other platforms through which the alleged communications are made. The University may use the resolution process to address off-campus or online conduct whose impact contributed to the limit or denial of a person's access to AJU's educational programs, activities, or employment.

Supportive measures for Complainants will be provided whenever possible regardless of whether the online or electronic communication is subject to this Policy and/or protected by free speech laws.

## **8. Policy Definitions**

**Advisor:** An individual chosen by a Party to advise them on the Complaint resolution process. The advisor can assist parties with navigating and understanding the Complaint resolution process, including providing support during the process and attending any meeting or interview that is associated with the process.

**Age:** For alleged DHR Conduct in employment, Age refers to the chronological age of any individual who is 40 years old or older. For alleged DHR Conduct in non-employment programs and activities, Age means how old a person is, or the number of years from the date of a person's birth. Age is a Protected Status.

**Complainant:** An individual who is alleged to be subjected to conduct that could constitute Harassment or Discrimination based on their Protected Status(es); or retaliation for engaging in a protected activity. (In certain cases, a person with the legal right to act on behalf of a Complainant could make a Complaint, but they do not become the Complainant).

**Complaint:** An oral or written report to the Office of Equity, Compliance, and Title IX, that objectively can be understood as a request for the University to investigate and make a determination about alleged DHR Conduct under the Anti-DHR Policy. The Office of Equity, Compliance, and Title IX will respond to the Complaint in accordance with the Procedures accompanying this Policy. A Complaint provides notice to the University that the Complainant would like to initiate an Investigation or other appropriate resolution procedures.

**Confidentiality:** Legally protected information that is exchanged or developed between an individual and those who provide services related to medical and clinical care, mental



health care, counselors and ordained clergy. The law creates a Privilege between certain health care providers, attorneys, clergy, and their patients, clients, parishioners, congregants and/or members of a congregation, and spouses.

**Confidential Employee:** 1) An Employee whose communications are privileged or confidential under federal or state law. The Employee's confidential status, for purposes of this definition, is only with respect to information received while the Employee is functioning within the scope of their duties to which Privilege or Confidentiality applies; or 2) An Employee whom the University has designated as confidential under the Anti-DHR Policy for the purpose of providing services to persons related to DHR Conduct. If the Employee also has a duty not associated with providing those services, the Employee's confidential status only applies with respect to information received about DHR Conduct in connection with providing those services.

**Consolidation:** The joining or combining the Complaint resolution process for Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations arise out of the same facts or circumstances. The Consolidation process is subject to the Family Educational Rights and Privacy Act (FERPA) and other applicable privacy laws.

**Decision-Maker:** The person who reviews Investigation Reports and evidence, determines relevance, makes the Final Determination of whether the Anti-DHR Policy has been violated, and then issues a decision and Disciplinary Sanctions where applicable. The Decision-Maker may be the same person as the Director of Equity, Compliance, and Title IX and/or the Investigator.

**Disability:** 1) Having a physical or mental condition that limits a major life activity. "Limits" means having difficulties completing a major life activity without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity. A "major life activity" includes physical, mental, and social activities (e.g., walking, talking, seeing, hearing, thinking) and working; or 2) Having a known history of a qualifying impairment; or 3) Being regarded or treated as having or having had a qualifying impairment; or 4) Being regarded or treated as having or having had such an impairment that has no current disabling impacts but may become a qualifying impairment in the future.

Disability could be both visible and invisible disabilities, temporary or permanent, and apparent at birth or develop later in life. Disability includes HIV and AIDS. Disability is a Protected Status.

**Employee:** A person employed by the University. This term includes full-time, part-time, permanent, tenured, probationary, temporary, intermittent, casual, and per-diem positions.

This term does not include volunteers or other External Parties. Employee also includes individuals who were employed by AJU at the time the Complaint was filed and have since left the employ of AJU.

**External Party:** A person other than an Employee or a Student. Examples include members of the University's Board of Directors, unpaid interns, volunteers, applicants for employment, independent contractors, vendors, and their employees, and visitors.

**FERPA:** Family Education Rights and Privacy Act which protects the Privacy of student education records.

**Final Determination:** A conclusion arrived at using the Preponderance of the Evidence standard of proof to determine whether the alleged conduct occurred and, if so, whether the conduct violated the Anti-DHR Policy.

