

SEXUAL MISCONDUCT AND HARASSMENT – HOW TO REPORT AND AVAILABLE RESOURCES

Sexual discrimination and harassment, including sexual violence (for example, rape, sexual assault, sexual coercion), dating violence, domestic violence, harassment and stalking based on sex or gender, and sexual exploitation, is covered by this policy. More detailed information is provided below. The University encourages you to report any incident of sexual misconduct and harassment and use the services and resources described in this policy.

The following information will assist you in reporting an incident. An incident involving students, either as the reporting party or the accused (see definitions below) does not have to occur on campus to be reported to the University. The University will assist any student reporting an incident of sexual misconduct and harassment. If you have information about any type of sexual misconduct and harassment of another person involving a student, staff or faculty member, you are encouraged to report that information immediately using the contact information below. The University is obligated by federal law to investigate and respond to all reports of sexual discrimination, harassment and misconduct. A "report" is considered to be a "complaint" under this policy and federal law.

Reporting Options:

If you feel you have experienced any type of sexual misconduct or harassment you may report the incident in a number of ways:

- 1) IF YOU ARE IN IMMEDIATE DANGER, GET TO A SAFE PLACE AND CALL THE SPOKANE POLICE DEPARTMENT – 911
- 2) Assistance is available from the University 24 hours a day year-round by calling the Campus Public Safety & Security Dispatch Center at 313-2222 or extension 2222. You can request a Security Officer to respond and take a report, or request to speak to a Sexual Assault Response Team (SART) First Responder. You do not have to file a Security incident report to speak with a SART First Responder
- 3) During regular business hours you may also contact a professional staff member in the Student Life Office, College Hall 120, 313-4100 or extension 4100
- 4) An anonymous incident report can be completed on-line by using the anonymous report form via the Gonzaga University website at www.gonzaga.edu/sexualmisconductform
- 5) A report can be made with a SART First Responder, Security Officer or a Professional staff member from the Student Life Office

❖ **You may report the incident** without disclosing your name, the name of the accused person or requesting any action. However, withholding your name, the name of the accused or requesting no action may limit how the University can deal with the situation

❖ **You may report the incident and request an investigation and/or University judicial action**

❖ **You do not have to decide whether or not to request University judicial action at the time you make the report. The option to request this action is open to you as long as you and the accused person are students of the University**

- 6) File a criminal report with the Spokane Police Department. You can report directly to SPD by calling 911. It is important to preserve any evidence. Do not shower, douche, wash clothes, brush teeth, eat or drink after an assault. The police may want to collect evidence for a potential criminal investigation.

Notifying the Spokane Police Department will generally result in the reporting party, and in some cases the accused, being contacted by a police officer. The police department determines if a criminal investigation will occur and if the case will be referred for prosecution. A case not referred for criminal prosecution will still receive a University response.

A report made only to Gonzaga University is not the same as a report made to local police. The University process and the criminal justice process are two separate courses of action. If you wish to file a report with the Spokane Police Department, a Gonzaga Student Life Professional staff member will assist upon your request. The University will not file a police report about your incident or on your behalf unless compelling circumstances exist. The University's response to a report is not impacted by the reporting party's decision to file a criminal complaint, or the outcome of the criminal investigation. You can pursue a criminal complaint and a complaint through the University at the same time. In some cases the University's investigation may be delayed while the police investigation is being done.

If you want to talk to someone about an incident of sexual misconduct in a confidential manner without making a report or having any investigation or action by the University or the police you can:

- ❖ Speak to a counselor at the University Counseling Center, 313-4054 or extension 4054. Professional and pastoral counselors employed by the University will treat you with confidentiality and not share information with other University departments unless there is a danger to you or some other person
- ❖ Call SAFeT (Sexual Assault and Family Trauma center), the local sexual assault crisis agency at 624-RAPE. SAFeT's services are completely confidential and they do not exchange information or forward reports to the University

CAMPUS AND COMMUNITY RESOURCES

Gonzaga's Sexual Assault Response Team (SART) First Responders: First Responders are available to assist the reporting party with immediate and short-term needs. SART Responders are trained to respond to incidents of sexual misconduct and are available to meet with friends or family members of the reporting party who also may seek assistance or support immediately after an event. Call Campus Public Safety & Security Dispatch Center at 313-2222 or extension 2222.

Spokane's Community Advocates: SAFeT (Sexual Assault and Family Trauma Center) community advocates offer crisis intervention, information and referrals, legal advocacy and support services for all crime victims and their friends and family members. SAFeT Advocates can assist with Crime Victims Compensation which may pay for a hospital emergency visit and testing. It is important to note that talking with a Community Advocate is not the same thing as making a report with the University. Community Advocates are independent of the University and do not provide information disclosed to them to the University. Call 624-RAPE.

Medical Care: If medical care is needed after an incident these procedures should be considered as soon as possible.

- ❖ Sexual Assault medical examination, sometimes called a "rape kit" to collect potential evidence for a criminal complaint (provided only by a trained examiner in a hospital)
- ❖ STD and HIV testing (available through the University Health Center or another off-campus provider)
- ❖ Pregnancy testing (available through the University Health Center or another off-campus provider)
- ❖ Health care concerns related to the incident may be discussed with the hospital emergency staff, your own private physician or the University Health Center staff, who can also provide referrals to off-campus providers

Emotional Needs: Individuals who have experienced sexual misconduct are encouraged to obtain help from a professional counselor and/or support group. GU's Counseling Center Staff (313-4054 or extension 4054) is available to meet with students by appointment, or in some cases on short-notice. Off-campus counseling independent of the University may be arranged through a SAFeT advocate (624-RAPE), First Call For Help (838-4428) or through a referral from the GU Counseling Center.

