A Publication of the Gonzaga-In-Florence Program

In compliance with federal law

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Director,
Gonzaga-In-Florence

Support provided Gonzaga University
Student Development and
Campus Security & Public Safety Department
Spokane, WA.

All University policies, practices and procedures contained in this Guide are consistent with Gonzaga’s Catholic, Jesuit identity and Mission Statement.

UNIVERSITY POLICIES: Gonzaga-In-Florence community members have a responsibility to be familiar with and adhere to University policies, rules and expectations. Specific policy information is printed in the GIF Student Handbook and the Gonzaga University Student Handbook. A copy of the Gonzaga University Student Handbook is available to all students, staff, and faculty members through the Gonzaga website at:

http://www.gonzaga.edu/studenthandbook

DISCLAIMER: The Director of the Gonzaga-In-Florence program or his/her designee shall resolve any questions involving the application or interpretation of policies and procedures set forth in this guide. In such instances the decision of the Director shall be final and binding, unless the situation is of such serious a nature that it is referred by the Gonzaga-In-Florence Director to administrators on the main campus of Gonzaga University for resolution.

The Director of the Gonzaga-In-Florence program reserves the right to change any of the policies, procedures and content included in this guide at any time.

This publication is available on the Gonzaga University website at:

http://www.gonzaga.edu/studenthandbook

The on-line version is considered the official publication of this guide. Any printed version may not reflect the exact content of the on-line version. Discrepancies between the on-line version and any printed version of the guide will be resolved in favor of the on-line version.

Publication date: Fall 2016
INTRODUCTION

The Gonzaga-In-Florence (GIF) program has a rich history of more than 50 years. The present location of the campus has been home to the program since academic year 2003-2004. The majority of the academic program, as well as all of the administrative functions, occur at this location. It is the center of the GIF community. Nearly all students enrolled in the program reside in privately-owned pensioni, contracted through the program, within moderate walking distance of the GIF building. The pensioni must meet minimum standards established by the Italian government as well as the GIF program. The GIF program does not have any officially recognized student groups with off-campus housing facilities. There are no residential facilities on campus. The GIF program offers home-stay opportunities.

The safety and security of all members of the GIF community is of utmost importance. Fostering a safe environment for people and property is a responsibility shared by all members of the community.

The GIF program and campus does not have a campus security or police department. Productive relationships have been established with the police agencies that serve the campus and area, particularly the Polizia Di Stato. The GIF program does not have a formalized memorandum of understanding with these police agencies for the investigation of criminal offenses. More information about the Polizia Di Stato is available at the following web site:

http://www.poliziadistato.it/pds/english/index.htm

Police and fire response agencies that serve the GIF campus are familiar with the building’s location and layout.

A security guard is retained by the program for purposes of monitoring building access and checking doors in the evening. The building is locked even during business hours, with monitored access or access via keypad. In the evening, access is granted via keypad and check-in procedure with the security guard. Video surveillance is utilized during the day and at night.

All GIF administrators are keenly aware of the need for awareness and vigilance regarding security and are instructed how to respond appropriately to emergencies and safety/security situations in the building. Key administrators are trained to Italian government standards related to safety. Necessary repairs and preventive maintenance are noted in a timely work order and forwarded to the appropriate person for resolution.

EMERGENCY REPORTING

Students who are experiencing an emergency should immediately contact the local emergency phone number(s): 112 or 113. There are a number of different types of police in Florence with different levels of authority. Students should contact the local emergency numbers if they need assistance. They may also contact one of the Student Development staff as well if they need assistance interpreting or with follow-up.

If students experience or witness an emergency situation in the GIF building or surrounding area, they should call the local emergency number and then immediately notify someone from the school administration. If they are in their pensioni, they should call the local emergency number and then immediately notify the front desk. The student should also immediately notify someone from the school administration.
CRIME REPORTING

In addition to reporting emergencies to the local emergency number, if necessary, crimes and suspicious situations which are non-emergency in nature should also be reported to school administrators (see list below) as soon as is possible and practical after the reporting party becomes aware of the situation. Crimes and suspicious situations that occur not just in the GIF building, but also in the pension and on school-sponsored trips should be reported. Students are encouraged to report to both local police and GIF administrators promptly and accurately.

When a GIF administrator receives a report of a crime, an evaluation is made to determine the level and type of response. A GIF representative will assist the victim in making a report with local police. Community members are strongly encouraged to report crimes against persons directly to the local police at the time the crime occurs.

The administrators listed below should be contacted with information about criminal incidents and emergencies and situations which present a continuing threat to the community. Reports should also be made to these administrators for inclusion in the annual crime statistics.

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Frederica Dionisio
Assistant Director,
Student Development,
Room 203
Cell +39 340 162 1805
Dionisio@ Gonzaga.edu

Student Development Staff
Mozilo Center

*Please use the listed cell phone numbers only for reporting crimes and emergencies to GIF administrators.
Reports received by these individuals are forwarded to Assistant Director for Student Development at GIF, who will document the incident, generally after meeting with the affected student(s). The Assistant Director can assist with explaining resources and processes within the GIF program, as well as the Italian criminal justice system, and make referrals to appropriate departments and outside agencies.

Crimes may be reported to GIF administrators on a confidential basis if the reporting party doesn’t wish to pursue criminal or University disciplinary action. Anonymous reports of rape and sexual assault can be made via an Anonymous Sexual Assault report form, available throughout the building. An anonymous on-line form is also available on the Gonzaga University website: www.gonzaga.edu/sexualmisconductform

A GIF administrator will evaluate all crime reports and make further inquiries if necessary, as well as make a determination if the incident requires a “Security Alert” to the community (see below). All reports are also evaluated for inclusion in the required yearly crime statistics. This evaluation includes information received confidentially.

Pastoral and professional mental health counselors employed by or available through the University have a professional obligation of confidentiality regarding information disclosed during a counseling session. The GIF program does not include statistical information about crimes from such sessions. Those who seek counseling are informed of the options for reporting a criminal incident, including confidential, anonymous reporting to campus officials for inclusion in the annual crime statistics, as well as reporting to local law enforcement.

**KEEPING THE COMMUNITY INFORMED AND PROMOTING SAFETY**

Reports received by GIF administrators and information provided by local police or the American consulate (when available) are used to formulate immediate and longer-term responses to safety and security issues. When conditions warrant it, the Director or Assistant Director for Student Development (or their designee) may issue a timely warning via a “Security Alert” to the GIF community about situations which present a serious or continuing threat. This includes crimes covered by the U.S. federal Campus Security Act (see following section). The “Security Alert” is distributed primarily via email, but may also be posted on bulletin boards throughout the GIF building and in the pensioni. A lower priority “Security Notice” may be issued for certain incidents or when trends or patterns of crime are seen.

The daily “Ciao” newsletter is distributed via email around 10:00AM, Monday through Thursday. The Ciao often contains information about any safety and security advisories for the campus community. In addition, other printed materials such as the GIF Orientation booklet and Student Handbook, and information distributed during Opening Tour in the fall, provide information on safety and security procedures and crime prevention on campus, in the pensioni, and while traveling. These materials are distributed to each student in the fall (or when that student begins the program). These
materials are also distributed to GIF staff and faculty. The purpose of presenting this information is to encourage community members to be responsible for their own security and the security of others.

The Orientation program covers topics related to safety and security, as well as information provided by the American Consulate. Students are provided with an emergency card which includes personal information about themselves and the numbers of the school administration and other useful emergency contact information. Students are asked to carry this card along with their passport when they are traveling so they can contact Gonzaga-In-Florence and/or the nearest U.S. Embassy or consulate if they are not in Florence when a crisis occurs.

Italian law differs from U.S. federal and state law with regards to sex offenders and the obligation for those persons to register. A publicly accessible register, either on-line or in paper form, may or may not be available. Interested or concerned persons should contact a local law enforcement agency in Italy for guidance.

**EMERGENCY RESPONSE AND NOTIFICATION PROCEDURES**

In the event of significant emergency or dangerous situation which poses an imminent or impending threat, the GIF program will notify students, faculty and staff. This notification will occur upon confirmation of the threat. Notification may occur through the use of the building’s public address system, email messaging, social media, texting or phone calling trees. The Director of the GIF program, along with the Assistant Director for Student Development and other appropriate officials are responsible for determining whether a threat exists and has been confirmed, and for initiating the notification process. Confirmation of the threat may be ascertained via communication with local police and emergency responders, U.S. or Italian government officials, on-site observation or reliable witness reports. Confirmation and assessment of the threat is an on-going process.

Upon confirmation of a threat, the GIF program will, without delay, and taking the safety of the campus community into account, determine the content of the notification and initiate the notification system(s). The notification will provide basic information about the threat and how campus community members should respond, for example, remain in place or evacuate to a specified location. Depending on the nature of the threat, the entire campus community may receive the notification or it may be directed at a specific segment. Information, instructions and the scope of the notification may change as the situation evolves.

In the case of a confirmed threat, the only reason the GIF program will not initiate the notification system(s) is if doing so will compromise efforts to assist a victim, contain or respond to an emergency, or otherwise hinder efforts to deal with the threat. A request from local emergency responders or other officials is included. The decision to not make a notification is within the professional judgment of responsible authorities.

The GIF officials will work in conjunction with Gonzaga officials on the main campus in Spokane to provide information to the larger Gonzaga community about a threat. If it is appropriate to notify the local community of the threat to the GIF program, this will be done in consultation with local emergency responders.

The GIF program reviews and exercises aspects of its emergency response and evacuation procedures and system(s) on an annual basis. Notification to the campus community of testing is publicized via email messaging and the Ciao newsletter. Documentation of testing is maintained in the office of the Assistant Director for Student Development and includes a description of the test, the date and time of the test, and whether the test was announced or unannounced.
The “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act” was originally enacted in 1990. It has been amended several times and is commonly known as the Clery Campus Security Act. Two goals of this legislation are disclosure of criminal activity on campus and timely warning of criminal activity. Gonzaga-In- Florence supports these goals. Our crime reporting procedure, coordinated through the Assistant Director for Student Development, insures that criminal activity on campus is effectively tracked and reported.

The Act requires annual reporting of the number of specified criminal offenses that occur on campus (or other specified areas) reported to the GIF administration and/or local police, as well as information about campus security policies and procedures. The reporting period is January 1-December 31 of each year. The statistics for the most recently completed calendar year, as well as the two previous years, must be released in a report by October 1 of each year. Data for the yearly disclosure of crime statistics is gathered from Security reports, information provided by the Student Development staff and inquiries made of local police. Additionally, regular inquiries are made of other University departments and officials who have significant responsibility for student and campus activities.

The law also requires a number of disclosure statements by the institution related to campus security policies and procedures. Specific provisions of this law stipulate that all students, staff and faculty of an institution receive this report. In addition, the crime statistics are reported to the Department of Education and published on a website Information about the U.S. Department of Education’s collection and publication of campus security statistics, including definitions of crimes and other terms related to the Act may be found at: http://www.ope.ed.gov/security. The crimes covered by the Act are murder, manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson. Statistics for the reported incidence of these crimes must be included in the yearly report. Arrest statistics and campus disciplinary referrals for liquor law violations, drug law violations and weapon law violations must also be reported. In addition, statistics must be provided for a number of criminal offenses that manifest evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity or disability.
The Act was most recently amended in 2008 as part of the Higher Education Opportunity Act. Additional requirements were mandated related to hate crime reporting and emergency notification to the community in the event of a significant emergency or dangerous situation.