**Finding:** A conclusion by the standard of proof that the conduct did or did not occur as alleged.

**Formal Resolution:** The process carried out by the University to determine if a Policy Violation occurred, and which includes initial assessment, Investigation, and appeal (if any).

**Genetic Information:** 1) An individual's genetic tests; or 2) The genetic tests belonging to an individual's family members; or 3) The sign of a disease or disorder in an individual's family members; or 4) Any request for, or receipt of genetic services, or participation in clinical studies that include genetic services, by an individual or any individual's family members.

Genetic Information does not include information about the sex or Age of any individual. Genetic Information is a Protected Status.

**Informal Resolution:** A resolution agreed to by the Parties and approved by the Office of Equity, Compliance, and Title IX to resolve an alleged violation of the Anti-DHR Policy. The filing of a formal Complaint is not required in order to initiate an Informal Resolution. In the event that a formal Complaint has been filed, Informal Resolution must occur prior to a Final Determination in the resolution Process. An Informal Resolution cannot be offered when such a process would conflict with federal, state, or local law.

**Informal Resolution Facilitator (Facilitator):** A person assigned to facilitate Informal Resolution between the Parties. The Facilitator may be the Director of Equity, Compliance, and Title IX, an Investigator not yet involved in Investigation of a Complaint, or another University staff member specially trained to serve in the role. The University may contract persons external to the University to serve in the Facilitator role where appropriate.

**Investigation:** the phase of the Formal Resolution process when Investigator gathers Relevant evidence and speaks to the Parties and Witnesses who are identified by the

Parties.

**Investigation Report:** The Report prepared by the Investigator(s) that provides a written summary of: (1) The Policy Violations under consideration; (2) Party and Witness Statements; and (3) The Documentary Evidence. The Investigation Report also includes attachments of the Party and Witness statements and copies or links to Relevant evidence.

**Investigator:** The person authorized by the University with investigating a Complaint. An Investigator interviews the Parties and relevant Witnesses, reviews documents and physical evidence, analyzes information, makes credibility determinations in cases where the Investigator also serves as the Decision-Maker, and prepares reports summarizing their findings and conclusions. The Investigator may be the Director of Equity, Compliance, and Title IX, or their designee including an external professional. An Investigator shall not have any conflicts of interest in the matter under Investigation.

**Knowledge:** When the University receives Notice of conduct that reasonably may constitute DHR Conduct under the Anti-DHR Policy.

**Medical Condition:** 1) Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer; or 2) Genetic characteristics. For purposes of the Anti-DHR Policy, "genetic characteristics" means either of the following:

- a. Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder; or
- b. Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.

Medical Condition is a Protected Status.

**National Origin:** Includes citizenship, country of origin, language, and nationality. DHR Conduct based on National Origin also includes practices that restrict language use and those that disparately target or impact individuals possessing a driver's license issued under section 12801.9 of the California Vehicle Code. Nationality is a Protected Status.

**Notice:** When an Employee, Student, or External party informs the Title IX Coordinator of the alleged occurrence of DHR Conduct under the Anti-DHR Policy.

**Notice of Investigation (Also known as- Notice of Allegations):** A formal written communication informing Parties of the allegations of prohibited DHR Conduct under the Anti-DHR Policy.

**Notice of Investigation Outcome:** A formal written communication informing the Parties of the Final Determination.

**Party:** A Complainant or Respondent.

**Peer Retaliation:** Retaliation by a Student against another Student.

**Policy Violation:** A Finding by a Preponderance of the Evidence that a person engaged in a DHR Conduct that is in violation of the Anti-DHR Policy.

**Preponderance of the Evidence:** A standard of proof that determines whether alleged conduct more likely than not occurred based on the evidence presented or facts available at the time of the decision. It means that the evidence presented by one Party is more convincing or has greater weight than the evidence presented by the other Party.

**Privacy:** Private information related to a Complaint will be shared with a limited number of University Employees who “need to know” in order to assist in the assessment, Investigation, and resolution of the reported matter, and the provision of supportive measures.