Academic and Living Arrangements: A reporting party may request a change in academic or living situation after a report of sexual misconduct or harassment. Upon request the University will inform the reporting party of the options and will accommodate the request if those changes are reasonably available. In some cases the University may initiate these changes without a request.

Safe Transportation: Campus Public Safety & Security will provide escorts on and near campus (to and from residences in the immediate neighborhood) upon request. During the school year the "SafeRide" program (568-6000) provides students a free cab ride if they find themselves in a situation which their personal safety or well-being is compromised.

Gonzaga University Support Services:

SART First Responders	313-2222 or extension 2222*
Campus Public Safety & Security Dispatch Center	313-2222 or extension 2222*
Health Center	313-4052 or extension 4052
Counseling Center	313-4054 or extension 4054
Student Life Office	313-4100 or extension 4100

Spokane Community Services:

Spokane Police Department	911* or 456-2233 (non-emergency)*
SAFeT (Advocacy and support)	624-RAPE*
First Call For Help	838-4428*
Sacred Heart Medical Center Emergency Dept.	474-3131*
Holy Family Hospital Emergency Dept.	482-0111*
Deaconess Hospital Emergency Dept.	458-5800*

***24/7/365 availability**

POLICY INTRODUCTION

Sexual misconduct and harassment will not be tolerated at Gonzaga University because it is counter to our mission, values, and Ethos Statement and interferes with a student's ability to enjoy the benefits of the Gonzaga experience. Sexual harassment may include sexual misconduct and sexual violence and may be discriminatory. Sexual misconduct and

harassment, including sexual violence, includes acts generally understood as rape, sexual assault, and sexual coercion. It also includes other misconduct based on sex or gender such as dating and domestic violence, harassment and stalking, and sexual exploitation. Such misconduct and harassment is prohibited by University policy as well as a federal law known as Title IX. The University does not discriminate on the basis of sex in any of its programs and nondiscrimination is required by Title IX.

This policy deals specifically with sexual misconduct and harassment involving students. It describes the reporting procedure for students who feel they have experienced sexual misconduct or harassment. The Student Life division handles the process of receiving reports, responding to the situation, and reaching resolution of a complaint when students are involved. If a situation also involves a student and a staff or faculty member the Student Life Office works cooperatively with the University's Title IX/Equal Opportunity Officer. This policy is consistent with the University overall harassment and discrimination policies.

The University will take prompt steps to end sexual harassment and sexual violence and will resolve complaints equitably. "Prompt" means within the time frames listed below whenever possible. "Equitably" means with fairness towards all parties while not creating an undue burden on a student making a complaint of harassment or misconduct. We do this by providing support services for individuals and groups who have been affected, by holding accountable students who violate this policy, and through University student judicial processes. The University also provides awareness and prevention education.

DEFINITIONS

These definitions are descriptive of conduct which may constitute sexual misconduct and harassment and determine a finding of responsibility for violation of this policy in the student judicial process. Other misconduct not meeting the definitions described below is covered by the University's general conduct and disciplinary provisions.

"Accused": the person(s) who allegedly ("is said to have") committed acts of sexual misconduct harassment.

"Coercion": The use or threat of force, the use or threat of immediate or future harm, or the use of physical or severe and/or pervasive emotional intimidation to cause another person to engage in or submit to certain activities. Coercion also includes administering a drug, intoxicant or similar substance that impairs the person's ability to give consent.

"Consent" occurs when the parties exchange affirmative words or behavior indicating their agreement to freely participate in mutual sexual activity. As a general rule, a person will be considered unable to give valid consent if she/he cannot appreciate the who, what, when, where, why and how of a sexual interaction.

The following further clarifies the definition of consent:

- ❖ A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. For example, one who is asleep cannot give consent.
- ❖ Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity.
- ❖ An individual who is physically incapacitated from alcohol or other drug consumption (voluntarily or involuntarily), or is unconscious, unaware or otherwise physically helpless is considered unable to give consent.
- ❖ A person in an alcoholic blackout state may appear to act normally. An individual in a blackout state can walk, talk, drive, etc., but will not have memory of these activities. If this person affirmatively gives words or actions indicating a willingness to engage in sexual activity and the other person is unaware – or reasonably could not have known – of the alcohol consumption or blackout, then consent may be considered to have been given.

"Dating violence and domestic violence": Dating violence refers to a situation in which one dating partner is physically, emotionally or sexually abused by the other dating partner. Domestic violence is similar to dating violence but involves individuals who live together. Dating violence and domestic violence can occur between individuals of the opposite sex or of the same sex.

"Incapacitation": An individual who is unable to give consent because he/she is mentally and/or physically helpless, unconscious, or unaware, due to drug or alcohol consumption (voluntarily or involuntarily) or for some other reason. Incapacitation impairs a person's decision-making capacity, awareness of the consequences and ability to make judgments.

"Reporting Party": the person who reports to the University alleging that he/she has experienced sexual misconduct or harassment. The term "Reporting Party" is also used for the person who experienced the misconduct or harassment even if another person (a third party) notifies the University of the incident.

"Sexual-based Communication": Speaking to, or directing any kind of communication, words, or images of a sexual nature at another person. If the communication is unwelcome, that is, if it occurs without the other person's consent or participation it may create a hostile learning and living environment. Sexual-based Communication includes interactions in person, by phone, electronic messages and photos, written words or images such as graffiti, and social media postings.

"Sexual Exploitation": taking unjust or abusive sexual advantage of another; for the accused's own advantage or benefit; or for the benefit or advantage of anyone other than the reporting party; and that behavior does not otherwise

constitute other forms of sexual misconduct or harassment [see Harassment Policy]. Examples of sexual exploitation include, and are not limited to:

- ❖ Creating images (including video or still photography) of another person of a sexual nature via web-cam, camera, Internet exposure, etc., without knowledge and consent of all persons
- ❖ Knowingly exposing HIV or another STD to an unknowing person or to a person who has not consented to the risk
- ❖ Inducing incapacitation with the intent to commit sexual assault – in this instance, sexual exploitation can occur regardless of whether sexual activity actually occurs
- ❖ Voyeurism

“Sexual Violence”: Acts commonly understood as rape (vaginal or anal penetration), sexual assault (unwanted touching of a person’s private areas) and sexual coercion (defined above).