<table>
<thead>
<tr>
<th>CLERY CAMPUS SECURITY ACT STATISTICS CATEGORY</th>
<th>2015</th>
<th>2014</th>
<th>2013</th>
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<tr>
<td></td>
<td>CAM</td>
<td>APP</td>
<td>RNC</td>
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<tr>
<td>MURDER ( &amp; NON-NEGLIG. MANSLAUGHTER)</td>
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<tr>
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<tr>
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<tr>
<td>STALKING</td>
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**HATE CRIMES (6):** No hate crimes meeting Clery criteria were reported in 2015, 2014, or 2013.

Notes:

Column Headings as defined by the Clery Campus Security Act:

1. “CAM” Campus means any building or property owned or controlled by an institution within the same reasonably contiguous geographic area of the institution and used in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls.

2. “APP” Adjacent Public Property means all public property that is within the same reasonably contiguous geographic area as the institution, such as sidewalks, streets and other thoroughfares, and parking lots. The park across the street from the front of the GIF building is not included in this area.

3. “RNC” Reportable Non-Campus means any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area. The pensioni used for student housing and two art studios are included in this category.

Other notes:

4. Includes sexual assault with an object, forcible fondling (sexual assault), sodomy

5. Incest and statutory rape

6. Reported crimes which are listed above, or which involve bodily injury, reported to local police agencies or to a campus security authority, that manifest evidence that the victim was intentionally selected because of the victim’s actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability (Clery Act definition).
ARRESTS AND DISCIPLINARY REFERRALS

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<td>ILLEGAL WEAPONS POSS.</td>
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SEXUAL MISCONDUCT AND HARASSMENT POLICY

What to Do If You Experience Sexual Harassment or Misconduct:

Any student who is affected by sexual misconduct or harassment is encouraged to immediately notify law enforcement and/or seek immediate medical assistance. Campus Security and Public Safety, the Health Center, Lutheran Services 24hr Crisis Line (509-313-6119) or professional staff in the Student Development Office can arrange for free transportation upon request.

CONFIDENTIAL RESOURCES AND REPORTING OPTIONS:

All individuals are encouraged to make a prompt report to both law enforcement and to the University so that the appropriate action can be taken to eliminate the harassment, prevent its recurrence, and address its effects. An individual may also seek support and assistance from the confidential resources listed below without triggering a report to the University. Alternatively, an individual who chooses to make a report of sexual misconduct or harassment to the University should use the reporting options below. While individuals may report sexual misconduct or harassment to any University employee, students are encouraged to report to those individuals who are specifically trained in responding to allegations of sexual misconduct and harassment.

CONFIDENTIAL RESOURCES & SUPPORT

<table>
<thead>
<tr>
<th>HEALTH CENTER/COUNSELING CENTER</th>
<th>509-313-4052</th>
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<tbody>
<tr>
<td>SAFETY 509-624-RAPE</td>
<td></td>
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<tr>
<td>LUTHERAN SERVICES CRISIS LINE</td>
<td>509-313-6119</td>
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<tr>
<td>ANY PRIEST SERVING AS A SACRAMENTAL CONFESSOR OR ANY ORDAINED RELIGIOUS SERVING IN THE SACRED CONFIDENCE ROLE.</td>
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NON-CONFIDENTIAL RESOURCES AND SUPPORT

1) CAMPUS SECURITY AND PUBLIC SAFETY 509-313-2222 OR EXT. 2222
2) TITLE IX COORDINATOR 509-313-6910 OR EXT. 6910
3) STUDENT DEVELOPMENT OFFICE 509-313-4100
4) HUMAN RESOURCES DIVISION 509-313-5996

AN ANONYMOUS REPORT CAN BE COMPLETED ON-LINE AT: WWW.GONZAGA.EDU/SEXUALMISCONDUCTFORM.

9
INTRODUCTION

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.

Sexual misconduct and harassment will not be tolerated at Gonzaga University. Such acts are counter to our mission, values, Student Code of Conduct, and are against University policy. Acts of sexual misconduct and harassment interfere with an individual’s ability to benefit from the Gonzaga experience. The University is committed to taking all appropriate steps to eliminate sexual misconduct and harassment, prevent its recurrence, and address its effects.

The University seeks to cultivate a campus culture of prevention and awareness surrounding sexual misconduct and harassment and encourages all members of the Gonzaga community to report any incident of sexual misconduct or harassment. The University will take steps to resolve complaints promptly and equitably. We do this by providing counseling and support services for individuals and groups who have been affected by sexual misconduct or harassment, by investigating reports in a thorough and equitable manner, by holding students who violate this policy accountable through the Student Code of Conduct, and by providing education and training to the Gonzaga community.

It is a violation of University policy to threaten, intimidate, or retaliate in any way against an individual because he/she raised allegations of sexual misconduct or harassment, participated in an investigation, complaint process or hearing, or filed a complaint alleging harassment. The University will take immediate and responsive action to any retaliation.

PURPOSE OF POLICY

This policy is intended to guide students who have been affected by sexual misconduct and harassment, whether as a Complainant, a Respondent, or a third party. When used in this policy, a Complainant refers to the person who reports to the University that he/she has been the subject of sexual misconduct or harassment. A Respondent refers to the person(s) who is reported to have committed an act or acts of sexual misconduct or harassment. A third party refers to any other participant in the process, including a witness to the misconduct or an individual who makes a report on behalf of someone else.

The purpose of this policy is to:

i. Define sexual harassment and the forms of sexual misconduct that violate our community standards;
ii. Identify resources and support for all members of the Gonzaga community;
iii. Identify the Title IX Coordinator and the scope of his/her role;
iv. Provide information as to where a student can obtain support or access resources in a confidential manner;
v. Provide information as to how a student can make a report on campus or off campus; and
vi. Provide information as to how a report against a University community member will be investigated, evaluated and adjudicated.
SCOPE OF THE POLICY
This policy also applies to sexual misconduct or harassment by any Gonzaga community member, including faculty and staff, when directed towards a student. Allegations of inappropriate conduct by any member of the Gonzaga community will be taken seriously and responded to promptly.

Vendors, independent contractors, visitors, and others who conduct business with Gonzaga or on University property are also subject to this policy. The University will take immediate action in all allegations of sexual misconduct and harassment to ensure the safety of the Gonzaga community and to provide an environment free from gender and sex discrimination.

NOTICE OF NON-DISCRIMINATION
Consistent with its mission, the University seeks to provide all Gonzaga community members with a safe and non-discriminatory environment free from harassment. Harassing and discriminatory conduct is contrary to the positive educational environment Gonzaga seeks to foster and maintain. It threatens the well-being of its community members and will not be tolerated by the University.

Gonzaga prohibits harassment on the basis of race, color, religion, national origin, sex, marital status, sexual orientation, gender identity, age, disability, veteran status, or any other non-merit factor. Gonzaga does not discriminate on the basis of sex in its education programs and activities or in the context of employment. Sexual harassment, including sexual misconduct as defined in this policy, is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972. Title IX mandates that

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964, the Washington Law against Discrimination, and other applicable statutes.

This policy prohibits sexual misconduct or harassment against all Gonzaga community members of any gender or sexual orientation.

Consistent with the values of an educational and employment environment free from harassment based on sex, the University also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

STATEMENT OF PRIVACY AND CONFIDENTIALITY
The University is committed to protecting the privacy and confidentiality interests of all individuals involved in a report of sexual misconduct or harassment. The University will balance privacy and confidentiality interests with its obligation to conduct a thorough review of the allegation for the purpose of protecting the parties and the broader campus community, and maintaining an environment that is free from harassment.
Students wishing to obtain confidential assistance or access to campus resources without making a report to the University may do so by speaking with a confidential resource as identified in the Resources section of this policy. Confidential resources on campus include the Health Center, the Counseling Center, Lutheran Services, and any Priest serving as a sacramental confessor or any ordained religious official serving in their sacred confidence role.

The University will safeguard the privacy of individuals who chose to report to any other employee of the University. With the exception of the confidential resources identified in this policy, all other University employees who receive a report of sexual misconduct or harassment are required to elevate the report to those individuals at the University specifically charged with investigating and responding to allegations of sexual misconduct and harassment. Those individuals may include the Title IX Coordinator or Deputy Title IX Coordinator(s), the Equal Opportunity Officer, or designated individuals within the Departments of Student Development, Human Resources, Campus Public Safety and Security, and the Corporation Counsel. This team, working with the Title IX Coordinator, will ensure that the University responds to all complaints in a timely, effective, and consistent manner. Reports will be resolved according to the status of the accused as follows:

i. If the Respondent is a student, the Student Conduct System

ii. If the Respondent is an employee, the Process for Resolving Complaints When the Accused is an Employee located in the Gonzaga University Policies & Procedures Manual found here: http://www.gonzaga.edu/Campus-Resources/Offices-and-Services-A-Z/Human-Resources/Policies-and-Procedures-Manual/files/PolicyManual.pdf; or

iii. If the Respondent is a faculty member, the Process for Resolving Complaints When the Accused is a Faculty Member, located in the Faculty Handbook.

At all times, the privacy of the parties will be respected and safeguarded to the extent possible. Information related to a complaint of misconduct or harassment will be shared only with those University employees who “need to know” in order to assist in the investigation and/or resolution of the complaint. All University employees who are involved in the review, investigation or resolution of a complaint, including members of the University Conduct Board, have received specific training regarding the safeguarding of sensitive information.

Where the University has received a report of sexual misconduct or harassment, but the Complainant requests that his/her identity remain confidential or that the University not pursue an investigation, the University must balance this request with its responsibility to provide a safe and non-discriminatory environment for all members of the Gonzaga community. The University will take all reasonable steps to investigate and respond to the complaint consistent with the Complainant’s request, but its ability to do so may be limited by the request for confidentiality. However, with the presence of compelling circumstances (including without limitation the seriousness of the alleged harassment and the age of the parties) and/or evidence of a pattern of repetitive behavior, the University may conduct further investigation, or take other appropriate measures without the Complainant’s consent. A Complainant will be informed whenever legally permissible of any action taken by the University to resolve the complaint, including further investigation and corrective or disciplinary steps. Decisions regarding the University’s response to a
request to remain confidential or to not pursue an investigation will be made by the Title IX Coordinator.

If circumstances alleged in a report of misconduct pose an immediate threat to the University community, or when timely notice must be given to protect the health or safety of the community, the University may not be able to maintain the same level of confidentiality. Immediately threatening circumstances include, but are not limited to, reported incidents of sexual misconduct that include the use of force, a weapon, or other circumstances that represent a serious and ongoing threat to the University students, faculty, administrators, staff, or visitors.

All resolution proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, and University policy. No information shall be released from such proceedings except as required or permitted by law and University policy.