**Privilege:** Exists in the context of laws that protect certain relationships, including health care providers, attorneys, spouses, etc. Privilege is maintained by a provider unless a court orders release or the holder of the Privilege (e.g., a patient, client, spouse) waives the protections of the Privilege.

**Program Participant:** A person other than a Student or Employee who is engaging or attempting to engage in the University’s programs or activities.

**Protected Status:** Any status for which a person is afforded protection against Discrimination and Harassment by law or University Policy. This Policy addresses conduct based on the following Protected Statuses- Race (includes shared ancestry, color), Religion, National Origin (includes language), Age, Disability (physical or mental), Medical Condition (includes genetic characteristics), Genetic Information, and Veteran Status.

**Race:** Includes shared ancestry, color, caste, ethnic group identification or characteristics, ethnic background, and citizenship or residency in a country.  
Race is a Protected Status.

**Relevant:** Related to the allegations under Investigation. Questions and evidence in the investigative process are Relevant when they aid in showing whether the alleged conduct occurred and/or assist the Decision-Maker or in determining whether a Policy Violation occurred.

**Religion:** Includes all aspects of religious belief, observance, and practice, including religious dress and grooming practices (e.g., wearing religious clothing, head or face covering, jewelry, and artifacts), and includes agnosticism and atheism.

Religion is a Protected Status.

**Remedies:** Individualized and post-resolution measures offered to a Complainant or any other person the University identifies as having had their equal access to the University's programs and activities limited or denied under the Anti-DHR Policy. Remedies are offered after the conclusion of the Investigation where the Respondent has been found responsible for a Policy Violation. Remedies are provided as appropriate, when reasonably available, and without fee or charge to the Complainant or any other impacted individual.

**Report:** An allegation of DHR Conduct, affecting a member of the University community, including a Student, Employee, Program Participant, or applicant that is communicated to or received by the Office of Equity, Compliance, and Title IX. A Report provides Notice to the University of an allegation of DHR Conduct and provides an opportunity for the Office of Equity, Compliance, and Title IX to provide information, resources, and Supportive Measures.

**Reporting Party:** Any person, whether they are required or not, who makes a Report of a possible Policy Violation on behalf of a Complainant. A Reporting Party is not entitled to information about the Complaint resolution process. A Reporting Party does not assume the role of the Complainant when the Complainant elects not to participate in the Complaint resolution process.

**Respondent:** A person who is alleged to have violated the Anti-DHR Policy. A Respondent may include a Student, Employee, Program Participant, or External Party.

**Responsible Employee:** All University Employee (including Student Employees), with the exception of Confidential Employees, who are obligated by this Policy to share Knowledge, Notice, and/or Reports of DHR Conduct with the Office of Equity, Compliance, and Title IX.

**Sanctions:** Consequences imposed on a Respondent following a determination or acknowledgement that they violated the Anti-DHR Policy.

**Student:** An individual for whom the University maintains Student records and who is enrolled in or registered with an academic program of the University, including the recess periods between academic terms or who is on an approved educational leave or other approved leave status. A Student includes: an applicant for admission to AJU, an admitted AJU Student, an enrolled AJU Student, an AJU extended education Student, an AJU Student between academic terms, an AJU graduate awaiting conferral of a degree, an AJU Student currently serving a suspension or interim suspension, and an AJU Student who withdraws from the University while a disciplinary matter (including Investigation) is pending.

**Supportive Measures:** Individualized measures offered as appropriate, when reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge, to the Complainant or Respondent

regardless of whether a Complaint is filed. Supportive Measures are to: 1) restore or preserve equal access to the University's educational programs or activities, or the workplace, including to protect the safety of all Parties or the educational or work environment; or 2) provide support during the Complaint resolution process.

**Veteran Status:** Service in the United States armed forces. Veteran Status is a Protected Status.

**Witness:** A person who has knowledge of the alleged conduct under Investigation and provides their account to the Investigator(s).

**Working Days:** Monday through Friday, excluding all official holidays or campus closures where the Complaint originated.