“Stalking”: a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person based on that person’s sex or gender that would cause a reasonable person to feel fear.

Behavioral Expectations

The University expects students to conduct themselves in a manner consistent with the Mission and Ethos Statements and its Principles of Student Conduct, particularly Respect for Oneself and Respect for Others. This means that sexual activity should be mutual and consensual. Each individual is expected to obtain and give consent before such activity. Consent, preferably in the form of verbal affirmation, must be informed, and freely and actively given. If at any time either party demonstrates that she/he is hesitant, confused or unsure, or that it is reasonably apparent, both parties should stop and obtain mutual verbal consent before continuing such activity. Sexual-based communication of a sexual nature (described in the definitions above) must be welcomed by the receiving party.

It is our goal that students report all incidents of sexual misconduct so that those affected can receive the support and resources they need. Therefore, violations of the University’s alcohol and drug policies by the reporting party may be exempt from disciplinary action in situations which sexual misconduct or harassment also occurs. However, the University may initiate an educational discussion about the use of alcohol or drugs and their impact.

MAKING A REPORT OF SEXUAL MISCONDUCT OR HARASSMENT

Please see the handbook section on Reporting Options for detailed information on the ways to make a report or complaint.

PROCEDURES FOR STUDENT SEXUAL MISCONDUCT AND HARASSMENT REPORTS

The University will conduct an investigation when an incident of sexual misconduct is reported by the student or the University becomes aware of the situation by other reliable means. The first priority is to offer support and services to the reporting party. The University will respond promptly and equitably to reports of sexual misconduct harassment. The University’s response may take a number of forms within its discretion. This includes offering reasonable protection and services to the reporting party or others, conducting an investigation, contacting the accused, imposing corrective or restrictive measures, and/or conducting a student judicial hearing or other proceedings.

The University is obligated by federal law to investigate and respond to all reports of sexual discrimination, harassment and misconduct. The investigation is conducted by a University official who gathers information from the reporting party, accused, and witnesses if appropriate. The University uses this information, in addition to the initial report, to better understand what happened and determine what response is necessary. Based on the results of the investigation, the University will take appropriate measures designed to end the misconduct, prevent its recurrence and address its effects.

In some cases the reporting party may choose not to provide their name or the name of the accused, or may request that no action be taken by the University. This may limit how the University can deal with the situation. However, it will not limit the other services and resources the University can provide. Generally the University will not conduct more than a basic investigation without the reporting party’s consent. However, to meet legal requirements, or under compelling circumstances such as evidence of a pattern of repetitive behavior, the use of force or threat of force, or the use of a weapon by the accused, the University may conduct further investigation, or take other appropriate measures without the reporting party’s consent. A reporting party will be informed whenever possible of any action taken by the University to resolve the complaint, including further investigation and corrective or disciplinary steps.

After a reporting party has made a report to a Professional staff member from the Student Life office, (trained in sexual assault response and the University’s sexual misconduct and harassment policy), will meet with the reporting party a number of times. The Professional staff member follows up on well-being of the reporting party, coordinates the University’s resources and services for the reporting party, and assists with the investigation and response.

Disciplinary Process/Judicial Hearing

The Professional Staff member from the Student Life Office who meets with the reporting party will discuss potential options for resolving the complaint. A reporting party may request the University initiate student conduct and/or judicial proceedings against the accused, who must also be a student. The decision to conduct a judicial hearing or take other measures is within the University's discretion. The Chief judicial officer or designee will consider all the facts of the case, including a reporting party's request, and determine if a hearing is the most appropriate response to resolve the situation. The reporting party will be informed of the decision regarding a hearing request and if a hearing is not held, will be provided with an explanation and an alternate means of resolving the complaint. Whether a hearing is held or alternative means are used to determine responsibility for a violation of the University's Sexual Misconduct and Harassment Policy, the University uses the standard of more likely than not. In other words, **is the accused more likely than not responsible for a violation of the policy.** Gonzaga has used this standard for years.

If a judicial hearing is conducted by the University, the purpose is determine whether the accused is responsible for a violation of the policy. Gonzaga's hearing process determines responsibility based on information presented at the hearing and the unique facts of the case. Under Washington law sexual misconduct (as described in the definitions above) may include punishable crimes. However, the University conducts investigations and hearings and renders sanctions in a non-criminal context. Although the definitions and procedures may be similar to criminal law or the criminal court system, they are specific to Gonzaga University and limited to the meaning and use given them by the University. An act not criminally prosecuted may still violate University policy.

Before the hearing both the reporting party and the accused will each meet with a separate University "intake" person who will explain what happens during a hearing. This includes procedures for reviewing information which will be used during the hearing. Any investigative reports, other materials, or written statements provided by either party for the hearing will be made available to both parties, to the extent allowed by privacy laws. Both parties will be given at least two opportunities to review this information prior to the hearing.

During the hearing the incident is reviewed by either a hearing board or hearing officer. The board or officer listens to and speaks with the reporting party, the accused, and witnesses, and considers other relevant information, including results from the investigation. The board or officer will also consider any written statements provided by either party for the hearing and may ask relevant questions related to these statements.

The reporting party and the accused are entitled to the same opportunity to present relevant witnesses and other information. Questions may be asked through the hearing board or officer. The hearing board or officer reserves the right to determine if a question is relevant and will be allowed. Both parties are entitled to the same opportunity to have a support person (other than the intake person) present during the hearing. If the support person happens to be an attorney, he/she cannot act as legal counsel. Support persons may not speak or participate directly in the hearing unless invited by the hearing board or officer.