DEFINITIONS, EXAMPLES AND PROHIBITED CONDUCT

This policy addresses a broad spectrum of behavior, all of which falls under the definition of sexual harassment.

i. Sexual Harassment:

a. Definition – Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct or communication of a sexual nature WHEN:
   ☐ Submission to such conduct is an explicit or implicit condition of employment or academic success; or
   ☐ Submission to or rejection of such conduct is used as the basis for an employment or academic decision; or
   ☐ Such conduct has the purpose or effect of –
      1. Interfering with an individual’s work or academic performance; or
      2. Creating an intimidating or hostile working or academic environment.

Sexual harassment may include sexual misconduct and sexual violence. A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical. Sexual misconduct and sexual violence can include, but is not limited to, sexual assault, domestic violence, dating violence, sexual exploitation, and harassment and stalking.

Sexual harassment also includes gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

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

   • ☐ Demeaning sexist statements, humor or jokes about sex or gender-specific traits, crude sexual remarks, offensive stories, remarks of a sexual nature about a person’s clothing or body, remarks about sexual activity or experiences, sexual innuendo or other suggestive comments, offensive notes, sexual propositions, or insults and threats, that an individual communicates are unwanted and unwelcome.
• Display or circulation of written materials or pictures degrading to an individual(s) or gender group.
• Inappropriate or unwelcome physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or brushing against an individual’s body.
• Undue and unwanted attention, such as repeated inappropriate 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, gender identity, 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 or submit to sexual activity, or for reporting harassment; 2) promise rewards in return for sexual favors.
• Sexually assaulting an individual.
• Engaging in demeaning verbal and other expressive behavior of a sexual or gendered nature in instructional settings.

c. Forms – Sexual misconduct and harassment can take many forms:

• Sexual misconduct and harassment can occur between equals (e.g., student to student, employee to employee) or between persons of unequal power status (e.g., supervisor to subordinate, professor to student, coach to student-athlete).
• Sexual misconduct and harassment can be committed by an individual or may be a result of the actions of an organization or group. It can be committed against an individual, an organization or a group.
• Sexual misconduct and harassment can be committed by an acquaintance, a stranger or someone with whom the Complainant has an intimate or sexual relationship.
• Sexual misconduct and harassment can occur by or against an individual of any gender. This policy prohibits sexual misconduct or harassment against Gonzaga community members of any gender, gender identity or sexual orientation.

ii. Specific Examples of Prohibited Conduct: The University expects all members of the Gonzaga community to conduct themselves in a manner consistent with the Student Code of Conduct, the Personnel Policies and Procedures Manual, and Faculty Handbook, for students, staff and faculty respectively. In addition to the range of behaviors identified above as sexual harassment, the following conduct is specifically prohibited by this policy:

a. “Sexual Assault”:

• Related to Attempted or Actual Penetrations: Having or attempting to have non-consensual vaginal, anal, or oral penetration, however slight, with any object or body part, with another person. This includes intercourse or attempted intercourse under circumstances including:
  1. the use or threat of coercion or force,
  2. when the other person is incapacitated and that incapacitation is reasonable apparent to the Respondent; or
  3. when the other person does not consent.

• Related to All Other Forms of Sexual Contact: Having or attempting to have any non-consensual, non-accidental touching of a sexual nature. This touching can include, but is not limited to, kissing, touching the intimate
parts of another, or causing the other to touch the harasser’s intimate parts. This includes sexual contact under circumstances including:

1. the use or threat of coercion or force,
2. when the other person is incapacitated and that incapacitation is reasonably apparent to the Respondent or
3. when the other person does not consent.

b. “Sexual-based Communication”: Speaking to, or directing any kind of communication, words, or images of a sexual nature at another person that is not welcomed by the receiving party. 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 can include interactions in person, by phone, electronic messages and photos, written words or images such as graffiti, and social media postings.

c. “Sexual Exploitation”: Taking sexual advantage of another for the Respondent’s advantage or benefit, or for the benefit or advantage of anyone other than the Complainant, and that behavior does not otherwise constitute other forms of sexual misconduct or harassment described in this policy. Examples of sexual exploitation include 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 a person who has not consented to the risk to HIV or any other STD; inducing incapacitation for the purpose of making the other person vulnerable to sexual assault; and, voyeurism.

d. “Stalking”: A pattern of repeated and unwanted attention, harassment (as defined in this policy), contact, or any other course of conduct directed at a specific person that would cause a reasonable person to become alarmed or be in fear of harm or injury, including physical, emotional, or psychological harm. This includes cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact are used to pursue, harass or make unwelcome contact with another person.

e. “Domestic Violence”: A situation in which one partner in a domestic relationship is physically, emotionally or sexually abused by the other partner. Domestic violence can occur between individuals who are married, who reside together, who share a child, or who are separated following a domestic relationship. Domestic violence can occur between individuals of the same or opposite sex.

f. “Dating Violence”: A situation in which one partner in a dating relationship is physically, emotionally or sexually abused by the other partner. A dating relationship means a social relationship of a romantic or sexual nature. Dating violence can occur between individuals who are separated following a dating relationship. Dating violence can occur between individuals of the same or opposite sex.

g. “Retaliation”: Acts or attempts to seek retribution including, but not limited to, any form of intimidation, reprisal, harassment or intent to prevent participation in University proceedings under this policy. Retaliation may include continued abuse or violence, other harassment, and slander and libel.
iii. Definitions of Consent, Coercion and Incapacitation

a. "Consent": Consent occurs when the parties exchange affirmative words or behavior indicating their agreement to freely participate in mutual sexual activity. Consent must be informed, knowing and voluntary, and freely and actively given. 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:

- Each participant in a sexual encounter is expected to obtain and give consent to each act of sexual activity.
- If at any time it is reasonably apparent that either party is hesitant, confused or unsure, both parties should stop and obtain mutual consent before continuing such activity.
- Consent may be withdrawn by either party at any time. Withdrawal of consent must also be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
- Relying on non-verbal communication can lead to misunderstandings. Consent should not be inferred from silence, passivity, lack of resistance or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving 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. For example, one who is asleep or passed out cannot give consent.
- A person in an alcoholic blackout state may appear to act normally. An individual in a blackout state may appear to act normally but may not have later recall of the events in question. The extent to which a person in this state 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, must be evaluated in determining whether consent could be considered as having been given.
- Alcohol and other drugs impair a person’s decision-making capacity, awareness of the consequences and ability to make judgments, and can create an atmosphere of confusion over whether consent has been freely and clearly sought or given.
- Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct or harassment and does not diminish one’s responsibility to obtain consent.

b. "Coercion": The use, attempted use or threat of force, immediate or future harm, or the use of physical, 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.

c. “Incapacitation”: An individual who is incapacitated cannot consent to sexual activity. An individual is incapacitated if he/she is physically helpless, unconscious, or unaware, due to drug or alcohol consumption (voluntarily or involuntarily) or for some other reason. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, being unaware of circumstances or surroundings, or being unable to communicate for any reason.

PROHIBITED RELATIONSHIPS

i. Policy
The prohibited relationship policy has University-wide application, including without limitation, relationships between faculty-student, staff-student, administrator-student, advisor-student advisee, supervisor-student employee, or coach/coaching staff-student athlete. In this context, the term “administrator” includes the non-faculty classifications of executive, administrator and professional.

The University prohibits romantic or sexual relationships between two members of the University community when one person in that relationship has actual or apparent authority to supervise, evaluate, counsel, educate, employ or otherwise make decision(s) or recommendation(s) regarding the other person in respect to the other person’s employment, education or instruction at the University, or as to his/her advancement, participation, benefits or privileges in the educational or employment context. Although a relationship between "unequal" persons may not necessarily constitute sexual harassment, this policy seeks to minimize the risk of such.

Romantic or sexual relationships freely entered into between two members of the University community generally are not addressed by this policy and are not prohibited. Romantic or sexual relationships between persons occupying asymmetrical positions of power, however, involve an inherent conflict of interest and may give rise to sexual harassment/discrimination, or allegations thereof.

Persons in authority as educators, employers, or supervisors, occupy positions of power over those whom they instruct, employ or supervise. Because of the differential in power and authority, the freedom of subordinate students and student-employees to reject romantic sexual advances may be restricted. Even if a student does not appear to object to participation in the relationship, this does not mean that the student welcomes, or will continue to welcome, the relationship. When a relationship of this nature ends, a student’s frame of reference for whether or not the relationship was originally welcomed may change. Moreover, a third party who perceives that a participant in a consenting relationship received preferential treatment may file a complaint of discrimination.
ii. Reporting
Students seeking to report allegation of an inappropriate relationship between two members of the Gonzaga community as described in this policy may utilize any of the reporting options detailed in the “Confidential resources and reporting Options” section of this policy. In addition, the student may report the allegation to the University’s vice president who supervises the Department in which the Accused Person in a position of authority is employed. That vice president will then coordinate with that community member’s immediate supervisor and/or higher supervisor(s) to consider or effectuate any further action that is deemed necessary.

Prompt, accurate, honest and forthright reporting in good faith is necessary and encouraged if the objectives of this policy are to be achieved. Conversely, reports or allegations made in bad faith without any foundation in fact are counter-productive to the goals of this policy and could give rise to serious consequences, including disciplinary action.

iii. Duty
If such a relationship comes into existence, the person in authority is required to do the following immediately:

   a. Discontinue exercising any authority over the other person;
   b. Report the relevant facts to his/her own supervisor as set forth in the Procedures below; and
   c. Confer with his/her own supervisor regarding transfer of that authority to another.

Prompt action is required in fulfilling these mandatory requirements. If the person in authority fails to fully or timely comply with those requirements, he/she will have violated this policy and will be subject to disciplinary sanctions, up to and including dismissal from the University.

iv. Disciplinary procedures and sanctions, if any, for violation of this policy will be implemented pursuant to the provisions of the either the Personnel Policies and Procedures Manual, or the Faculty Handbook, as may be appropriate.

THE ROLE OF THE TITLE IX COORDINATOR

The University has designated a Title IX Coordinator to oversee its response to all reports of sexual misconduct and harassment and coordinate compliance with the mandates of Title IX. The University’s Title IX Coordinator is:

Stephanie Whaley
Title IX Coordinator
Gonzaga University
502 E. Boone Ave.
(509) 313-6910
whaleys@ Gonzaga.edu
The Title IX Coordinator is assisted by Deputy Title IX Coordinator as follows:

Heather Gores
Associate Athletic Director
Gonzaga University
502 E. Boone Avenue
Martin Centre, PV315
Spokane, WA 99258-0066
(509) 313-3599
gores@athletics.gonzaga.edu

The Title IX Coordinators are knowledgeable and trained in the University’s policies and procedures, state and federal laws that apply to matters of sexual misconduct and harassment, and the dynamics of sexual misconduct and harassment. The Title IX Coordinators are available to meet with any individual, either Reporting Party, Accused Party or third party, to discuss the options for resolution of a report under this policy.

