

Western University of Health Sciences

Anti-Hazing Policy

June 23, 2025

Title: Western University of Health Sciences Anti-Hazing Policy

Effective Date: June 20, 2025

Applies to: University Wide

Statement: WesternU prohibits hazing as set forth in this Anti-Hazing Policy and in accordance with applicable state and federal law.

Purpose: This Policy set's out WesternU's definition of Hazing. In accordance with the California Stop Campus Hazing Act and the Federal Stop Campus Hazing Act, this Policy, amongst other things, also sets out information on reporting methods, procedures related to the investigation of Hazing incidents, disciplinary actions, WesternU's training, prevention, awareness and outreach program, required disclosures, procedures by which all students and employees are informed of this policy and any revisions to it, and pertinent state laws as related to hazing.

Related Information:

Definition:

Hazing is prohibited by WesternU, state and federal laws. For clarity, WesternU prohibits participation in Hazing, planning or organizing Hazing, soliciting or encouraging Hazing, aiding or abetting Hazing, and retaliating against those who report Hazing.

There are various definitions of hazing depending on which law is being considered¹. For purposes of this Policy, and in alignment with applicable law, WesternU has adopted the following definition of Hazing:

¹ Under the Federal Stop Campus Hazing Act, for purposes of reporting hazing statistics, Hazing is defined as "any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that— "(I) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and "(II) causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or

Hazing means: any intentional, knowing, or reckless act or method committed by a person (whether individually or in concert with other persons) against another person or persons including current, former, or prospective students, regardless of the willingness of such other person or persons to participate, that is committed in the course of a pre-initiation, an initiation into, an affiliation with, or the maintenance of membership in an official or unofficial student organization, club, or body that a) causes or creates a risk of physical or psychological injury, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization or b) the initiator knows or should have known is likely to cause serious bodily injury to any former, current, or prospective student.

Hazing includes, but is not limited to, the following:

- (a) whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
- (b) causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
- (c) causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- (d) causing, coercing, or otherwise inducing another person to perform sexual acts;
- (e) any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;

psychological injury including—“(aa) whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;“(bb) causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;“(cc) causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;“(dd) causing, coercing, or otherwise inducing another person to perform sexual acts;“(ee) any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;“(ff) any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and“(gg) any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.”.

Under the California Stop Campus Hazing Act, Hazing is defined as “any method of initiation or preinitiation into an affiliated student organization or student body, which the initiator knows or should have known is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution in this state. The term “hazing” does not include customary athletic events or school-sanctioned events.”

“Hazing” or “Haze” also have their own stand alone definitions under the California Penal Code [240-248] and the Oregon Revised Statutes (ORS 163.197) (see bottom of this Policy)

- (f) any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
- (g) any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

Application:

This Policy applies to conduct that occurs on or off campus and applies to all members of the University community, including faculty, staff, students, and student organizations in which two or more members are students enrolled in WesternU whether or not the organization is established or recognized by WesternU.

Reporting Hazing:

Any member of WesternU who experiences, witnesses, or suspects hazing is required to immediately report it to the University.

WesternU provides multiple methods to report hazing concerns or allegations. Reports can be made to any of the following:

- [Online Report Form](#) through OTIXEO. Please note that individuals have the ability to report anonymously through this form, if they so choose.
- Email: OTIXEO@westernu.edu
- Law enforcement in urgent situations or if criminal activity is suspected

Tips for Reporting:

- If in doubt, report it.
- Reporters can remain anonymous
- Provide as much detail and evidence as possible

Reports made pursuant to this Policy do not supersede or replace other reporting obligations.

Procedure, Investigation, Notice of Outcome

Sex or Gender Based Hazing:

Any alleged violation of this Anti Hazing Policy shall be addressed under WesternU's [Sexual and Gender-Based Harassment, Interpersonal Violence, and Other Sexual Misconduct \(SIM\) Policy](#) if the conduct alleged is sex or gender based and may be resolved through either the Title IX or Non-Title IX processes if the jurisdictional requirements are met.