Each case is evaluated on its own unique circumstances. The hearing board or officer bases the determination of responsibility on all of the relevant information presented at the hearing. In cases involving sexual violence (as described in the definitions above), whether consent was given or obtained is a key factor in determining responsibility for a violation of Sexual Misconduct and Harassment Policy. The University has established considerations for a determination of responsibility under this policy, as described here. All three factors do not need to be present.

- 1) the use of, or threat of, coercion or force by the accused; and/or
- 2) the reporting party was incapacitated and it was reasonably apparent to the accused; and/or
- 3) the reporting party was not able or did not give consent.

If the information presented at the hearing does not support a determination of responsibility for a violation of the Sexual Misconduct and Harassment Policy based on the standard of **more likely than not**, the board or officer may still determine responsibility for a related violation of the Student Conduct Code.

For general information on judicial and hearing procedures see the "Student Conduct and Disciplinary System" in this handbook.

ADDITIONAL INFORMATION

Steps Before Resolving a Complaint:

After a report is made the University will provide reasonable protection against further acts of misconduct, harassment or retaliation as needed, as well as services and resources to allow the equal right to an education at Gonzaga. For a listing of services and resources see the Campus and Community Resources section of this policy under Reporting Options.

The reporting party may request, or the University may impose, communication and contact restrictions to prevent further potentially harmful interaction. A reporting party may request a change in academic or living situation after a report of sexual misconduct or harassment by speaking with the Student Life Professional staff member assigned to her/

his case. Upon request the University will inform the reporting party of the options and will accommodate the request if those changes are reasonably available. In some cases the University may carry out these changes without a request.

In some student-on-student cases the reporting party or other student may wish to consider a protection/anti-harassment order from the local district court of the State of Washington. This is a civil proceeding independent of the University. If a court order is issued the University will, to the extent possible, assist the protected person in benefitting from the restrictions imposed by the court and will also facilitate the restricted person in complying with the order. The court enforces the order through law enforcement. The University does not enforce the order but does enforce its own rules. It is important to note that a civil court order may, unless the court is fully informed, prevent the University from conducting a hearing in which students who are subject to the order want to be present and provide information. A student can always return to the court to request modification of the order.

Time Frames for Sexual Misconduct and Harassment Reports

The time frames listed here are guides and may be extended because of extraordinary circumstances. Each case is unique and the process for handling the incident will be impacted by factors such as the complexity of the investigation and situation, the parties' schedules and availability, and the academic calendar. Generally speaking, the University will complete the investigative stage within 30 calendar days of receiving a report. If a judicial hearing or other student conduct processes are used, that will occur with 30 calendar days of the end of the investigation. Parties will be notified of the final outcome within seven calendar days of the hearing or other action which concludes the complaint process. The University will attempt to provide parties with periodic status updates. In no case will these time frames delay the University from providing services or enacting other measures to assist the reporting party.

Sanctions for sexual or other relationship misconduct:

The University determines sanctions based on the facts of the case, including the severity of the offense. The Chief judicial officer or designee assigns sanctions. Sanctions may be recommended to the Chief judicial officer or designee by the board or officer that heard that case. A student found responsible for a violation of the Sexual Misconduct and Harassment policy could receive sanctions ranging from suspension, probation, restorative justice actions, counseling, educational requirements or a written reprimand. In some cases, a student found responsible may be suspended or dismissed from the University until at least such time as the reporting party is no longer enrolled in her/his current course of study.

Appeals

Specific to this policy both the reporting party and the accused are given the same opportunity to an appeal of the determination of the alleged violation and/or the sanction related to it imposed upon the accused. Appeals will be decided and the parties informed of the outcome within 14 calendar days of the appeal deadline. The appeals procedure, including grounds for an appeal, is described in the Student Conduct and Disciplinary System section of the Student Handbook.

Notification:

The University will inform both the reporting party and the accused in writing of the outcome of any University proceedings for allegations of sexual misconduct and harassment, including appeals, within the time frames described above. The outcome is the University's final determination about the alleged offense and any sanction which directly relates to the reporting party imposed against the accused.

Retaliation:

Although Gonzaga acknowledges that extreme emotions and stress may be involved in these incidents, the University does not condone any person on either side of the incident engaging in any type of retaliation and views complaints of retaliation with great seriousness. Retaliation may include continued abuse or violence, other harassment, and slander and libel. This conduct may be by the accused or others. A reporting party is strongly encouraged to report any concerns about retaliation to Campus Public Safety & Security or the Student Life office. Violations will be handled in accordance with this policy and the University's Behavioral Expectations.

Questions, Concerns and Oversight of the Process

The Student Life Title IX Coordinator is responsible for oversight of response to reports and complaints of sexual misconduct and harassment. This includes insuring compliance with the regulations of Title IX, providing assistance and support to University employees who respond to reports or complaints and addressing concerns about the Student Life division's handling of reports and complaints. The Student Life Title IX Coordinator is located in the Student Life Office (College Hall 120, 313-4150 or extension 4150) and is available to meet with students or involved parties to discuss the process. The University also has a Title IX Coordinator responsible for oversight of the University's overall response to Title IX matters. The University's Title IX Coordinator is located in the Equal Opportunity Office within the Crosby House (corner of Addison and Sharp, just north of College Hall, 313-6910 or extension 6910). The Title IX Coordinators may only discuss a specific case with persons other than the reporting party or accused if written authorization is provided by those parties. Inquiries concerning the application of Title IX may be referred to the Title IX Coordinators or the Office of Civil Rights via www.ed.gov.

Sexual Misconduct and Harassment Awareness and Education Programs

Programming about sexual misconduct and harassment, the impact of drugs and alcohol in students' lives, and harm reduction and prevention is available through the Student Wellness Resource Center, 1111 N. Dakota, 313-5921 or extension 5921. SWRC conducts a number of events each semester and is also available to design programming for specific groups or situations.