CAMPUS AND COMMUNITY RESOURCES

The University is committed to treating all individuals with dignity, care and respect. A Reporting Party and an Accused will both have equal access to support and counseling services through the University. Additional resources may be found in the Spokane community. All parties are encouraged to utilize on or off campus resources for assistance.

i. Health and Safety: The first priority for any individual who has been assaulted is to get to a safe place and call 112 or the Campus Security and Public Safety (509-313-2222). An individual’s physical well-being should be addressed as soon as possible, whether or not that individual wishes to make a report to the University or local law enforcement. A medical provider can facilitate and provide:

a. Emergency or follow-up medical services. The medical exam has two goals: first, to treat the full extent of any injury of physical trauma and to consider the possibilities of sexually transmitted disease or pregnancy; and second, to properly collect and preserve evidence as part of a “rape kit”/sexual assault examination for potential criminal prosecution. (Provided only by a trained provider in a hospital)
   - IMPORTANT: do not shower, bathe, douche, brush your teeth, drink or change your clothing, as you may be destroying evidence you will need if you decide to prosecute.

b. STD and HIV testing (available through the University Health Center or another off-campus provider)

c. Pregnancy testing (available through the University Health Center or another off-campus provider)

d. Health care concerns related to the incident may be discussed with the hospital emergency staff, a personal physician or the University Health Center staff, who can also provide referrals to off-campus providers

e. The University Health Center can also advise an individual about the complaint processes under this policy.

f. Medical providers, both on and off campus, include:
   1. University Health Center 509-313-4052 or ext. 4052
   2. Sacred Heart Medical Center Emergency Dept. 509-474-3131
ii. **Confidential Resources:** The University recognizes that not every individual will be prepared to make a formal report to the University or to local law enforcement. Individuals seeking to talk to someone about an incident of sexual harassment or misconduct in a confidential manner without making a report to the University or triggering any investigation or action by the University or the police can:

a. Speak to a medical professional at the University Health and Counseling Services, 509-313-4052 or ext. 4052. Medical professionals employed by the University have a statutorily protected confidentiality and do not share information with other University Departments without the patients’ consent.

b. Speak to a counselor at the University Health and Counseling Services, 509-313-4052 or extension 4054.
   - Professional and pastoral counselors employed by the University have a statutorily protected confidentiality and do not share information with other University Departments unless there is an imminent risk of imminent danger. Individuals who have experienced sexual misconduct are encouraged to obtain help from a professional counselor and/or support group. The University’s Counseling Center Staff are available to meet with students by appointment, or in some cases on short-notice.

c. Speak to an advocate at Lutheran Services 24-hour Crisis Line 509 624-7273.
   - Lutheran Services. In addition to the 24 hour crisis line, Gonzaga University has retained the contract services of Lutheran Services advocate Kerri Handley to confidentially process all incidents of sexual assault and sexual misconduct at the University. In addition to the crisis line, Lutheran Services can be reached 24/7 by calling Campus Security & Public Safety Dispatch Center at 509-313-2222 or extension 2222.

d. Call SAFeT (Sexual Assault and Family Trauma Center), the local sexual assault crisis agency at 509-624-RAPE. SAFeT’s services are completely confidential and they do not exchange information or forward reports to the University. SAFeT 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. Visit one of the medical facilities or hospitals listed above. Information provided to medical professionals is protected by HIPAA and will not be released without the consent of the patient.

d. Speak to any Priest serving as a sacramental confessor or any ordained religious serving in the sacred confidence role.
iii. Resources Offered by the University in Response to Sexual Misconduct and Harassment

a. Lutheran Services 24 hour Crisis Line 509-624-7273. In addition to the 24 hour crisis line, Gonzaga University has retained the contract services of Lutheran Services advocate Kerri Handley to process all incidents of sexual assault and sexual misconduct at the University. In addition to the crisis line, Lutheran Services can be reached 24/7 by calling Campus Security & Public Safety Dispatch Center at 509-313-2222 or extension 2222.

b. Safe Transportation: Campus Security & Public Safety will provide escorts on and near campus (to and from residences in the immediate neighborhood) upon request. During the school year the “SafeRide” program (509-568-6000) provides students a free cab ride if they find themselves in a situation which their personal safety or well-being is compromised.

iv. Other University Resources

- Campus Security & Public Safety Dispatch Center 509-313-2222 or ext. 2222
- Health Center/Counseling Center 509-313-4052 or ext. 4052
- Student Development Office 509-313-4100 or ext. 4100
- Human Resources Division 509-313-5996

d. Spokane Community Resources:

- The following resources are available 24 hours a day, 7 days a week, 365 days a year:
  - Spokane Police Department 112* or 456-2233 (non-emergency)
  - Lutheran Services 24-hour Crisis Line 509-624-7273
  - SAFeT (Advocacy and support) 624-RAPE
  - First Call for Help 838-4428
  - Sacred Heart Medical Center Emergency Dept. 474-3131
  - Deaconess Hospital Emergency Dept. 458-5800

REPORTING

The University encourages all Gonzaga community members to report information about any type of sexual misconduct or harassment of another person involving a current student, staff or faculty member. An incident does not have to occur on campus to be reported to the University. Off campus conduct that adversely affects or has the potential to adversely affect the Gonzaga community also falls under this policy. The University will promptly investigate and respond to all reports of sexual misconduct and harassment.

The University provides resources to both a Complainant and a Respondent in making decisions, obtaining information about their options under this policy, and assisting either party in the event that a report of sexual misconduct or harassment is made.

A Complainant need not decide whether to request that the University pursue student conduct processes and/or sanctions at the time the report is made. Once the University is made aware of an incident, the option to request action within the Student Code of Conduct will remain open as long as the Complainant and the Respondent are students. If any party involved in a complaint is
no longer affiliated with the University, the University will still seek to meet its Title IX obligation by taking steps to end the harassment, prevent its recurrence, and address its effects.

Under Washington State Law, the University must, within forty-eight hours of receiving a report of alleged sexual assault of a student under the age of eighteen (18), make a report or cause a report to be made to Child Protective Services or local law enforcement. The individual who made a report or about whom a report was made will be informed of this requirement by a Student Development professional staff member.

i. Emergency Reporting
The first priority for any individual should be personal safety and well-being. All individuals are encouraged to make a prompt report to law enforcement and/or seek immediate medical treatment in response to an incident in order to address immediate safety concerns, allow for the preservation of evidence, and trigger an immediate investigative and remedial response. The University will help any individual get to a safe place and will assist the Complainant in seeking immediate medical attention or in reporting an allegation to local law enforcement authorities. The University will arrange for free transportation to the hospital, coordinate with local law enforcement, and provide information about the University’s resources and complaint processes.

IF YOU ARE IN IMMEDIATE DANGER, GET TO A SAFE PLACE AND CALL 112.

| Campus Security & Public Safety Dispatch Center | 509-313-2222 or ext. 2222 |
| Sacred Heart Medical Center Emergency Dept. | 509-474-3131 |
| Holy Family Hospital Emergency Dept. | 509-482-0111 |
| Deaconess Hospital Emergency Dept. | 509-458-5800 |

ii. On Campus Reporting Options
Assistance is available from the University 24 hours a day year-round by calling the Campus Public Safety & Security Dispatch Center. A Complainant can request a Security Officer to respond and take a report or request to speak with a Lutheran Services advocate. There is no requirement that the Complainant file a Security incident report in order to speak with a SART First Responder. All individuals are encouraged to report directly to one of the following individuals or Departments:

| Campus Security & Public Safety Dispatch Center | 509-313-2222 or ext. 2222 |
| Lutheran Services 24-hour Crisis Line | 509-624-7273 |
| Title IX Coordinator | 509-313-6910 or ext. 6910 |
| Health Center/Counseling Center | 509-313-4052 or ext. 4052 |
| Student Development Office | 509-313-4100 or ext. 4100 |
| Human Resources | 509-313-5996 |

An anonymous incident report can be completed on-line at www.gonzaga.edu/sexualmisconductform

compelling circumstances exist. The University’s response to a report is not impacted by the Complainant’s decision to file a criminal complaint, or by the outcome of the criminal investigation.

iii. Amnesty
It is the University's goal that all individuals report all incidents of sexual misconduct so that those affected can receive the support and resources needed. Therefore, violations of the University's
alcohol and drug policies by a student Complainant may be exempt from disciplinary action in situations where sexual misconduct or harassment also occurs. However, the University may initiate an educational discussion about the use of alcohol or drugs and their impact.

**iv. Statement against Retaliation**

Although Gonzaga University acknowledges that extreme emotions and stress often accompany incidents of sexual harassment and misconduct, the University does not permit any person in any circumstance to engaging in any type of retaliation. The University views complaints of retaliation with great seriousness. All individuals are strongly encouraged to report any concerns about retaliation to Campus Security & Public Safety, the Student Development Office, the Human Resources Division, or the Title IX Coordinator. The University will take immediate responsive action to any report of retaliation. Retaliation is a distinct category of prohibited conduct under this policy.

**v. False Reports**

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

**INTERIM MEASURES TO PROTECT SAFETY AND WELL-BEING**

After a report is made, the University will provide interim support and reasonable protection against further acts of misconduct, harassment or retaliation as needed, and will provide services and resources to provide a safe environment. For a listing of services and resources see the Campus and Community Resources section of this policy above. The University will determine the necessity and scope of any interim measures pending the completion of the complaint process. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The University will take immediate and responsive action to enforce a previously implemented interim measure. Interim measures are not appealable. The range of interim measures includes:

1. **Contact/Communication Directives:** The Complainant or Respondent may request, or the University may impose, even if not requested, communication and contact restrictions to prevent further potentially harmful interaction. A Complainant or Respondent may request a change in an academic or living situation after a report of sexual misconduct or harassment. Any such request shall be made to the Student Development professional staff member assigned to her/his case. Upon request the Student Development professional assigned to the case will inform the Complainant or Respondent of options and will endeavor to accommodate the requested changes if they are reasonably available.

In some cases, an individual may wish to consider a protection/anti-harassment order issued by the appropriate 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 on campus compliance 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 "no contact" order could prevent the University from conducting a hearing in which students
subject to the order are entitled to be present and provide information. A student can return to the court to request modification of the order for the purpose of facilitating attendance at a University hearing.

ii. Academic, Employment or Living Arrangements: A Complainant or Respondent may request, or the University may impose, even if not requested, a change in academic, employment or living situation after a report of sexual misconduct or harassment. Upon request the University will inform the Complainant or Respondent of the options and will endeavor to accommodate the requested changes if they are reasonably available. Interim changes may include:

- Changing class or work schedule, including the ability to stop a course without penalty
- Limiting an individual’s or organization’s access to certain University facilities or activities pending resolution of the matter
- Obtaining a Voluntary Leave of Absence
- Providing an escort to ensure safe movement between classes and activities
- Providing academic support services
- Any other remedy which can be tailored to the involved parties to achieve the goals of this policy

iii. Emotional Support: The University will assist in providing counseling services through the Counseling Center or will assist in providing a referral to off campus agencies as detailed in the Campus and Community Resources section of this policy. Counseling and emotional support is available to any University member.