All Other Forms of Hazing:

If the jurisdictional requirements of the SIM Policy are not met, the following procedure will apply:

When WesternU authorizes a Hazing complaint for resolution, the process will typically include the following steps that are described below:

1. Investigation /Determination of Responsibility
2. Notice of Outcome
3. Remedies/Sanctions
3. Appeals

Student Respondents: Upon the conclusion of the investigation, the matter will be referred to their respective College for handling under applicable student conduct policies. The AVP of OTIXEO will assess matters that may apply to multiple policies to determine the appropriate action.

Employee Respondents: Upon the conclusion of the investigation, if corrective action is applicable, the matter may be referred to Human Resources and the appropriate supervisor to implement the required sanction(s). The AVP of OTIXEO will assess matters that may apply to multiple policies to determine the appropriate action.

A) Investigations/Determination of Responsibility:

All investigations are adequate, thorough, reliable, impartial, prompt, and fair. They involve interviewing all relevant parties and witnesses, obtaining relevant evidence, and identifying sources of expert information, as necessary.

The Investigator(s) typically take(s) the following steps, if not already completed and not necessarily in this order:

- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and witnesses.

- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible.
- Interview the Complainant(s) and the Respondent(s), (in the event Complainants and Respondents have been identified) and conduct any necessary follow-up interviews with each, as necessary.
 - Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses. Document which questions were asked by the Investigator with a rationale for any changes or omissions in the investigation report.
- Where possible, complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide the Parties with regular status updates throughout the investigation.
- Write a draft investigation report that fairly summarizes the relevant information gathered during the investigation. The Investigator has the discretion to determine the relevance of any witness or evidence.
- Provide the Parties an electronic copy of the draft investigation report as well as an opportunity to inspect and review all relevant evidence obtained as part of the investigation for a review and comment period of ten (10) business days so that each party may meaningfully respond to the evidence. The Parties may elect to waive all or part of the review period.
- Makes a final Determination of Responsibility on all allegations within ten (10) business days based on a preponderance of the evidence of the statements and relevant evidence provided during the Investigation process (See Notice of Outcome Section).

B) *Notice of Outcome*

The Investigator will prepare a confidential Final Investigative Report (FIR), including the final finding of responsibility or non-responsibility. In determining whether the alleged conduct occurred and/or constitutes a violation of this policy, consideration will be given to the record of the incident as a whole and to the totality of the circumstances, including the context in which the alleged incidents occurred. The findings and conclusions of the investigation are based on the “reasonable person” standard and the preponderance of the evidence.

To reach this determination, WesternU will apply the Standard of Evidence and issue a Notice of Outcome to both Parties. The FIR remains confidential and will only be shared as a function of the Human Resources disciplinary sanction process – if the Respondent is a non-faculty employee; or, the student conduct hearing process outlined in the University Catalog – if the Respondent is a student; or, if the Respondent is a faculty member, as a function of the Adequate Cause for Dismissal process outlined in the University Faculty Handbook.

The AVP of OTIXEO will issue the written Notice of Outcomes to the Parties within ten (10) business days following the conclusion of the investigation.

The Notice of Outcome will include: (i) Identification of the allegations potentially constituting Hazing; (ii) A description of the procedural steps taken from the receipt of the Hazing complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence; (iii) Findings of fact supporting the determination; (iv) Conclusions regarding the application of this Policy to the facts; (v) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, and; (vi) The procedure governing the sanctioning process.

The AVP of OTIXEO will provide the Parties with the Notice of Outcome simultaneously, or without significant time delay between notifications. The Notice of Outcome may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address as indicated in official WesternU records, or emailed to the Parties' WesternU-issued or designated email account. Once mailed, emailed, and/or received in person, the outcome notification is presumptively delivered.