## **9. Academic Freedom and Freedom of Speech**

The University adheres to principles of academic and expressive freedom which are essential to the educational process. AJU encourages and supports the free expression of ideas, values, and opinions, even when unpopular or controversial. Not every act that may be offensive or insulting constitutes unlawful Discrimination, Harassment, and Retaliation, as defined by law and this Policy. Nothing in this Policy shall be construed to limit the legitimate exercise of academic and expressive freedom, including but not limited to written, graphic, or verbal expression that can reasonably be demonstrated to serve a legitimate educational purpose. Nor shall this Policy be interpreted or applied in a manner that is inconsistent with California Education Code §94367 ("Leonard Law").

When protected speech or conduct is not subject to discipline but causes harm to members of the AJU community, the University will work with the harmed individual to provide relief within the law and University Policy. This may include offering Supportive Measures to those impacted.

All members of the AJU community should recognize that the freedom of expression must coexist with other rights and the need for public order and safety. The exercise of freedom of expression and assembly must comply with all applicable federal, state, and local laws and AJU Policy. Conduct that violates this Policy, including statements that constitute prohibited DHR Conduct under this Policy, is not protected by academic freedom or freedom of expression. When speech or conduct includes terrorist threats or the promotion of actual or imminent physical violence or bodily harm, it is not protected by the First Amendment and/or California Education Code and/or AJU Policy.

## **10. Reporting to the Office of Equity, Compliance, and Title IX**

The University encourages reporting of DHR Conduct. Members of the University community who believe they have experienced DHR Conduct have the right to choose whether to report the incident to the University and/or law enforcement, if appropriate, and have the right to choose whether to engage with the University once the University

receives a Report.

To inquire about or to report information about potential DHR Conduct, or to make a Complaint of Policy Violations under the Anti-DHR Policy please contact AJU's Office of Equity, Compliance, and Title IX. Individuals could also use the online reporting form on the University's [Equity, Compliance, and Title IX webpage](#) to make a Report or Complaint.

**Meng "May" Zhang**  
**Director of Equity, Compliance, and Title IX**  
**15600 Mulholland Drive**  
**Los Angeles, CA 90077**  
**Phone: 310-440-1571**  
**Email: [may.zhang@aju.edu](mailto:may.zhang@aju.edu)**

A Complainant or individual may initially make a Report and decide later to file a Complaint. They are not obligated to initiate a Complaint even after a Report is made. The University will make every attempt to respect a Complainant's request to not initiate a resolution process, unless there are compelling circumstances, such as a pattern of behavior, severity of alleged misconduct, or a threat to health and/or safety, where the University may need initiate resolution. If a Complainant does not wish to file a Complaint, the University will maintain the privacy of information to the extent possible, but may choose to move forward with processes to address the impact of the alleged behavior.

If the University's Director of Equity, Compliance, and Title IX is the alleged perpetrator of the DHR Conduct, the Report should be submitted to Human Resources at [hr@aju.edu](mailto:hr@aju.edu), or in person at the University Human Resources Office Suite, Familian Campus. The Director of Equity, Compliance, and Title IX must recuse themselves from any administrative oversight of the proceedings associated with the reported DHR Conduct.

If the University's President is the alleged perpetrator of the DHR Conduct, the report should be submitted to the Chairperson of the Board of Directors, at [chairperson@aju.edu](mailto:chairperson@aju.edu). The University's President must recuse themselves from any administrative oversight of the proceedings associated with the reported DHR Conduct.

## **11. Seeking Assistance from Confidential Employees**

Individuals who wish to seek advice or assistance concerning, or to discuss options for responding to, DHR Conduct on a strictly confidential basis may wish to (but is not obligated to) speak with Confidential Employees.

A Confidential Employee does not have a duty to report to the Office of Equity, Compliance, and Title IX. However, they must explain to any person who informs them of any conduct that may constitute DHR Conduct:

- The Employee’s status as confidential, including circumstances in which the Employee is not required to report to the Office of Equity, Compliance, and Title IX conduct that may violate the Anti-DHR Policy;
- How to contact the Office of Equity, Compliance, and Title IX and make a Complaint;
- That the Office of Equity, Compliance, and Title IX may be able to offer and coordinate Supportive Measures, and initiate an Informal Resolution or Investigation.
- If the conduct might be criminal, the Employee must inform the person of the right, but not the obligation, to contact law enforcement and must offer to assist with making a report to law enforcement at the person’s request.