PROCEDURES FOR THE RESOLUTION OF SEXUAL MISCONDUCT AND HARASSMENT REPORTS UNDER THE STUDENT CODE OF CONDUCT

i. Overview of Options: The University is committed to providing all students with a safe environment in which to live and learn. Consistent with this goal, the University will respond promptly and equitably when any incident of sexual misconduct or harassment is alleged against a student or the University becomes aware of the situation by other reliable means. The first priority is to offer support and services to members of the Gonzaga community. The University’s response may take a number of forms within its discretion. Potential responses include offering reasonable protection and services to the Complainant or others, conducting a Title IX inquiry or review, conducting an investigation, contacting the Respondent, imposing corrective or restrictive measures, and/or conducting a hearing pursuant to the Student Code of Conduct.

The Student Development Office, working in conjunction with the Title IX Office, administers the process of receiving, responding to and resolving reports when students are involved. If a report involves a student and a staff or faculty member, the Student Development Office will work cooperatively with the University’s Equal Opportunity Officer and Human Resources. This policy is consistent with the University's overall harassment and discrimination policies.

ii. Review and Investigation: The University will review and respond to all reports of sexual discrimination, misconduct and harassment. In every case, the University will make an immediate assessment of any risk of harm to individuals or the campus community and will take appropriate steps to address any risks. Following this initial review, the University may take steps to investigate or otherwise determine what occurred. The University will take all reasonable steps to investigate
and respond to the report consistent with the Complainant’s request; however, circumstances may exist when the University chooses to move forward with an investigation and/or resolution under either the student conduct or employee disciplinary system, or take other appropriate measures without the Complainant’s consent. The University will investigate the report in a thorough and equitable manner to all parties involved. These investigative steps may include interim measures intended to provide for the safety of individuals and the campus community. The University’s overarching goal is to end any misconduct, to prevent its recurrence, and to address its effects.

Generally speaking, the University will complete the investigation and resolution of all reports within 60 calendar days of receiving a report. Parties will be notified in writing of the final outcome within ten calendar days of the hearing or other action which concludes the report process.

iii. Title IX Inquiry: In every report of sexual harassment or misconduct, the Title IX Coordinator will review the report, investigative steps, and will endeavor to ensure that all appropriate remedies have been considered and implemented as needed.

A Complainant is encouraged, but never pressured, to participate in the University's investigation and conduct process so that the facts of each report can be explored and responsible parties held accountable for their misconduct, if warranted. If a Complainant chooses not to participate in a full investigation and/or student conduct hearing, the University will still undertake a Title IX inquiry to review the report and seek to reach a resolution that will eliminate any harassment, prevent its recurrence, and address its effects.

iv. Student Code of Conduct Reports of student to student or student to faculty/staff sexual misconduct or harassment will be adjudicated under the Student Code of Conduct, which is contained in the final section of this Handbook. After a complainant has submitted a report alleging misconduct, a trained staff member from the Student Development Division will meet with the Complainant. The purpose of meeting is to assure that all University services and resources are made available to the Complainant. The Respondent will also be afforded the opportunity to meet with a Student Development staff person for the same general purposes.

In all cases, the Title IX Coordinator will assess the processes utilized and the resulting resolutions for the purpose of determining whether there are additional remedial measures, support mechanisms or educational efforts that would further the goals of eliminating harassment, preventing its recurrence and addressing its effects.

SEXUAL MISCONDUCT AND HARASSMENT AWARENESS AND EDUCATION PROGRAMS

i. Gonzaga is committed to providing a variety of awareness and prevention programs on sexual misconduct, harassment and discrimination issues to all community members including students, faculty and staff. While a variety of offices provide programming related to these issues, the primary offices to contact in search of existing programming or customized events include:

a. Campus Climate Committee
b. Housing and Residence Life
c. Human Resources
d. LGBT Resource Center
e. Student Wellness Resource Center (SWRC)
f. Women’s and Gender Studies
These offices offer established training sessions, programs and events throughout each year. Some offices are also available to design programming for specific groups or situations. For more information please go to:

https://www.gonzaga.edu/Campus-Resources/Offices-and-Services-A-Z/Human-Resources/TitleIX/EducationAwareness.asp
UNIVERSITY-WIDE HARASSMENT AND ANTI-DISCRIMINATION POLICY

OVERVIEW

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.

NOTICE OF NON-DISCRIMINATION

Consistent with its mission, the University seeks to assure that all community members are free to learn and work in an atmosphere free from harassment and discrimination. Harassing and discriminatory conduct is contrary to the positive educational environment Gonzaga seeks to foster and maintain. It threatens the well-being of its community members and will not be tolerated by the University.

Gonzaga prohibits harassment on the basis of race, sex, gender, marital status, religion, national origin, ethnicity, color, age, veteran status, sexual orientation, physical or mental impairment or disability that substantially limits a major life activity, any other harassment prohibited by federal or state law, or any other non-merit factor in employment, educational program or activities that it operates.

The University will take immediate action in all allegations of harassment and discrimination to ensure the safety of the Gonzaga community and all individuals involved by ending the harassment or discrimination, preventing its recurrence and addressing its effects. Gonzaga will take appropriate action when this policy is violated.

SCOPE OF POLICY

This policy applies to all Gonzaga community members, including employees and students. When used in this policy, employee refers to both staff and faculty members.

All students and employees of the University are responsible for their actions and behavior, whether the conduct in question occurs on or off campus. As such, this policy applies to both on campus conduct and relevant off campus conduct that affects the Gonzaga community.

Vendors, independent contractors, visitors, and others who conduct business with Gonzaga or on University property are also expected to comply with this policy.

Reports of sexual misconduct and harassment will be resolved under the more specific Sexual Misconduct and Harassment Policy and the Student Conduct Process as set forth in this Handbook.

This policy applies to unlawful harassment and discrimination based on legally protected classes or characteristics.
RESOLUTION OF COMPLAINTS

The Student Development Division has staff designated for resolving student-to-student complaints as well as complaints of harassment or discrimination against a student by an unknown party.

The Equal Opportunity Office and/or academic administration is responsible for resolving complaints against a faculty/staff member.

Complaints of harassment or discrimination involving both a student and a faculty/staff member are jointly handled by the Student Development Division, the Equal Opportunity Office and by appropriate officials within the academic administration.

The University’s Equal Opportunity Officer is responsible for oversight of complaints made pursuant to this policy for all forms of harassment and discrimination prohibited by law. However, gender-based complaints made by students against other students, faculty, staff, other community members or visitors, are overseen by the Title IX Coordinator.

FORMS OF HARASSMENT

Harassment Based on Protected Categories: Harassment can take many forms. It can include verbal and/or physical conduct, name-calling, slurs, comments, rumors, jokes, innuendos, unwelcome compliments or touching, cartoons, pranks, graphic and written statements, communications via cell phones or the internet, or other conduct which may be physically or emotionally threatening, harmful or humiliating.

Generally, physical and verbal conduct is considered harassment when it meets one or more of the following criteria:

1. Submission to the undesirable conduct or communication is made, either explicitly or implicitly, a term or condition of one’s employment or academic status, OR

2. 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

3. 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, and

4. The conduct or communication would not have occurred but for the protected category of the individual(s) or group to whom it is directed or who are affected by it.
Racial Harassment: Gonzaga University endeavors to provide equal educational opportunities for all students and to cultivate the ethical and moral values of a just society. To do so, Gonzaga 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 group’s ability to participate in, or benefit from, Gonzaga programs, services, activities, or amenities. Racial harassment dishonors Gonzaga 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 national origin, ethnicity, or color may constitute racial harassment:

1. 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 these protected classes, or create a hostile environment.

2. Displaying, circulating, or placing visual or written material demeaning race, national origin, ethnicity, or color in a Gonzaga living or working area, when the intention or result is to make the education, working, or living environment hostile or demeaning.

3. Damaging, defacing, or destroying Gonzaga’s property or the property of any member because of these protected classes.

4. Using “fighting words” that are inherently likely to provoke an immediate and violent reaction, whether or not they actually do so; or expressing in words, pictures, or symbols commonly understood to convey hatred or contempt, with the intent to inflict emotional distress.

5. Engaging in intentional acts based on these protected classes that obstruct or attempt to obstruct or seriously impair Gonzaga activities in or outside Gonzaga buildings or in other locations where Gonzaga-sponsored activities occur.

6. Engaging in demeaning verbal and other expressive behavior of a racial nature in instructional settings.

Gonzaga will make every effort to address racial harassment even if the perpetrator has not been identified.
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 addressing allegations of harassment arising in an instructional setting. The types of expressive behavior that are acceptable within the instructional setting are defined below. Complaints received concerning behaviors outside of these protected behaviors are handled through the applicable procedures described in the Gonzaga University Policies & Procedures Manual, the Faculty Handbook, and the Student Handbook, as determined by the classification of the accused (employee, student or faculty).

1. **Definitions:**
   “Instructional setting:” 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:” Expressive behavior is conduct in an instructional setting whenever a faculty or academic staff member seeks to communicate with students. It includes, but is not limited to, the use of visual materials, verbal or written statements, and assignment of visual, recorded, or written materials.

2. **Protected Expressive Behavior:**
   1. **Expressive behavior related to subject matter:**
      
      **A.** 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 unreasonable, it shall not be an acceptable defense to the use of such material.

      **B.** 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 unreasonable, it shall not be an acceptable defense to the use of such behavior.

   2. **Expressive Behavior related to pedagogical strategies:** A faculty or academic staff member’s selection of pedagogical strategies shall not be the basis for discipline unless the Faculty Harassment/Discrimination Committee finds, at a formal hearing, that the faculty or academic staff member’s claim that the objective cannot be accomplished as effectively by techniques less likely to cause harm is unreasonable.

**REPORTING HARASSMENT OR DISCRIMINATION**

1. Reporting
Emergency Reporting: Call 112 if the incident involves a threat to safety, a crime, or if evidence needs to be collected or preserved.

For Campus Security and Public Safety assistance call 509-313-2222. A Gonzaga security officer or other Gonzaga official can assist in an emergency situation. Campus Safety and Security personnel can also assist individuals with filing a police report.

Campus reporting options: Gonzaga community members are encouraged to bring complaints or concerns about harassing behavior. Contact information for relevant Departments is listed below:

These offices and professionals will assist in documenting the incident and in providing support and resources. Any of the above to whom a complaint or concern has been reported must promptly notify the Equal Opportunity Officer, who will coordinate with the Student Development Division when appropriate, to respond to the incident, the needs of the Reporting Party and the welfare of the campus community. The Equal Opportunity Officer will then investigate or recommend an investigation by a qualified individual from inside or outside the University.

2. 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 up to and including student expulsion or termination of employment.

3. Confidentiality

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

4. Statement against Retaliation

Retaliation will not be tolerated against anyone who has reported perceived harassment or a concern about 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 up to and including student expulsion or termination of employment.