Depending on the status of the parties (Employee, Student, Third Party), the imposition of sanctions may occur separately from the issuance of the Notice of Outcome. In such instances, the Notice of Outcome is not subject to appeal. In instances where the Notice of Outcome includes a Sanction or Corrective Action section, only the sanction or corrective action is subject to appeal. Further, if a sanction is issued in relation to the Notice of Outcome, that sanction may be subject to appeal. The Determination of Responsibility is not subject to appeal. Once implemented, sanctions or corrective action typically will take effect immediately and will not be stayed pending the resolution of any appeal.

C) Long-Term Remedies/Other Actions

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented, the AVP of OTIXEO may implement additional long-term remedies or actions with respect to the Parties and/or the WesternU community that are intended to stop any further incidents of Hazing, remedy the effects, and prevent recurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services

- Referral to the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawals
- Education to the individual and/or the community
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the AVP of OTIXEO, certain long-term supportive measures may also be provided to the Parties even if no Policy violation is found.

When no Policy violation is found, the AVP of OTIXEO will address any remedies WesternU owes the Respondent to ensure no effective denial of educational access.

To the extent permitted by law, WesternU will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair WesternU's ability to provide these services.

D) Sanctions and Disciplinary Actions

For employees: Upon the issuance of the Notice of Outcome, the matter will be referred to Human Resources and the respective supervisor for the separate implementation of disciplinary sanctions, if needed. Any resulting sanctions will be subject to appeal under this policy, and/or, if the Employee-Respondent is a faculty member, grievance rights, if applicable, as defined in Appendix II. Grievance Procedure of the University Faculty Handbook.

For students: Upon the issuance of the Notice of Outcome, the matter will be referred to the College Dean of the Respondent for the facilitation of the student conduct hearing process and appropriate disciplinary sanctions, if needed. Any resulting sanctions will be subject to appeal under the Student Appeals policy in the University Catalog.

Hazing is a serious offense. Students and student organizations are subject to the full range of sanctions set forth in the SIM Policy and Standards of Student Conduct (as applicable), including but not limited to probation, conduct suspension, summary suspension and dismissal. An organization that is found to

be in violation of this policy may also be subject to a loss of recognition from the University. Employees are also subject to the full range of sanctions set forth in applicable University policies, handbooks, and/or faculty agreements, including but not limited to training, reprimand, probation, suspension, termination and contract termination.

The AVP of OTIXEO will review the Determination of Responsibility and sanction, if any, to determine whether additional Remedies for the Complainant or the University community are necessary. Examples of such remedies may include the continuation or initiation of supportive measures, including the provision of counseling, academic services, escort services, and/or training for members of the University community, as well as making modifications to academic, or employment.

E) Withdrawal or Resignation Before Complaint Resolution

Students: Should a Student Respondent decide not to participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. If a Student Respondent withdraws from WesternU, the resolution process may continue, or the AVP of OTIXEO may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, WesternU will still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the Hazing complaint is dismissed or pursued to completion of the Resolution Process, WesternU will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s) of Hazing, and any ongoing effects of the alleged Hazing. When a student withdraws or leaves while the process is pending, the student may not return to WesternU in any capacity until the Hazing complaint is resolved and any sanctions imposed are satisfied. If the student indicates they will not return, the AVP of OTIXEO has discretion to dismiss the Hazing complaint. The Registrar and Office of Admissions will be notified, accordingly. If the Student Respondent takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely. If found in violation, that student is not permitted to return to WesternU unless and until all sanctions, if any, have been satisfied.

Employees: Should an Employee Respondent decide not to participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. If an Employee Respondent leaves their employment with

WesternU with unresolved allegations pending, the resolution process may continue, or the AVP of OTIXEO may exercise their discretion to dismiss the complaint. If the complaint is dismissed, WesternU may still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged Hazing.

When an employee resigns and the complaint is dismissed, a note will be placed in the employee's file that they resigned with allegations pending.