Confidentiality does not extend to reasonable belief that a minor (under age 18) has been harmed or is at risk of being harmed, which by law must be reported to law enforcement or child protective services. Similarly, if an individual makes a specific threat of self-harm or of planning to kill or seriously harm another person to a Confidential Employee, this also requires a report to law enforcement. Information shared with the Confidential Employee may also be disclosed when the reporting person gives written consent for its disclosure. In addition, the disclosure of information might be required in legal proceedings outside of the University, such as when a court orders the release of this information.

If the Confidential Employee also has a role or duty not associated with providing these services, the Employee’s confidential status is limited to information received about DHR Conduct in connection with providing these services.

Non-personally-identifiable information may be shared by Confidential Employees for statistical tracking purposes as required by the Clery Act.

Confidential Employees designated by the University are:

Name	Campus	How to Contact
Patricia Fenton	Ziegler School of Rabbinic Studies	Email: <a href="mailto:pfenton@aju.edu">pfenton@aju.edu</a> Phone: 310-440-1518
Sherry Heyerly	Familian Campus	Email: <a href="mailto:sherry.heyerly@aju.edu">sherry.heyerly@aju.edu</a> Phone: 310-440-1535
Rusty Madison-Meyer	Brandeis Bardin Campus	Email: <a href="mailto:rmeyer@aju.edu">rmeyer@aju.edu</a> Phone: 310-440-1287



<b>** Camp Alonim Health Center (Licensed Healthcare Professionals- Nurses, Doctors, and a Clinical Social Worker)</b>	<b>Camp Alonim at the Brandeis Bardin Campus</b>	<b>Phone: 805-582-4454</b>
--	--	----------------------------

\*\* The Camp Alonim Health Center is operated seasonally when Camp Alonim is in session, typically during the months of June, July, and August of each year. The Health Center employs licensed healthcare professionals who provide health care to the participants and seasonal staff of camp programs when Camp Alonim is in session. These licensed healthcare professionals are Confidential Employees who do not have a duty to report to the Office of Equity, Compliance, and Title IX any potential DHR Conduct that they may be informed of while they are performing their assigned job duties, specifically the provision of medical or mental health treatment or counseling to camp participants and seasonal staff.

## **12. Reporting to Responsible Employees**

All University Employees (including student employees), other than those deemed Confidential Employees, are Responsible Employees and are expected to promptly report all known details of actual or suspected DHR Conduct to the Director of Equity, Compliance, and Title IX immediately at [may.zhang@aju.edu](mailto:may.zhang@aju.edu) or 310-440-1571.

When an individual tells a Responsible Employee about an incident of DHR Conduct, the individual has the right to expect the University to respond to the matter promptly and equitably.

A Responsible Employee must report to the Office of Equity, Compliance, and Title IX all relevant details about the alleged DHR Conduct shared by the individual and that the University will need to determine what happened – including the names of the individual and alleged perpetrator(s), any Witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the University’s response to the report.

Before an individual reveals any information to a Responsible Employee, the Employee should ensure that the individual understands the Employee’s reporting obligations – and, if the individual wants to maintain Confidentiality, direct the individual to confidential resources.

If the individual wants to tell the Responsible Employee what happened but also maintain Confidentiality, the Employee should tell the individual that the University will consider the

request, but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Office of Equity, Compliance, and Title IX, the Responsible Employee will also inform the Office of the individual's request for Confidentiality.

University Employees who hold a professional license but who are not employed by AJU in their capacity as a professional counselor, health service provider, clinical social worker, sexual assault or domestic violence counselor or advocate, chaplains, or pastoral counselor, are considered Responsible Employees.

Only professionally licensed counselors, health service providers, clinical social workers, and clergy who act solely in these roles as part of their assigned job duties, specifically the provision of medical or mental health treatment or counseling, are considered exempt from the reporting duties of a Responsible Employee.