HARASSMENT AND DISCRIMINATION COMPLAINT PROCEDURES

Complaints will be handled through the applicable procedure described in the Gonzaga University Policies & Procedures Manual, the Faculty Handbook, and the Student Code of Conduct, as determined by the classification of the accused (employee, student or faculty). Given the objectives of timeliness and fundamentally fair procedures for all parties, Gonzaga’s complaint processes are designed to:
i. Determine if the behavior alleged in the complaint took place and constituted harassment,

ii. stop the offending behavior,

iii. restore the complainant’s working or learning environment,

iv. take steps to prevent retaliation and repetition of the harassment or discrimination, and

v. educate, sanction, or discipline the offender consistent with the seriousness of the offense.

It is anticipated that the process will be completed in no more than 60 (sixty) calendar days from the date upon which a complaint is received. If additional time is needed, the Equal Opportunity Officer will notify the parties in writing of the reasons for the delay and will provide a reasonable timeframe for completion of the process.

Gonzaga is committed to investigating and resolving all complaints of harassment and discrimination, or reports of information, which create a reasonable belief that harassment or discrimination has occurred. Because of the sensitive nature of most incidents and the emotional and moral complexities involved, effort is made to resolve problems fairly and informally as they arise. Gonzaga retains complete discretion as to the terms and conditions upon which matters may be resolved by informal means.

The Equal Opportunity Officer (EOO) is available to discuss general concerns or specific complaints about harassment or discrimination, and to answer questions about the various procedures for initiating a complaint. Any member of the campus community may present questions about procedures, seek informal advice, or submit a complaint to the Equal Opportunity Officer, either verbally or in writing. Individuals can speak with the EOO confidentially without filing a complaint. Sometimes suggestions may be provided which enable the complainant to deal directly with the accused person. Other cases may require intervention or administrative action.

Complaints or information which create a reasonable belief that harassment or discrimination has occurred, are channeled through the Dean of Students’ Office or the EOO, depending on whether the accused person is a (i) student, (ii) staff, (iii) faculty, or (iv) visitor:

i. Allegations against students are referred to Student Development.

ii. Allegations against staff by other staff, students, or faculty members are referred to the EOO and reviewed through the Procedures for Resolving Complaints When the Accused is a Staff Member

iii. Allegations against faculty by other faculty, staff, or students, are referred to the EOO and reviewed through the Procedures for Resolving Complaints When the Accused is a Faculty Member.

iv. Allegations against any Gonzaga community member by visitors are handled by the Dean of Students or the EOO.

Complaints related to disability are channeled through the ADA/504 Coordinator.

**PROCEDURES FOR RESOLVING COMPLAINTS WHEN THE ACCUSED IS A STUDENT:**
Once a report is forwarded to the Student Development Office, a “Case Manager” will be assigned 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, a Reporting Party may request University to pursue procedures and/or sanctions as set forth in the Student Conduct Process.

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, Gonzaga’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 guidelines published by the US Office of Civil Rights addressing student to student harassment.

GIF DRUG POLICY

The illegal use of drugs at Gonzaga-In-Florence is not tolerated. This includes the abuse and medically unsupervised use of prescription drugs. Disciplinary action will be taken against any student who is involved in such use of drugs. Documented violations of illegal possession, consumption, provision, or sale of narcotics or drugs, or possession of paraphernalia, may result in disciplinary sanction from the University and/or referral to law enforcement officials.

The unlawful manufacturing, possessing, having under control, selling, transmitting, using or being a party thereto of any dangerous drug, controlled substance, or drug paraphernalia on University premises, University rental facilities or at any University sponsored activities is prohibited. Drug paraphernalia, particularly containing drug residue, may be considered evidence of drug use.

In residential facilities with shared living spaces such as bathrooms, living rooms, hallways, kitchens, and jointly held storage space, all residents with access to, and control over, the shared space will be held accountable for evidence of violations of University policies. It is a violation of University policy to knowingly be in the presence of others who possess illegal drugs or paraphernalia, or to be in the presence of a person using illegal drugs. The University reserves the right to confiscate, retain and dispose of/destroy any and all drug-related items, regardless of value or ownership.

DRUG-FREE SCHOOLS AND CAMPUSES REGULATIONS

These regulations are part of the federal Drug Free Schools and Communities Act. The regulations require that, as a condition for receiving federal funds or federal financial assistance, an institution of higher education must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. Gonzaga University has implemented such a program.

Simply stated, the illegal use of drugs at Gonzaga University is not tolerated. It is
unlawful to manufacture, distribute, dispense, possess, or use a controlled substance or drug on University premises. The use by a Gonzaga student or employee of a controlled substance that is not medically authorized is strictly prohibited. Students or employees who violate the provisions of the drug-free campus policy may be subject to discipline, suspension, expulsion, or termination of employment. Violating this policy (and concurrent law) may also subject the student or employee to criminal prosecution. Legal penalties for drug violations vary depending on the amount and classification of the controlled substance. These penalties range from a mandatory court appearance to a substantial fine and/or lengthy prison sentence.

Use of alcoholic beverages must be consistent with local law. Violations of University policy and/or applicable liquor laws may subject students or employees to discipline, suspension, expulsion, or termination of employment. Violations may also be subject to criminal prosecution. Legal penalties for liquor law violations range from a mandatory court appearance to fines and jail time.

Certain health risks are associated with the illegal use of drugs and alcohol use. Drug and alcohol use can affect a person’s physical and emotional health, social life, and employment prospects. The hazards of alcohol and drug use differ from person to person. The health risks may include: interference with memory, sensation, and perception; impairment of reaction time and motor coordination; distortion of experiences and loss of self-control; death from respiratory depression; interference with the brain’s ability to take in, sort, or synthesize information; physical exhaustion; complications of intravenous injection; and fetal damage from abuse by pregnant mothers.

Gonzaga encourages students who use alcohol and have problems, or suspect they have a substance abuse problem to seek assistance through campus resources, available by contacting GIF administrators or staff. The University may refer students with problems beyond its means to outside rehabilitative or counseling services. Employees with substance abuse problems can access appropriate treatment through the medical insurance provided by the University.

STUDENT CODE OF CONDUCT

PRINCIPLES AND INSTITUTIONAL VALUES
Gonzaga University’s Student Community Standards and Student Code of Conduct require students to act with respect, honesty and integrity at all times. In accepting Gonzaga University’s offer of admission, students agree that they will conduct themselves in accordance with these standards as well as the law. The Gonzaga community’s spirit of Jesuit education encourages its members to consistently strive for the magis, “the even more,” meaning excellence in all that we do. Our Ignatian heritage of cura personalis expects that we learn from our mistakes, develop our gifts and exhibit care for ourselves and each other, and devote ourselves to the common good.

Gonzaga University’s Student Code of Conduct is rooted in upholding these institutional values. It is designed to stop and redirect inappropriate behavior that is harmful or disruptive to the community, and to support a positive living and learning environment for all. When a student’s actions fall short of this we will challenge him/her toward more mature behaviors that are appropriate for our intellectual community.

The Student Code of Conduct is educational in nature and not a retributive justice system. As with classroom or academic participation, the process is centered on helping students understand the natural and logical consequences of their behavior and is designed to develop independent critical
and reflective thinking, and self-advocacy skills. Additionally, in order to encourage students to cultivate behaviors that reflect good judgment and maturity, the Student Code of Conduct holds students accountable for their own choices and behaviors, especially those that negatively impact their personal development, Gonzaga’s living and learning environment, the campus and neighboring community, and the University’s reputation.

Every student is expected to observe the highest standards of conduct, both on and off campus and while participating in any activity or program sponsored by the University. When prohibited conduct occurs on or off campus, the University may implement the procedures described in this Code.

**AN OVERVIEW OF THE STUDENT CODE OF CONDUCT**

The Division of Student Development is responsible for the implementation of the Student Code of Conduct. The University uses a graduated approach in responding to allegations of student misconduct with allegations being resolved through one of three conduct processes: 1) a Student Conduct Review; 2) a Student Conduct Conference; or 3) by the University Conduct Board.

When less serious violations are alleged the matter may be resolved through a Student Conduct Review.

In the case of more serious violations, or when a student has been held responsible for past misconduct, or when multiple violations are alleged, the matter may be resolved through a Conduct Conference.

The most serious allegations of misconduct shall be referred to the University Conduct Board (UCB). The determination as to which process will be utilized for the hearing and resolution of allegations of misconduct shall be made by the Director of the Office of Community Standards.

A range of sanctions may be imposed if a student is found responsible for a violation of University policy. A determination of responsibility is based on a finding that the respondent more likely than not committed the act alleged.

During any Student Code of Conduct process, students will be provided with the following:

1. Notice of the allegation(s) being made
2. Notice of the date of hearing or other process
3. The opportunity to be heard
4. The opportunity to have an advisor of their choice present during any stage of the conduct proceedings
5. Notice of the outcome as permitted by FERPA and any other applicable privacy laws
6. The opportunity to have the outcome reviewed through the appropriate appeals process

The Student Code of Conduct is intended to promote civility, maintain a safe and secure environment, and to protect individual and University community rights. The description of prohibited conduct and rules and regulations herein is not exhaustive. The University, in the discretion of its officials administering the Student Code of Conduct, may take disciplinary action even though an alleged infraction is not specifically contained within the University’s written policies. Additionally, the University reserves the right to make exceptions to written disciplinary procedures if deemed necessary.
DEFINITIONS

**Respondent:** A person alleged to have violated a University policy. “Respondent” may also refer to the officers and/or members of a student club or organization.

**Coercion:** see previous definition

**Complainant:** A party alleged to have been the subject of, or harmed by, student misconduct. Party may refer to a person, student club, or organization.

**Conduct Officer:** A University official trained to adjudicate matters pursuant to the Student Code of Conduct.

**Consent:** see previous definition

**Day:** When used in this Code the term “day” or “days” refers to business days.

**FERPA:** The Family Educational Rights & Privacy Act, a federal law that protects the privacy of student education records.

**Hazing:** see previous definition

**Incapacitation:** see previous definition

**Director of the Office of Community Standards (DOCS):** The person designated by the Vice President for Student Development to perform the functions described in this Student Code of Conduct. The DOCS is responsible for initiating the conduct proceedings where there is a reasonable belief that a violation may have occurred and that disciplinary action is appropriate. Any reference in this Student Code of Conduct to the “Director of the Office of Community Standards” includes his or her designee.

**Misconduct:** The violation of one or more University policies or the commission of an act of prohibited conduct contained in this Student Code of Conduct.

**Outcome:** A determination of responsibility or non-responsibility for violation of the Student Code of Conduct, as well as any sanction levied.

**Reporting Party:** A person submitting an allegation that a student is responsible for violating a University policy. “Party” may refer to a student club or organization.

**Retaliation:** see previous definition

**Sexual Assault:** see previous definition

**Sexual Exploitation:** see previous definition

**Sexual Harassment:** see previous definition

**Stalking:** see previous definition
**Student:** A person enrolled, taking courses(s) or receiving instruction at Gonzaga University. Any reference to "student" in this Student Code of Conduct includes student clubs or organizations.

**Student Conduct Review:** A process facilitated by the DOCS in cases of a less serious nature for the purpose of determining whether or not a policy has been violated, and what, if any, sanction is appropriate.

**Student Conduct Conference:** A process facilitated by the DOCS in cases of a more serious nature for the purpose of determining whether or not a policy has been violated, and what, if any, sanction is appropriate.