The "Green Dot" program is coordinated through SWRC and reaches out to all student populations. The goal of Green Dot is to create awareness around sexual violence and engage the community in prevention efforts. Bystander Intervention as a means for reducing potential incidents of sexual violence is emphasized. Campus culture and climate surrounding sexual violence is impacted by engaging students. For more information please call SWRC.

New Student Orientation each fall provides interactive sessions related to sexual misconduct and relationships. Residence hall programs in individual buildings also focus on personal safety, relationships, sexual misconduct and other related topics.

The Women's and Gender Studies department supports student-led programming related to sexual misconduct and harassment, such as the annual Take Back the Night program each spring.

HARASSMENT AND DISCRIMINATION REPORTS

Gonzaga University will not tolerate harassment and discrimination based on race, gender, sex, religion, national origin, ethnicity, age, sexual orientation, disability or any other characteristic or trait protected by law. The Student Life office is responsible for handling student-to-student complaints as well as complaints of harassment or discrimination against a student by an unknown party. Unlawful harassment can take many forms, including verbal acts and name-calling, graphic and written statements, communications via cell phones or the internet, or other conduct which may be physically threatening, harmful or humiliating. Policies and procedures related to complaints are described below in more detail, beginning on page 144. In addition, The Student Life division has a specific policy and procedure related to harassment and discrimination based on sex which includes sexual misconduct on page 157. The University's Equal Opportunity Officer/Title IX Coordinator is responsible for oversight of the complaint process for all forms of harassment and discrimination prohibited by law. Complaints of harassment or discrimination involving both a student and a faculty/staff member are jointly handled by the Student Life office and the Equal Opportunity Office. The University will take steps to end the harassment or discrimination, prevent its recurrence and address its effects.

If you believe you have experienced harassment or discrimination based on the characteristics or traits listed above, you are encouraged to report the incident to receive support and resources. It is important that a record of the incident is established in a timely way.

If the incident involves a threat to safety, a crime, or if evidence needs to be collected or preserved, the local police should be contacted immediately through 911. Gonzaga Campus Public Safety & Security should be called after 911 has been notified. A Security officer or other University official can assist you in making a police report or accompany you while you make a report.

For non-emergency situations, you can report the incident to any one of the following offices or individuals, who will then coordinate with the Student Life Office in responding to the incident, your needs and the welfare of the campus community. During regular University business hours you can contact:

- ❖ Campus Public Safety & Security Dispatch Center, 313-2222
- ❖ Student Life Office, College Hall 120, 313-4100
- ❖ Housing and Residence Life Office, O'Leary Hall lower level, 313-4103
- ❖ Disability, Resources, Education and Access Management (DREAM), Foley 2nd floor, 313-4134
- ❖ Office of Academic Advising and Assistance, College Hall 104, 313-4072
- ❖ LGBT Resource Center, Unity House, 313-5847
- ❖ Unity Multicultural Education Center, Unity House, 313-5836
- ❖ Equal Opportunity Office, Crosby House (Sharp and Addison streets), 313-6910

After regular business hours, on weekends and holidays you can contact:

- ❖ Campus Public Safety & Security Dispatch Center, 313-2222
- ❖ Professional Residence Director or Area Coordinator, (in your residence hall or by calling Security dispatch)

These offices and professionals will assist you in getting the incident documented and providing you with the support and resources you may need. Your report will be forwarded to the Student Life Office. The Student Life Office will assign an "Incident Manager" to each report to coordinate a response of care, concern and follow-up. An investigation to determine the circumstances of the incident will occur. Based on the results of the investigation the University will determine an appropriate response. If the person identified as responsible for the alleged harassment is a student you may request University conduct/judicial action through the Incident Manager assigned to your case.

Information about the Student Life and University's processes for handling reports of harassment and discrimination and resolving complaints, please contact the Student Life Office or the Equal Opportunity Office.

HARASSMENT POLICY

Policy Statement on Human Dignity

Gonzaga University recognizes the inherent dignity of all individuals and promotes respect for all people in its activities and programs and in the relationships it shares with students, faculty, staff, and the public. Further, the University expects all community members to promote dignity and respect in their daily interactions with each other.

Gonzaga University Harassment Policy Statement

Consistent with its Statement on Non-Discrimination and its Mission Statement and values, the University is committed to providing a positive learning and working environment and therefore will not tolerate harassment and discrimination which violates University policy and/or state/federal law. The University has established specific policy statements and complaint resolution procedures for harassment and discrimination, as described below and in the Faculty Handbook, Student Handbooks, and the Personnel Policies and Procedures Manual. Any community member who feels he or she has experienced harassment, discrimination or retaliation should contact the University's Equal Opportunity Officer for advice and assistance.

Harassment Defined

Consistent with its Catholic, Jesuit mission, the University seeks to assure that all community members are able to learn and work in an atmosphere free from harassment. Harassing conduct is contrary to the positive educational environment the University wishes to foster and maintain. Because harassment undermines the University's mission and threatens the well being of its community members, it is a serious policy violation and will not be tolerated. The University prohibits harassment on the basis of race, sex, gender, religion, national origin, ethnicity, age, sexual orientation, disability, or any other harassment prohibited by federal or state law. This policy applies to all University community members, including faculty, employees, and students. Vendors, independent contractors, visitors and others who conduct business with the University are also expected to comply with this policy. The University will take appropriate action when this policy is violated.