### **13. Anonymous Reporting**

Individuals who are not Responsible Employees and who wish to make an anonymous Report could do so by using the reporting form on the University's [Equity, Compliance, and Title IX webpage](#). When the anonymous Report lacks a Complainant or sufficient information for the University to act on, the University's ability to investigate, respond, and provide Supportive Measures or Remedies is limited. On the other hand, the University reserves the right to enact measures intended to protect the AJU community when reported allegations indicate a potential threat to the community.

### **14. Clery Act Mandated Reporting by Campus Security Authorities**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or Clery Act, requires institutions of higher education to record and report certain information about campus safety, including the number of incidents (with no detail or personally identifying information) of certain crimes on or near campus, some of which may constitute DHR Conduct under this policy.

Certain University officials – those deemed Campus Security Authorities – have a duty to report the following to the University for federal statistical reporting purposes (Clery Act):

- All “primary crimes,” which include criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft and arson;
- Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation or destruction/damage/vandalism of property;
- Violence Against Women Act (VAWA-based crimes), which include sexual Assault, domestic Violence, dating Violence and stalking; and
- Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information regarding the type of incident and its general location (i.e. on- or off-campus or in the surrounding area, but no addresses are identified) must be shared with Clery Act Compliance official

for publication in the Annual Security Report, inclusion in the annual statistical disclosure, timely warning consideration, and daily campus crime log. Reports of crimes made on a voluntary, confidential basis will be included in the annual disclosure of crime statistics. Campus Security Authorities include student affairs/student conduct staff, local police, residence life staff, student activities staff, human resources staff, and any other official with significant responsibility for student and campus activities.

To comply with the Clery Act, the University must issue timely warnings for incidents where the Respondent poses a serious or ongoing threat to the Campus community. Any such warning will not include any personally identifying information for the Complainant, while still providing enough information for community members to make safety decisions in light of the potential risks.

## **15. Reporting to Law Enforcement and Hate Crimes**

A "hate crime" is defined in California Penal Code Section 13023, which states in part "any criminal act(s) or attempted criminal act(s) to cause physical injury, emotional suffering, or property damage where there is a reasonable cause to believe the crime was motivated, in whole or in part, by the victim's race, ethnicity, religion, sexual orientation, gender, or physical or mental disability." Hate crimes may violate federal and civil statutes, and therefore, may be prosecutable if appropriate.

The University encourages persons who experience criminal acts based on their Protected Status(es) to report the incident to local law enforcement at any time by calling 911. Filing a police report can result in the investigation of criminal behavior and the prosecution of the perpetrator. Timely reporting to the police is an important factor in the successful investigation and prosecution of crimes.

At an individual's request, the University will assist the individual in contacting law enforcement. If the individual decides to pursue a criminal complaint, the University will cooperate with law enforcement agencies to the extent permitted by law. An individual has the option to decide whether or not to make a report to law enforcement.

A criminal investigation into an allegation of hate crime does not relieve or substitute for the University's duty and authority to conduct its own prompt review of a Complaint.

## **16. External Reporting**

Individuals may wish to pursue Complaints directly with the government agencies (listed below) that handle claims of unlawful DHR Conduct. In addition, persons who have concerns about the AJU's application of this Policy and compliance with certain federal and state civil rights laws may also contact the agencies identified below.

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline #: (800) 421-3481

Facsimile: (202) 453-6012  
TDD#: (800) 877-8339  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

For Complaints involving Employee-on-Employee conduct:

California Civil Rights Division (CCRD)  
651 Bannon Street, Suite 200  
Sacramento, CA 95811  
Phone: (800) 884-1684  
TTY: 800-700-2320  
Email: [contact.center@calcivilrights.ca.gov](mailto:contact.center@calcivilrights.ca.gov)

Equal Employment Opportunity Commission (EEOC)  
Roybal Federal Building  
255 East Temple St., 4th Floor  
Los Angeles, CA 90012  
Phone: (213) 785-3090  
TTY: (800) 669-6820  
ASL Video Line: (844) 234-5122  
Email: [info@eeoc.gov](mailto:info@eeoc.gov)

#### **17. Time Limits on Reporting**

There is no time limitation for Complaints filed with the Office of Equity, Compliance, and Title IX. However, if the Respondent is no longer subject to the University's disciplinary authority and/or significant time has passed, the ability to investigate, respond, and/or provide Remedies may be significantly limited or impossible. The Office of Equity, Compliance, and Title IX has discretion to act on Complaints of alleged incidents that have been impacted by the passage of time, ambiguous Witness memories, and/or lack of evidence preservation. The Office of Equity, Compliance, and Title IX may document allegations for future reference, offer Supportive Measures and/or Remedies, and/or engage in the resolution process, as appropriate.