F) Appeal

The AVP of OTIXEO will designate an Appeal Officer, to hear the appeal. The Respondent has the right to appeal the resulting sanction as contained in the Notice of Sanctions based on the following three limited grounds:

1. A procedural irregularity that affected the outcome. Procedural or technical irregularities will not be sufficient to sustain an appeal unless found to have affected the sanction decision of the Complaint;
2. New evidence that was not reasonably available at the time the Determination of Responsibility was made, that could materially impact the sanction decision. The appeal must specify the new evidence that was not reasonably available at the time of the determination, why the evidence was unknown or unavailable, and how the evidence could affect the sanction decision; or
3. The AVP of OTIXEO, Investigator(s), or Sanctioning Officer had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome. The appeal must specify the basis on which the party believes there is an actual conflict of interest or bias that affected the outcome of the matter.

Request for Appeal: A written request for appeal ("Request for Appeal") must be submitted to the AVP of OTIXEO within five (5) business days of the delivery of the Notice of Sanctions. The Request for Appeal will be forwarded to the Appeal Officer for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed. If the Request for Appeal does not provide information that meets the grounds in this Policy, the request will be denied by the Appeal Officer, and the Respondent will be simultaneously notified in writing of the denial and the rationale. If any of the information in the Request

for Appeal meets the grounds in this Policy, then the Appeal Officer will notify the Respondent and Advisor.

Appeal Determination Process: In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeals Officer will deliberate as soon as is practicable and discuss the merits of the appeal. Appeal decisions are to be deferential to the original determination, making changes to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions are made using the preponderance of the evidence standard of proof. An appeal is not an opportunity for the Appeal Officer to substitute their judgment for that of the original Decision-maker merely because they disagree with the finding and/or sanction(s).

Appeal Outcome: Upon receipt of an appeal request, the Appeal Officer will review materials provided and issue a written decision with a rationale. The possible appeal decisions include but are not limited to:

- i. Uphold/Let the sanctions stand;
- ii. Modify the sanctions or impose different sanctions; or
- iii. Suspend the sanctions.

A Notice of Appeal Outcome letter (“Appeal Outcome”) will be sent to the Respondent. The Appeal Outcome will specify the finding on each appeal ground for appeal, any specific instructions for reconsideration, all sanction(s) that may result which WesternU is permitted to share according to federal or state law, and the rationale supporting the essential findings to the extent WesternU is permitted to share under federal or state law. Written notification may be delivered by one or more of the following methods: in person, mailed to the Parties’ local or permanent address as indicated in official institutional records, or emailed to the Parties’ WesternU-issued email or otherwise approved account. Once mailed, emailed, and/or received in person, the Appeal Outcome will be presumptively delivered. Once an appeal is decided, the outcome is final.

Retaliation

Retaliation against any individual who in good faith reports Hazing or participates in an investigation is strictly prohibited and will be subject to disciplinary action.

Training, Prevention, Awareness and Outreach:

- a) To ensure that all students and employees are aware of this [Policy](#), a copy of the most recent version of this Anti-Hazing Policy (which would include any revisions made to this Policy) will:
 - i) be provided to each student organization within the University
 - ii) will be posted on the University's website
 - iii) be included in the Annual Security Report
 - iv) be included in the University Catalog
 - v) be included in the Employee Handbook.
- b) Hazing education which includes but is not limited to identifying hazing, hazing prevention, bystander intervention strategies, ethical leadership, and building group cohesion (hereinafter "Hazing Education") is required for all students to complete. Students will be given an opportunity to complete the mandatory Hazing Education during orientation and annually thereafter.
- c) University Student Affairs will include reminders about the Anti-Hazing Policy in new student leader communications.
- d) Hazing Education is required for all employees when they are first onboarded, and thereafter on an annual basis.
- e) No less than once every academic year, WesternU will feature its Hazing prohibition via digital posters on campus, or another communication method.

Disclosure

Campus Hazing Transparency Report ("CHTR")

The Office of Title IX & Equal Opportunity will maintain a report of all violations of Hazing that are reported to the University and which result in a violation of this Policy (CHTR). Such report shall not include any personally identifying information, including any information that would reveal personally identifiable information. The University will update the CHTR bi-annually, in December and June of each year, and will post the updated report on the University's website. The University shall retain the CHTR for the current year as well as for five consecutive calendar years from the date of publication, or as otherwise consistent with applicable law.