Harassment can take many forms. It can include slurs, comments, rumors, jokes, innuendoes, unwelcome compliments or touching, cartoons, pranks, and other verbal or physical conduct. Generally, physical and verbal conduct is considered harassment when it meets one or more of the following criteria:

- ❖ Submission to the undesirable conduct or communication is made, either explicitly or implicitly, a term or condition of ones employment or academic status, OR
- ❖ Submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting the individual's employment or education, OR
- ❖ The conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creates an intimidating, hostile, or offensive employment or academic environment, OR
- ❖ The conduct or communication would not have occurred but for the protected category of the individual(s) or group to whom it is directed and who are affected by it.

Harassment Policy Compliance

This harassment policy defines and prohibits harassment on the basis of federal and state law as interpreted by the courts. If statutory provisions or court interpretations change or conflict with this policy, the University's policy will be deemed amended to assure continued compliance. This harassment policy is also intended to comply with statutes and guidelines of other regulatory agencies, such as the US Office of Civil Rights guidelines for student-to-student harassment.

Harassment Complaint Procedures

Harassment - The University's harassment complaint handling procedures are outlined in the Faculty Handbook, Student Handbooks, and the Personnel Policies and Procedures Manual.

Discrimination - The University's procedures for handling complaints of discrimination on the basis of race, religion, sex, national origin, age, marital or veteran status, sexual orientation, disability, and other legally protected categories are described in the Faculty Handbook, Student Handbooks, and the Personnel Policies and Procedures Manual.

Sexual and Racial Harassment

This section gives a description and describes examples of both sexual and racial harassing behaviors and where regulatory agencies have provided guidance.

Sexual Harassment is objectionable verbal and/or physical conduct that is sexual in nature or gender-based. Unwelcome sexual advances, requests for sexual favors, sexually motivated physical or verbal conduct may be sexual harassment. Other behavior that is not sexual in nature but is motivated by a person's gender may also be sexual harassment.

Examples of behaviors which might be considered sexual harassment include but are not limited to:

- ❖ Demeaning sexist statements, off-color jokes, crude sexual remarks, offensive stories, remarks of a sexual nature about a person's clothing or body, remarks about sexual activity or experiences
- ❖ Display or circulation of written materials or pictures degrading to individuals or gender groups
- ❖ Inappropriate, unnecessary, or unwelcome physical contact, such as touching, patting, pinching, hugging, kissing, or brushing against an individual's body
- ❖ Undue and unwanted attention, such as repeated flirting, compliments about clothing or physical attributes, staring, or making sexually oriented gestures
- ❖ Pressuring an individual to become involved in sexual activity
- ❖ Making a student's work or an employee's job more difficult because of that person's sex or sexual orientation
- ❖ Using a position of power and authority to: 1) threaten or punish, either directly or by implication, for refusing to tolerate harassment, submit to sexual activity, or for reporting harassment, or 2) promise rewards for sexual favors
- ❖ Physically assaulting an individual, such as sexual battery, sexual molestation, or attempts to commit such assaults. Such actions may also constitute a violation of the criminal code and sexual misconduct policy
- ❖ Engaging in demeaning verbal and other expressive behavior of a sexual or gendered nature in instructional settings.

To be considered sexual harassment, the conduct must meet one or more of the criteria outlined above in Harassment Defined.

Racial Harassment and Harassment Based on National Origin, Ethnicity, or Color is objectionable verbal and/or physical conduct which meets one or more of the criteria outlined in Harassment Defined.

Gonzaga University seeks to provide equal educational opportunities for all students and to cultivate the ethical and moral values of a just society. To do so, the University must maintain an environment free from racial harassment, intimidation, and humiliation as expressed by communication, threats, acts of violence, hatred, abuse of authority, or ill-will that assault an individual's self-worth. Racial harassment interferes with or limits an individual's or groups' ability to participate in or benefit from University programs, services, activities, or amenities. Racial harassment dishonors the University and its members and diminishes the stature of the academic community. Gonzaga unequivocally condemns racist behavior in any form.

Following are examples of behaviors, which, if based on race, ethnicity, or national origin, may constitute racial harassment:

- ❖ Making demeaning remarks to an individual or group or in the presence of an individual or group. This includes name calling, racial slurs, epithets, jokes, and racial put downs if the intention or result is to demean a person or group, treat individuals or groups differently because of race, ethnicity, national origin, or color, or create a hostile environment
- ❖ Displaying, circulating, or placing visual or written material demeaning race, ethnicity, national origin, or color in a University living or working area, when the intention or result is to make the education, working, or living environment hostile or demeaning
- ❖ Damaging, defacing, or destroying the University's property or the property of any member because of race, ethnicity, national origin, or color
- ❖ Using "fighting words"; expressing in words, pictures, or symbols commonly understood to convey hatred or contempt, based on race, color or ethnicity, with the intent to inflict emotional distress
- ❖ Engaging in intentional acts based on race that obstruct or attempt to obstruct or seriously impair University activities in or outside University buildings or in other locations where University-sponsored activities occur
- ❖ Physically threatening or assaulting, intentionally engaging in physically violent acts, malicious injury to person which intentionally or recklessly imperils the safety of others; engaging in malicious harassment in violation of state and federal law
- ❖ Engaging in demeaning verbal and other expressive behavior of a racial nature in instructional settings.

The University will make every effort to address racial incidents even if the perpetrator has not been identified.

Harassment Based on Other Protected Categories is treated the same as sexual and racial harassment in this policy. The courts have also traditionally applied the standards established for sexual and racial harassment to other types of harassment. Under this policy, objectionable conduct may be considered harassment if it meets one or more criteria in Harassment Defined.

Demearing Verbal and Other Expressive Behavior in Instructional Settings

The College and University Personnel Association and the American Association of University Professors have developed guidelines for handling allegations of harassment arising in an instructional setting. A modified version of these guidelines pertaining to faculty and academic staff is outlined below and, where applicable, will be used in processing complaints.

