

Approving Law School Officials: President and Dean
Responsible Office: The Diversity Affairs Office
Effective Date: August 14, 2020

POLICY TO PREVENT DISCRIMINATION AND HARASSMENT

A. Policy Statement

Southwestern reaffirms the principle that its students, faculty, and staff have a right to be free from all forms of unlawful harassment and discrimination, including sexual harassment, and harassment based on gender, age, race, color, national origin, marital status, religion, military service, disability, gender identity or expression, and sexual orientation. The law school community is a place of work and study in which any form of unlawful harassment and discrimination is inappropriate. Southwestern encourages victims to report and pursue their legitimate claims of unlawful harassment and discrimination. Southwestern will not tolerate retaliation against any person who complains of unlawful harassment and discrimination.

B. Jurisdiction

The Diversity Affairs Office oversees the Law School's response to reports of discrimination & harassment. Southwestern may investigate any reported violations of this policy that occur in the context of a Law School program or activity or that otherwise affect the Law School's working or learning environments, regardless of whether the reported conduct occurred on or off campus. For every report, the Law School will review the circumstances of the reported conduct to determine whether the Law School has jurisdiction over the parties involved and take steps within its control to eliminate, prevent, and address the reported conduct. If the respondent is not a member of the Law School community or is no longer affiliated with the Law School at the time of the report or at the time the Complaint Resolution Process is initiated (including when the respondent has graduated or left the Law School), the Law School typically is unable to take disciplinary action or conduct an investigation.

C. Purpose

Southwestern is committed to fostering an environment in which all members of our community are safe, secure, and free from prohibited discrimination and harassment. When learning of conduct or behavior that may not meet these standards, community members and the Law School are expected to take an active role in upholding this policy and promoting the dignity of all individuals.

D. Implementation

1. Prohibited Conduct

Discrimination: Prohibited discrimination is treating someone differently because of their race, color, religion, national origin, sex, pregnancy, sexual orientation, gender identity, gender expression, parental status, marital status, age, disability, citizenship status, veteran status, genetic information, or any other classification protected by law (referred to as "protected classes") in matters of admissions, employment, housing, or services, or in the educational programs or activities Southwestern operates.

In determining whether discrimination occurred, The Diversity Affairs Office examines whether there was an adverse impact on the individual's work or education environment and whether individuals outside of the protected class received more favorable treatment. If there was an adverse impact on the individual's work or education environment, The Diversity Affairs Office will consider whether there is a legitimate, non-discriminatory reason for the action.

Prohibited sex discrimination includes sexual misconduct (dating/domestic violence, sexual assault, sexual exploitation, sexual harassment, and stalking). See the [Sexual Misconduct Policy](#)

Examples of discrimination can include:

- Denying someone access to an educational program based on their membership in a protected class;
- Denying someone access to a Law School facility based on their membership in a protected class;
- Refusing to hire or promote someone because of their membership in a protected class; or
- Reducing someone's job responsibilities because of their membership in a protected class.

Harassment: Prohibited harassment is verbal or physical conduct or conduct using technology directed toward someone because of their membership in a protected class (or a perception that someone is a member of a protected class) that has the purpose or effect of substantially interfering with the individual's educational or work performance, or creating an intimidating, hostile or offensive working or academic environment.

A person's subjective belief that behavior is intimidating, hostile, or offensive does not make that behavior harassment. The behavior must create a hostile environment from both a subjective and objective perspective and must be so severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives a member of the community of the ability to participate in or to receive benefits, services, or opportunities from the Law School's education or employment programs and/or activities. In determining whether a hostile environment exists, The Diversity Affairs Office examines the context, nature, scope, frequency, duration, and location of incidents, as well as the relationships of the persons involved.

Examples of harassment can include:

- Offensive jokes;
- Slurs;
- Name-calling;
- Intimidation;
- Ridicule or mockery; or
- Displaying or circulating offensive objects and pictures that are based on a protected class.

Please note, general bullying or uncivil behavior that is not based on a protected class does not fall within the purview of this policy or The Diversity Affairs Office. However, such behavior may violate the Law School's expectations regarding Southwestern's Student Code of Conduct or other policy and should be reported to the Dean of Students Office.

2 Reporting

The Law School encourages reporting of discrimination and harassment. Members of the Law School community who believe they have experienced discrimination or harassment have the right to choose whether to report the incident to the Law School and have the right to choose whether to engage with the Law School once the Law School receives a report. The information below is for individuals who wish to report incidents of discrimination or harassment.

Reporting Incidents to the Law School: An individual who has experienced discrimination or harassment may choose to report the incident to The Diversity Affairs Office. Anyone wishing to make a report of discrimination or harassment to The Diversity Affairs Office may do so in person, by email, by regular mail, by phone, or electronically as explained below.

While anonymous reports will be reviewed by The Diversity Affairs Office, the Law School's ability to address misconduct reported by anonymous sources is significantly limited.

There is no time limit for reporting an incident of discrimination or harassment. However, the Law School encourages reports be made as soon as possible after the incident. The passing of time makes reviewing the evidence more difficult and the memories of involved parties may become less reliable. The Diversity Affairs Office reserves the right to investigate or otherwise address any report, regardless of when it is made.

To Make a Report Please Contact The Diversity Affairs Office:

Contact: Associate Dean Nydia Duenez

Location: The Diversity Affairs Office
3050 Wilshire Blvd, Los Angeles, CA 90010
Suite 102
Phone: (213) 738-6872
Email: nduenez@swlaw.edu

Upon receipt of a report, a The Diversity Affairs Office staff member will contact the person who may have experienced discrimination or harassment. The outreach from The Diversity Affairs Office staff member will generally include information about: applicable policy, options for pursuing a complaint, and/or relevant resources. The outreach will also include an invitation to meet with or provide additional information to a The Diversity Affairs Office staff member.