Notwithstanding the foregoing, the University is not required to develop a CHTR until such time that the University has a finding of a Hazing violation. Also, the

CHTR does not have to be updated for any period in which the University does not have a finding of a Hazing violation.

The CHTR shall include each incident involving a student organization for which a finding of responsibility is issued relating to a Hazing violation, including:

- (i) the name of such student organization;
- (ii) a general description of the violation that resulted in a finding of responsibility, including whether the violation involved the abuse or illegal use of alcohol or drugs, the findings of WesternU, and any sanctions placed on the student organization by WesternU, as applicable; and
- (iii) the dates on which: a) the incident was alleged to have occurred; b) the investigation into the incident was initiated; c) the investigation ended with a finding that a hazing violation occurred; and d) WesternU provided notice to the student organization that the incident resulted in a Hazing violation.

The CHTR may also include any additional information determined by WesternU to be necessary or reported as required by State law.

Annual Security Report

Campus Security will update the Annual Security Report on an annual basis to include all required hazing statistics and reporting requirements in compliance with the Federal Stop Campus Hazing Act.

Hazing Is a Crime.

Students and Employees should be aware that hazing is a criminal offence in both California and Oregon.

California Penal Code:

PENAL CODE – PEN [240-248] (Also known as Matt's Law)

245.6.

- (a) It shall be unlawful to engage in hazing, as defined in this section.
- (b) "Hazing" means any method of initiation or preinitiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily

injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution in this state. The term "hazing" does not include customary athletic events or school-sanctioned events.

(c) A violation of this section that does not result in serious bodily injury is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100), nor more than five thousand dollars (\$5,000), or imprisonment in the county jail for not more than one year, or both.

(d) Any person who personally engages in hazing that results in death or serious bodily injury as defined in paragraph (4) of subdivision (f) of Section 243 of the Penal Code, is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(e) The person against whom the hazing is directed may commence a civil action for injury or damages. The action may be brought against any participants in the hazing, or any organization to which the student is seeking membership whose agents, directors, trustees, managers, or officers authorized, requested, commanded, participated in, or ratified the hazing.

(f) Prosecution under this section shall not prohibit prosecution under any other provision of law.

Oregon Revised Statutes ORS 163.197

163.197 Hazing.

(1) A student organization or a member of a student organization commits the offense of hazing if, as a condition or precondition of attaining membership in the organization or of attaining any office or status in the organization, the organization or member intentionally hazes any member, potential member or person pledged to be a member of the organization.

(2)(a) A student organization that violates subsection (1) of this section commits a Class A violation.

(b) A member of a student organization who personally violates subsection (1) of this section commits a Class B violation.

(3) Consent of the person who is hazed is not a defense in a prosecution under this section.

(4) As used in this section:

(a) "Haze" means:

(A) To subject an individual to whipping, beating, striking, branding or electronic shocking, to place a harmful substance on an individual's body or to subject an individual to other similar forms of physical brutality;

(B) To subject an individual to sleep deprivation, exposure to the elements, confinement in a small space or other similar activity that subjects the individual

to an unreasonable risk of harm or adversely affects the physical health or safety of the individual;

(C) To compel an individual to consume food, liquid, alcohol, controlled substances or other substances that subject the individual to an unreasonable risk of harm or adversely affect the physical health or safety of the individual; or

(D) To induce, cause or require an individual to perform a duty or task that involves the commission of a crime or an act of hazing.

(b) "Member" includes volunteers, coaches and faculty advisers of a student organization.

(c) "Student organization" means a fraternity, sorority, athletic team or other organization that is organized or operating on a college, university or elementary or secondary school campus for the purpose of providing members an opportunity to participate in student activities of the college, university or elementary or secondary school.

Policy Review:

This Policy will be reviewed and updated annually or as needed to ensure its effectiveness.