**Advisor:** The person selected by a Party to provide support as the Party represents him/herself in conduct proceedings. An advisor does not actively participate in any part of a hearing. If an advisor is disruptive to the conduct process, they may be dismissed. Dismissal of an advisor does not constitute grounds to postpone, delay, or cancel any conduct process.

**University:** Gonzaga University.

**University Conduct Board (UCB):** A hearing body, the members of which are appointed by the Vice-President for Student Development Its function, upon assignment by the DOCS, is to hear and resolve allegations of misconduct to determine responsibility and sanctions. This Board is made up of a minimum of eighteen members who are trained to serve on both initial hearing and appellate panels.

**UCB Chair:** The person acting as chairperson of a UCB hearing or appellate panel.

**University Conduct Appeals Board (UCAB):** A panel of three UCB members appointed by the Vice-President for Student Development, and who did not originally hear the matter being appealed.

**University Policy:** A written regulation or proscription of the University, including but not limited to those found in this Student Handbook, the Student Code of Conduct, Student Community Standards, Sexual Misconduct and Harassment 42 Table of Contents

Policy, Academic Policies, Student Group policies and Residence Life regulations. All definitions included in any University Policy are incorporated here by reference.

**GENERAL PROVISIONS**

**Amendment:** The University reserves the right to amend the Student Code of Conduct at any time. Any amendment will be dated and becomes effective fifteen (15) days after it is published in the electronic version of the Student Code of Conduct unless specific factors (e.g., change in laws or related policy) demand an immediate effective date.

**Complaints:** Note: This section applies to all complaints of misconduct except those made pursuant to the University’s Sexual Misconduct and Harassment Policy. Please consult that policy for reporting options, support resources, and a description of the investigative process.

Any person may file a complaint of misconduct against any current student. As used in this code, a complaint includes reports submitted to the DOCS containing information which could constitute a violation of the Student Code of Conduct. Regardless of by whom a complaint is made, all
complaints alleging violation of one or more University policies shall be made in writing and shall 
be submitted to the DOCS. Complaints must be submitted to the DOCS within one year of the date 
upon which the complainant is aware or should reasonably have been aware of the alleged 
violation. At the sole discretion of the DOCS, a complaint may be referred for investigation if 
additional information is needed. The DOCS is solely responsible for initiating conduct proceedings 
for alleged violation where there is sufficient information to believe that a violation may have 
occurred and that disciplinary action is appropriate.

**Conditional Attendance:** A student who has not been found to be in violation of any University 
policy may be subjected to conditional attendance restrictions if it is determined by the DOCS that 
a failure to do so presents an unreasonable danger to any person or property. This decision is an 
administrative action, and thus not appealable.

A conditional attendance restriction does not replace the regular student conduct process, which 
shall proceed as detailed in the Student Conduct Process section of this code.

**Conduct Standing:** The submission of an application for admission to the University represents a 
voluntary decision on the part of a prospective student. The University's approval of an application 
represents the extension of the privilege of joining the academic community and remaining a part 
of it as long as the student meets the academic and behavioral expectations of the University. 
Students who abide by University policies are considered to be in good conduct standing with the 
University. A student’s conduct standing may be changed as a result of being found in violation of 
one or more University policies. Students who successfully complete sanctions imposed through 
the Student Code of Conduct process may petition the Dean of Student Well-Being and Healthy 
Living to be restored to good conduct standing.

**Coordination with Law Enforcement:** The University's Student Code of Conduct does not operate 
within a criminal or civil judicial system.

1. The University’s goals, use of terms, procedures, definitions of prohibited conduct, and 
potential sanctions are separate and distinct from the public legal system. All Gonzaga 
community members are strongly encouraged to report conduct that may constitute a 
criminal offense to law enforcement authorities in addition to making a complaint to the 
University under the Student Code of Conduct.

2. The existence of an investigation by law enforcement authorities shall not necessarily 
delay implementation of the Student Code of Conduct process. The University has a 
continuing obligation to maintain a safe and secure educational environment for its 
students, regardless of whether a case is prosecuted criminally or whether they are 
substantiated in the criminal justice system. University proceedings may be carried out 
prior to, simultaneously with, or following criminal or civil proceedings.

**Coordination with other University Departments:** Certain types of complaints may be handled by 
other University Departments. A particular case may be transferred between departments at the 
discretion of the DOCS. Examples of cases that may be addressed through a process other than 
provided in this Student Code of Conduct include but are not limited to:

1. Complaints involving conduct in the residence halls can be filed with the appropriate 
Residence Life staff member. The Office of Housing and Residence Life is empowered to address 
conduct issues that occur in the presence of one of their staff on or off campus or that occur in
University residential facilities. These complaints will generally be processed by Residence Life staff, provided that this method of resolution is approved by the DOCS.

2. The Gonzaga Student Body Association or other recognized bodies may have student conduct boards for hearings to consider particular types of conduct or discipline cases which are referred to them by the DOCS. The procedures of these boards and hearings are subordinate to the hearing procedures described in the Student Handbook and are subject to review by the DOCS.

**Interim Suspension:** A student who has not been found to be in violation of any University policy may be subjected to an Interim Suspension if it is determined by the DOCS that a failure to do so presents an unreasonable danger to any person or property. This decision is an administrative action and thus non-appealable. An interim suspension does not replace the regular student conduct process, which shall proceed as detailed in the Student Conduct Process section of this code.

**Jurisdiction:** Every student is expected to observe the highest standards of conduct, both on and off campus and while participating in any activity or program sponsored by the University. When prohibited conduct occurs on or off campus, the University may implement the procedures described in this Code.

**Polygraph Evidence:** The results of any polygraph test are not allowed as evidence in any conduct process undertaken pursuant to the Code of Student Conduct.

**Preponderance of Evidence:** Determinations of responsibility for violations will be made based on a preponderance of evidence standard, that is whether the alleged violation is “more likely than not” to have occurred.

**Records:** The DOCS is the custodian of student conduct records. These records usually include complaints, findings of responsibility and any sanctions issued. Students should be aware that information maintained in their disciplinary file or other University record may be requested by entities outside the University. Such requests include employment background checks, military or civilian clearances for sensitive information, graduate or other college admissions processes, professional licenses and certifications, and court orders. The University follows the guidance of FERPA and other applicable privacy laws in responding to these requests, and maintains records in compliance with applicable law and University policy. Note: For records relating to any complaint, investigation, and conduct action made pursuant to the University’s Sexual Misconduct and Harassment Policy the Title IX Coordinator will serve as the custodian of records.

**Withdrawal from School with Pending Complaint:** If a student withdraws from his or her academic coursework or leaves the University without withdrawing and there are unresolved Student Code of Conduct allegations, a hold will be placed on the student’s account and he/she will not be able to return to Gonzaga without resolving the open case. The University reserves the right to resolve the allegation(s) after a student withdraws or otherwise leaves the University.

**PROHIBITED CONDUCT:**

Any student found to have violated or to have attempted to violate any of the following prohibited acts will be subject to the imposition of sanctions as provided in this Student Code of Conduct.

A. Abuse of the Student Code of Conduct system, which includes without limitation, failure to comply with a Student Code of Conduct notice; falsification of information presented within
Student Code of Conduct processes; attempting to influence or discourage a witness or other participant; attempting to influence a Student Code of Conduct decision-maker outside pre-hearing and hearing persuasive processes; and, any other disruptive or obstructive behavior.

B. Acts of general dishonesty, academic dishonesty or any other violation of the University’s Academic Policy.

C. Conduct in breach of the peace or invasive of the rights of others, or which endangers persons or property through the use of motor vehicles, weapons, explosives or any other dangerous Instrumentality.

D. Conduct which threatens the health or safety of any person, including but not limited to, physical or verbal abuse, retaliation, threats, intimidation, harassment, and any form of coercion.

E. Disorderly, lewd or indecent conduct.

F. Failure to comply with a reasonable request or to follow a directive from a University official acting in the performance of his or her duties.

G. Hazing. see previous definition;

H. Providing alcohol to minors or other violation of the University's Alcohol Policy.

I. Sexual assault, harassment, exploitation, misconduct or any other violation of the University's Sexual Misconduct and Harassment Policy.

J. Theft, damage, or vandalism of property.

K. Theft or other abuse of computer facilities or information technology resources. This offense includes without limitation: gaining unauthorized access to information technology resources; change, revision or transfer of a computer file; and, the use of computing facilities to send obscene or abusive messages.

L. Abusive or harassing behavior, including but not limited to stalking, unwelcome communications, unauthorized making or use of any audio, video or photographic record or image of a person without that person’s prior knowledge, or effective consent when such conduct may reasonably cause injury or distress

M. Unauthorized possession, duplication or use of a key or pass card to any University premises or unauthorized entry to or use of University premises.

N. Use, possession, manufacture or distribution of drug paraphernalia or of any illegal or controlled substance under either Federal or State law.

O. Destructive or disruptive behaviors that create risk to others, infringe on the rights of others, or otherwise disrupt the educational living or learning environment of the University.

P. Violation of any federal, state or local law.

Q. Violation of any University policy.
STUDENT CONDUCT PROCESSES

Initial Review: Upon receipt of a complaint against a student, or a report of alleged misconduct, the DOCS may:

1) Determine that no further action is warranted,
2) Refer the complaint for further investigation, and/or
3) Bring a formal charge under this Student Code of Conduct.

A formal charge is warranted when the DOCS, determines that the circumstances alleged in the complaint are sufficient to create a reasonable belief that a violation has occurred and that conduct action is appropriate.

If the DOCS determines that a formal charge is warranted, the DOCS will notify the student who will be provided the opportunity to respond pursuant to one of the Student Conduct Resolution Processes detailed below. The DOCS will determine in his or her sole discretion by what process the charge(s) will be resolved. NOTE: In matters covered under the University’s Sexual Misconduct and Harassment Policy, the DOCS will consult with the Title IX Coordinator and the Review and Investigation procedures contained in that policy will supersede Section VI A.

If the matter is of a less serious nature, it may be resolved through a Student Conduct Review. If the matter is of a more serious nature, it may be resolved through a Student Conduct Conference. If the matter is of the most serious nature, including without limitation, allegations of sexual assault, discrimination or interpersonal violence, it may be referred to the University Conduct Board (UCB).

Student Conduct Resolution Processes: One of the following three conduct processes for the resolution of complaints will be used:

1. Student Conduct Review: This process presents an opportunity for the involved party or parties and a conduct officer to discuss and resolve complaints of a less serious nature.

   a) Resolution of Complaints: The involved party, or parties, shall be advised of the nature of the charge(s) and be provided an opportunity to discuss the incident in an honest and respectful process. Each party shall be afforded the opportunity to provide any relevant information in support of his or her position. A party may choose to accept responsibility for the charge(s) as alleged, or may leave that decision—including sanctions, if any—to the DOCS, or his/her designee, who will determine the outcome without a formal hearing. The DOCS, or his/her designee, may assign any sanction(s) deemed appropriate, other than suspension or expulsion, either of which may be imposed only by the UCB. A notice of findings and sanctions shall be provided in writing to students found responsible for policy violations.