#### **18. False Reporting**

All Parties, Witnesses, or others participating in the processes outlined in the Anti-DHR Policy and the accompanying Procedures are expected to participate in good faith and provide truthful information. Providing deliberately false and/or misleading information in bad faith, or willfully for personal gain or intentional harm to another, is prohibited and subject to appropriate discipline. This does not include allegations that are made in good faith and ultimately shown to be erroneous or are not substantiated. Additionally, individuals who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting the resolution process can be subject to discipline under appropriate University policies.

#### **19. Standard of Proof**

The University uses the Preponderance of the Evidence standard of proof when determining whether a Policy Violation occurred. The University will determine whether the alleged conduct more likely than not occurred based on the evidence presented or facts available at the time of the decision. The typically means that the evidence presented by one Party is more convincing or has greater weight than the evidence presented by the other Party.

## **20. Confidentiality/Privacy/Privilege**

For the purposes of this Policy, Confidentiality, Privacy, and Privilege are defined as such:

**Confidentiality:** Legally protected information that is exchanged or developed between an individual and those who provide services related to medical and clinical care, mental health care, counselors and ordained clergy. The law creates a Privilege between certain health care providers, attorneys, clergy, and their patients, clients, parishioners, congregants and/or members of a congregation, and spouses.

**Privacy:** Private information related to a Complaint will be shared with a limited number of University Employees who “need to know” in order to assist in the assessment, Investigation, and resolution of the reported matter, and the provision of supportive measures. The Privacy of Student education records will be protected in compliance with the Family Educational Rights and Privacy Act (“FERPA”) and the Privacy of Employee records will be protected in compliance with California law and University Policy.

**Privilege:** Exists in the context of laws that protect certain relationships, including health care providers, attorneys, spouses, etc. Privilege is maintained by a provider unless a court orders release or the holder of the Privilege (e.g., a patient, client, spouse) waives the protections of the Privilege.

The University reserves the right to determine which University Employees have a legitimate educational interest in being informed about Student-related incidents that fall under this Policy, pursuant to FERPA. Information will be shared as necessary with Investigators, Decision-makers, appeal officers, Witnesses, the Parties, and the Parties’ Advisors.

## **21. Amnesty for Complainants and Witnesses**

The University encourages reporting of DHR Conduct and seeks to remove any barriers to making a Report. The University recognizes that an individual who has been consuming alcohol (including underage consumption) or using drugs at the time of the incident may be hesitant to make a Report because of potential consequences for that conduct. To encourage reporting, an individual who makes a good faith Report of DHR Conduct that was directed at them or another person or participates in an Investigation as

a Witness will not be subject to disciplinary action by the University for a conduct or Policy Violation that is related to and revealed in the Report or Investigation, unless the University determines that the violation was serious and/or placed the health or safety of others at risk.

**22. Resources**

**Chart 1- Resources for Individuals Who Wish to Make a Report or Complaint**

<b>Resource</b>	<b>Role</b>	<b>Available to:</b>	<b>Level of Confidentiality</b>
<p>Meng “May” Zhang            Email: <a href="mailto:may.zhang@aju.edu">may.zhang@aju.edu</a>            Phone: 310-440-1571</p> <p>*AJU Human Resources            Email: <a href="mailto:hr@aju.edu">hr@aju.edu</a></p> <p>**Chairperson of AJU Board of Directors            Email: <a href="mailto:chairperson@aju.edu">chairperson@aju.edu</a></p>	<p>Director of Equity, Compliance, and Title IX</p> <p>*To report alleged DHR Conduct by the Director</p> <p>** To report alleged DHR Conduct by the AJU President</p>	<p>All AJU Community Members</p>	<p>Private to the extent practicable</p>
<p>Public Safety/Law Enforcement</p> <p>911 Emergency Services</p> <p>West LA Community Police Station            1663 Butler Avenue            Los Angeles, CA 90025            Phone: 310-444-0701</p> <p>Beverly Hills Police Department            464 N Rexford Drive            Beverly Hills, CA 90210            Phone: 310-550-4951</p> <p>Simi Valley Police Department            3901 Alamo Street            Simi Valley, CA 93063            Phone: 805-583-6950</p> <p>Ventura County Sheriff’s Office</p>	<p>Provides law enforcement investigation and victim services for victims of crimes</p>	<p>Public Service for All</p>	<p>Laws protect certain aspects of victim reports including public disclosure of victim names</p>