Definitions:

- ❖ An “instructional setting” is a situation in which a member of the faculty or academic staff is communicating with a student(s) concerning matters the faculty or academic staff member is responsible for teaching the student(s). These situations include, but are not limited to, such communication in a classroom, laboratory, during a field trip, or in a faculty or academic staff member’s office.
- ❖ “Expressive behavior” is conduct in an instructional setting whenever a faculty or academic staff member seeks to communicate with a student(s). It includes, but is not limited to, the use of visual materials, verbal or written statements, and assignment of visual, recorded, or written materials.

Protected Expressive Behavior:

- ❖ Expressive behavior related to subject matter: A faculty or academic staff member’s selection of instructional materials shall not be the basis for discipline if the material selected is germane to the subject of the course. However, if the Faculty Harassment/Discrimination Committee finds, at a formal hearing, that the faculty or academic staff member’s claim that the materials are germane to the subject of the course is clearly unreasonable, it shall not be an acceptable defense to the use of such material.
- ❖ A faculty or academic staff member’s expressive behavior shall not be the basis for discipline if the behavior constitutes an opinion or statement germane to the subject matter of the course. However, if the Faculty Harassment/Discrimination Committee finds, at a formal hearing, that the faculty or academic staff member’s claim that the expressive behavior is clearly unreasonable, it shall not be an acceptable defense to the use of such behavior.
- ❖ Expressive Behavior related to teaching techniques: A faculty or academic staff member’s selection of teaching techniques shall not be the basis for discipline unless the Committee at the formal hearing finds clearly unreasonable the faculty or academic staff member’s claims that the objective cannot be accomplished as effectively by techniques less likely to cause harm.

Application:

Unprotected expressive behavior, other than that described in Definitions above, is subject to discipline.

Reporting and Investigating Harassment:

Gonzaga community members may bring complaints or concerns about harassing behavior to faculty, supervisors, department heads, vice presidents, the Human Resources Department, or the University’s Equal Opportunity Officer. In addition, students may bring complaints to their advisors, chairs, deans, Student Life personnel, or to the Academic Vice President’s office. Any of the above to whom a complaint or concern has been reported must promptly notify the Equal Opportunity Officer, who will begin an investigation or recommend an investigation by a qualified individual from inside or outside the University. Complaints will be handled through the applicable procedures described in the Faculty Handbook, Student Handbooks, and the Personnel Policies and Procedures Manual.

❖ FALSE REPORTS

Submission of a good faith complaint, concern, or report of harassment will not affect the complainant’s or reporter’s employment, grades, academic standing, or work assignments. However, an individual found to have made a false complaint or report or to have knowingly and willingly given false information during an investigation, will be subject to disciplinary action.

❖ CONFIDENTIALITY

The University will handle all reports of harassment as discreetly as possible, sharing information on a need-to-know basis only. To properly investigate an allegation of harassment, the University may need to divulge the identities of individuals involved. The University will comply with discovery or disclosure obligations as may be legally required.

❖ RETALIATION

Retaliation will not be tolerated against anyone who has reported perceived harassment or a concern about harassing conduct or has participated in an investigation, complaint process or hearing, or filed a complaint alleging harassment. Retaliation includes but is not limited to any form of intimidation, reprisal, or harassment. Anyone found to have acted in a retaliatory manner will be subject to appropriate disciplinary action.

UNIVERSITY-WIDE GRIEVANCE PROCEDURE ON ACCESS AND ACCOMMODATION FOR PERSONS WITH DISABILITIES

(The full University policy on access and accommodations for persons with disabilities may be requested by contacting the University's Equal Opportunity office at 313-6910 or x6910 or by contacting Disability Resources, Education & Access Management office (DREAM) at 313-4134 or x4134.

Gonzaga University has adopted these internal procedures to provide prompt and equitable resolution of complaints alleging any violation of the University's policy on access and accommodation for all educational programs, activities, events, and services, employment, and public access for persons with disabilities. This procedure applies to Sections 501 and 504 of the Rehabilitation Act, Titles I and III of the Americans with Disabilities Act (ADA), and/or the Washington State Law Against Discrimination (RCW Ch. 49.60 as Related to Disabilities), and their implementing regulations.

Normally the best interests of the complainant and the University are served if complaints are resolved as soon as possible at the lowest possible level. These procedures provide both initial intervention and appeal to higher levels without prejudice so that parties may be assured of fundamental fairness.

APPLICATION

A grievance under this procedure is deemed to be against the University and not against an individual.

All complainants ~ students, employees and the public ~ should use this procedure for grievances alleging any violation of policies, laws and regulations related to access and accommodation for persons with disabilities.

This procedure is used for any complaints involving **academic or non-academic situations related to disability access and accommodation for University education programs, employment, activities, events, and services.**

Examples of academic access situations might be **students** with disabilities who believe they are not being appropriately or reasonably accommodated regarding coursework, living and studying arrangements

Examples of non-academic access situations might be:

Students with disabilities who believe they have not been appropriately or reasonably accommodated for services, activities and events, or access to campus facilities.

Employees with disabilities who believe they have not been appropriately or reasonably accommodated in their jobs.

Members of the public who believe they have been denied access to campus facilities, services, activities, or events based on disability.

It is anticipated that all steps of the grievance procedure will be completed in 60 calendar days. If extenuating circumstances dictate a delay, the Equal Opportunity Officer will notify all parties in writing with an estimated time frame for completion.

STEPS IN THE GRIEVANCE PROCEDURE

STEP I: INITIAL INTERVENTION ~ this step is designed to resolve the situation informally through discussion and agreement. Resolution at STEP I is not intended to determine if any policies or laws were violated.

A. The complainant should file the grievance by contacting the Director of Disability Resources, Education, and Access Management at:

Disability Resources, Education, and Access Management
Foley Library, Second Floor
(509) 313-4134
shearer@gonzaga.edu

The complaint does not have to be in writing.