<p>800 S. Victoria Avenue Ventura, CA 93009 Tel: 805-654-2380</p> <p><a href="#">Los Angeles County District Attorney's Office, Bureau of Victim Services</a> 1000 South Fremont Avenue Unit 36, Bldg. A9E, Suite E9150 Alhambra, CA 91803 Phone: 626-514-1300 / 800-380-3811 Other Locations: <a href="https://da.lacounty.gov/vwap/locations">https://da.lacounty.gov/vwap/locations</a></p> <p><a href="#">Ventura County District Attorney's Office, Crime Victims' Assistance Unit</a> 800 S. Victoria Avenue, Suite 314 Ventura, CA 93009</p> <p>Phone: 805-654-3622</p>			
--	--	--	--

**Chart 2- Confidential Employees at AJU**

<b>Confidential Employee</b>	<b>Available to:</b>	<b>Level of Confidentiality</b>
Patricia Fenton Email: <a href="mailto:pfenton@aju.edu">pfenton@aju.edu</a> Phone: 310-440-1518	AJU Community Members at the Ziegler School of Rabbinic Studies	Confidential
Sherry Heyerly Email: <a href="mailto:sherry.heyerly@aju.edu">sherry.heyerly@aju.edu</a> Phone: 310-440-1535	AJU Community Members at the Familian Campus (Includes Maas Center and Masor School)	Confidential
Rusty Madison-Meyer Email: <a href="mailto:rmeyer@aju.edu">rmeyer@aju.edu</a> Phone: 310-440-1287	AJU Community Members at the Brandeis Bardin Campus (Does Not Include Participants and Seasonal Staff of Camp Alonim)	Confidential

<p>** Camp Alonim Health Center</p> <p>(Licensed Healthcare Professionals- Nurses, Doctors, and a Clinical Social Worker)</p> <p>Phone: 805-582-4454</p>	<p>Participants and Seasonal Staff of Camp Alonim</p>	<p>Confidential</p>
--	---	---------------------

\*\* The Camp Alonim Health Center is operated seasonally when Camp Alonim is in session, typically during the months of June, July, and August of each year. The Health Center employs licensed healthcare professionals who provide health care to the participants and seasonal staff of camp programs when Camp Alonim is in session. These licensed healthcare professionals are Confidential Employees who do not have a duty to report to the Office of Equity, Compliance, and Title IX any potential DHR Conduct that they may be informed of while they are performing their assigned job duties, specifically the provision of medical or mental health treatment or counseling to camp participants and seasonal staff.

**Chart 3- Confidential Resources at AJU**

Resource	Role	Available to:	Level of Confidentiality
<p>TimelyCare</p> <p><i>(Vendor-contracted service)</i></p> <p>Students can access TimelyCare by logging into <a href="#">TimelyCare</a> and/or by downloading the mobile app</p>	<p>Free, online mental health and wellness resources including 12-recurring mental health and wellness counseling sessions per year</p>	<p>Students enrolled in degree programs at Ziegler School of Rabbinic Studies and Masor School for Jewish Education and Leadership</p>	<p>Confidential</p>
<p>Employee Assistance Program</p> <p><i>(Vendor-contracted service)</i></p> <p><a href="#">Mutual of Omaha</a></p> <p>Phone: 800-316-2796</p>	<p>Free mental health and legal/financial resources including crisis counseling sessions and legal consultations</p>	<p>AJU Employees</p>	<p>Confidential</p>