- B. The Director will conduct a preliminary inquiry by gathering information and attempting to resolve the situation by:
1. Working directly with faculty, chairs, deans, program directors, supervisors and administration to clarify policies and procedures, enhance communication and understanding, and agree on a resolution;
 2. Assisting the complainant to articulate issues and serving as liaison between the complainant and the University
 3. Normally, most situations are positively resolved through intervention within a reasonable time frame. If the situation is urgent, the Director of DREAM will work diligently to expedite resolution. The Director will notify the parties if additional time is needed due to extenuating circumstances, and will communicate progress and/or resolution in writing to all parties.
- C. If the complainant does not believe the situation has been appropriately resolved at Step I, he/she may file a formal grievance. The Director, DREAM will inform the complainant of the formal grievance process and refer the individual to the Equal Opportunity Officer.

STEP II: FORMAL GRIEVANCE ~ the formal grievance is designed to address problems that the complainant believes were not resolved at Step I: Initial Intervention. This step is designed to:

- A. Determine whether a violation of University policy or law occurred
- B. Implement consequences for violation
- C. Correct the access or accommodation situation and restore the complainant's employment or academic environment or public access issue which led to the grievance
- D. Initiate steps to prevent the problem from recurring

1. Meeting with University Official: The complainant should make an appointment with the Equal Opportunity Officer at:

Equal Opportunity Officer
College Hall, Room 111
(509) 313-6910 or 313-6289
loveland@gu.gonzaga.edu

2. Submitting the grievance: The complainant will submit the grievance in writing with this information:
 - ❖ the name and address of the person filing the grievance (the complainant)
 - ❖ a statement of the alleged discriminatory actions, including the date(s) the action(s) occurred and the name(s) of the persons involved and the nature of their involvement
3. Investigation: The Equal Opportunity Officer will interview the complainant, other persons, contact Director, Disability Resources, Education and Access Management for relevant information, and conduct a formal investigation. The EO Officer will work with the appropriate Vice Presidents to insure a complete and thorough investigation.
4. Hearing the Grievance:
 - ❖ Student Grievances regarding academic access and accommodation are heard by the Academic Vice President or designee
 - ❖ Student Grievances regarding non-academic access and accommodation are heard by the Vice President for Student Life or designee
 - ❖ Employee Grievances regarding employment access and accommodation and the Public regarding access to facilities, activities, events and services are heard by the Vice President for Administration and Planning or designee.

The designated Vice President will hear and resolve the grievance. The VP may meet with complainant and other persons as appropriate, or make a determination on the written investigative record only.

5. Communicating the Resolution: The Vice President will communicate the decision in writing to the complainant and the University within a reasonable time frame after the complaint is filed.
6. Grievance Records: The Equal Opportunity Officer will maintain all files and records of the grievance. A copy of the written decision will be sent to DREAM for the complainant's official file.

Grievances alleging harassment or discrimination other than access or accommodation are filed under the University's Harassment and Discrimination Policy and Complaint Procedures. If the grievance involves both access/accommodation and harassment/discrimination, the Equal Opportunity Officer will determine the appropriate grievance procedure(s).

Grievances in which an individual faculty member is accused of harassment or discrimination will be handled according to the Faculty Handbook, Section C300, Procedures for Resolving Complaints when the accused is a faculty member (ALL Caps). Any accused faculty member can waive the C300 procedure. If that occurs, the grievance will be handled under this procedure.

STEP III: APPEAL TO THE PRESIDENT

- A. Either the complainant or the University, if dissatisfied with the Vice President's decision at Step II, may appeal in writing with the Equal Opportunity Officer after the parties receive the Vice President's written decision. The document should outline the reason for appeal. The Equal Opportunity Officer will provide a copy of the appeal to the other party or parties to the complaint, who will have the right to respond in writing. Any response should be filed with the Equal Opportunity Officer, who will provide a copy of the response to the party filing the original appeal.

- B. The appeal will be resolved by the:

President of Gonzaga University
Gonzaga University
Spokane, WA 99258
(509) 313-6103

The President of Gonzaga University will either personally review the matter or designate another person to do so. The President or his/her designee may request anyone to meet with him to discuss the appeal and/or request anyone to submit written materials.

- ❖ The President, or designee, normally will issue a written decision as to the appeal within a reasonable time after the appeal is received. The decision will determine the validity of the appeal and its resolution, if any. Copies of the appeal decision will be sent to the complainant and the University.
 - ❖ This appeal is the final recourse within the University.
- C. The Equal Opportunity Officer will maintain all official documentation of the appeal and resolution.
- D. A copy of the written decision will be sent to DREAM for the complainant's file.

STEP IV: OUTSIDE REMEDIES

Complainants are not required to use this grievance procedure before pursuing other remedies through state and federal agencies.

These agencies are:

U.S. DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS (OCR)
915 Second Avenue, Room 3310
Seattle, WA 98174

U.S. THE DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION
1425 New York Avenue, Room 5041
Washington, D.C. 20005
TDD (800) 514-0383
(202) 514-4224

WASHINGTON STATE HUMAN RIGHTS COMMISSION
905 West Riverside, Suite 416
Spokane, WA 99201
(509) 456-4473
TDD (206) 220-7907
(206) 220-7880

✧ *Mission: Possible* ✧ *Campus Kids* ✧ *Homeless Outreach* ✧ *Campus Kitchens* ✧ *SMILE* ✧



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509 313-6824

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Gonzaga Outdoors is on campus to assist students in enjoying the outdoors and all that it has to offer. We will have guided trips all year long as well as an extensive rental inventory for your own adventures. There is also a shop in the office to take care of all of your bike, ski, or snowboard repair needs. Stop in today!

Location: Lower Crosby Student Center

Phone: (509) 313-4819

Email: Outdoors@gonzaga.edu

Office Hours: Monday-Thursday 10:00 - 5:00 Friday 10:00 - 3:00