   In the event that a student does not attend a properly noticed and scheduled student conduct proceeding, the student conduct officer, in the exercise of his or her discretion, may adjudicate the matter in the absence of such student.

   b) Appeals from the outcome of a Student Conduct Review: Either a complainant or a respondent may appeal a determination made through the Student Conduct Review. An appeal shall be filed by submitting it in writing to the DOCS within five days of the date of
issuance of a conduct officer’s written decision. A properly filed and timely appeal will automatically stay any sanction(s) levied unless doing so would be inconsistent with the institution’s Title IX obligations and/or it is determined by the DOCS that this action would present an unreasonable danger to any person or property or be disruptive to the University’s living/learning environment. The non-appealing party shall have the opportunity to respond in writing to the appeal within five days of the filing of the appeal with the DOCS.

All appeals will be considered by the Dean of Well-Being and Healthy Living. The appeal process is a "document only" process and no student is present when an appeal is being considered. The Dean of Student Well-Being and Healthy Living will consider only information reviewed at the Student Conduct Review, information submitted by the parties within the five day appeal and response periods referenced above and the findings made by the original conduct officer. The bases upon which an appeal may be considered are limited to the following:

i. Severity of sanction: Is the sanction(s) imposed appropriate for the violation found?
ii. Insufficient information: Is the determination supported by a preponderance of the information presented? That is, were the facts in the case sufficient to establish that "it is more likely than not" that a violation occurred? In making such a determination, the appellate officer shall not substitute it judgment for that of the panel below. It will review the determination made below only to evaluate whether there is sufficient information in the record to support the determination made.
iii. Improper procedure: Was the original hearing conducted fairly? Did all parties have a reasonable opportunity to prepare and present information and to challenge any information presented?
iv. New information: Is new relevant information available that was not reasonably available at the time of hearing, and that would more likely than not have an impact on the determination?

The Dean of Student Well-Being and Health Living may deny the appeal (leaving the determination of responsibility and any sanction levied below in place) or he or she may grant the appeal in whole or in part. The Dean of Student Well-Being and Healthy Living shall issue Findings of Fact in support of his or her determination.

The Dean of Student Well-Being and Healthy Living may take the following actions after considering an appeal:

i. Remand the matter to the original conduct officer to be reheard in whole or part.
ii. Affirm the original decision and sanction(s).
iii. Reverse the original decision and sanction(s).
iv. Affirm or reverse the original decision in part and/or alter the sanction(s) which could increase or decrease the severity of the sanction(s).

A notification of the decision regarding the appeal will be made to the party who filled the appeal in person, by phone, or to the party’s University e-mail address or mailing address. In cases of violence or sexual misconduct, the reporting party will also be notified of the decision regarding the appeal. Notification will be made in conformance with privacy laws, including FERPA. The appeal decision shall be rendered within twenty-one calendar days of the filing of the written appeal. The decision of the Dean of Students is final and effective immediately upon issuance of the written decision on appeal.
**Student Conduct Conference:** This process presents an opportunity for the involved party or parties and a senior conduct officer(s) assigned by the Office of Community Standards to discuss and resolve complaints of a more serious nature.

**a) Resolution of Complaints:** The involved party, or parties, shall be advised of the nature of the charge(s) and be provided an opportunity to discuss the incident in an honest and respectful process. Each party shall be afforded the opportunity to provide any relevant information in support of his or her position. A party may choose to accept responsibility for the charge(s) as alleged, or may leave that decision—including sanctions, if any—to the student conduct officer(s), who will determine the outcome without a formal hearing. The conduct officer(s) may assign any sanction(s) deemed appropriate other than suspension or expulsion, either of which may be imposed only by the UCB. A notice of findings and sanctions shall be provided in writing to students found responsible for policy violations.

In the event that a student does not attend a properly noticed and scheduled student conduct proceeding, the student conduct officer(s), in the exercise of his/her/their discretion, may adjudicate the matter in the absence of such student.

**b) Appeals from the outcome of a Student Conduct Review:** Either a complainant or a respondent may appeal a determination made through the Student Conduct Review. An appeal shall be filed by submitting it in writing to the DOCS within five days of the date of issuance of a conduct officer’s written decision. A properly filed and timely appeal will automatically stay any sanction(s) levied unless doing so would be inconsistent with the institution’s Title IX obligations and/or it is determined by the DOCS that this action would present an unreasonable danger to any person or property or be disruptive to the University’s living/learning environment. The non-appealing party shall have the opportunity to respond in writing to the appeal within five days of the filing of the appeal with the DOCS.

All appeals will be considered by the Dean of Well-Being and Healthy Living. The appeal process is a "document only" process and no student is present when an appeal is being considered. The Dean of Student Well-Being and Healthy Living will consider only information reviewed at the Student Conduct Review, information submitted by the parties within the five day appeal and response periods referenced above and the findings made by the original conduct officer. The bases upon which an appeal may be considered are limited to the following:

i. Severity of sanction: Is the sanction(s) imposed appropriate for the violation found?

ii. Insufficient information: Is the determination supported by a preponderance of the information presented? That is, were the facts in the case sufficient to establish that "it is more likely than not" that a violation occurred? In making such a determination, the appellate officer shall not substitute its judgment for that of the panel below. It will review the determination made below only to evaluate whether there is sufficient information in the record to support the determination made.

iii. Improper procedure: Was the original hearing conducted fairly? Did all parties have a reasonable opportunity to prepare and present information and to challenge any information presented?

   i. New information: Is new relevant information available that was not reasonably available at the time of hearing, and that would more likely than not have an impact on the determination?
The Dean of Student Well-Being and Healthy Living may deny the appeal (leaving the determination of responsibility and any sanction levied below in place) or he or she may grant the appeal in whole or in part. The Dean of Student Well-Being and Health Living shall issue Findings of Fact in support of his or her determination.

The Dean of Student Well-Being and Health Living may take the following actions after considering an appeal:

ii. Remand the matter to the original conduct officer to be reheard in whole or part.
iv. Affirm the original decision and sanction(s).
v. Reverse the original decision and sanction(s).
vi. Affirm or reverse the original decision in part and/or alter the sanction(s) which could increase or decrease the severity of the sanction(s).

A notification of the decision regarding the appeal will be made to the party who filled the appeal in person, by phone, or to the party’s University e-mail address or mailing address. In cases of violence or sexual misconduct, the complainant will also be notified of the decision regarding the appeal. Notification will be made in conformance with privacy laws, including FERPA. The appeal decision shall be rendered within ten calendar days of the filing of the written appeal. The decision of the Dean of Student Well-Being and Healthy Living is final and effective immediately upon issuance of the written decision on appeal.

University Conduct Board (UCB): The UCB shall be charged with the duty of making determinations as to complaints of misconduct and, if appropriate, regarding the imposition of sanctions. The UCB shall be comprised of a minimum of eighteen trained hearing officers consisting of faculty, staff and students. The members of the UCB will hear and deliberate cases in panels of three members assigned by the Vice-President for Student Development the Vice-President for Student Development shall appoint one member of the panel to act as chairperson of the hearing panel. It shall be the duty of the chairperson to exercise control over the hearing in order to afford a fair and orderly hearing to all participants; to avoid needless consumption of time; and to prevent the harassment and/or intimidation of parties and witnesses. The UCB shall hear and decide cases as assigned to it by the DOCS and involving charges of the most serious nature including but not limited to allegations of sexual harassment or misconduct, discrimination or interpersonal violence.

a) Pre-Hearing Procedures: A respondent or complainant participating in a UCB hearing will:

i. Receive advance notice of date, time, and place of the initial hearing in person, University email, or U.S. Mail
ii. Receive written notice of the complaint that specifies the nature of the violation and the basis for the charge including the date of period of time during which the misconduct is alleged to have occurred, and the location where the misconduct allegedly occurred
iii. Be given adequate time to prepare a case pursuant to the time frames articulated in this Code
iv. Be given an opportunity to review related documentation
v. Have access to a trained University staff person to provide information in navigating the Student Code of Conduct system
vi. Have the opportunity for an advisor of their choice present during any stage of the conduct proceedings
vii. Have an opportunity to present both written documentation and witnesses
The role of an advisor in the Student Code of Conduct is to provide support as the parties represent themselves in the process. An advisor does not actively participate in any part of a hearing. An advisor may, but need not, be a lawyer. An advisor, may privately consult with and advise a party during the proceeding, but may not act as a representative of or spokesperson for a party; nor may an advisor provide any information on behalf of the party, examine witness, or otherwise participate in a hearing. Neither a witness nor a potential witness is permitted to serve as an advisor. Advisors must make themselves available for all hearing processes as requested by the party and the individual schedules of advisors shall have no impact upon the scheduling of hearings or other Student Code of Conduct processes. If an advisor is disruptive to the hearing process, the panel chair may dismiss the advisor. Dismissal of an advisor will not be grounds to postpone, suspend, or reschedule a hearing already in progress.

Before any hearing takes place, each party shall have the opportunity to meet with a trained University staff person for the purpose of becoming informed about hearing processes and procedures. All parties shall have reasonable opportunities to review any and all information which might be used during the hearing. This information shall include but not be limited to investigative reports, written or recorded statements, and all relevant documents and information to the extent allowed by laws governing privacy, including FERPA. At this meeting the parties shall also be notified of the names of the Board members and any party wishing to challenge the participation of any Board member must notify the University staff person in writing within three days of this meeting stating the reason(s) for the objection. Failure to do so will constitute a waiver of any objection to the composition of the panel. The University staff person will forward the information to the Vice-President for Student Development who will determine whether the challenge has merit and reserves discretion to make changes in the Board composition.

At least five days prior to a hearing, the parties shall disclose to the chair the names and addresses of each person whom the disclosing party expects to call as a witness at the time of hearing. At the same time, each party shall provide to the chair a list of all documents, statements, reports and writings of any kind which the disclosing party intends to submit at the time of hearing. The chair will promptly provide all such information to all parties and UCB members. Information not disclosed in compliance with this paragraph will not be considered at any hearing. Witnesses, documents, statements, reports and writings submitted by disclosing parties should be in addition to university investigative reports prepared and submitted by a qualified university official. All such information will also be provided to the UDB members.

In matters alleging a violation of the University’s Sexual Misconduct and Harassment Policy no information facts or evidence bearing upon the prior sexual conduct of a party shall be introduced into a hearing process absent permission to do so granted by the hearing panel chair. Where a respondent and complainant have a prior intimate or sexual relationship this information may be relevant to determine responsibility however the mere fact of a current or previous consensual intimate or sexual relationship between the two parties does not itself imply consent or preclude a finding of responsibility for sexual misconduct. Any prior sexual conduct of the complainant unrelated to the respondent is not relevant and shall not be considered. The prior unrelated sexual conduct of the respondent may be relevant to the issue of appropriateness of sanction.

A hearing for the purpose of determining whether or not a policy has been violated by the respondent as alleged shall be conducted within forty-five days of the receipt of a complaint by the DOCS. The DOCS, the UCB chair or the Title IX Coordinator may modify or extend any time frames described in this Code for good cause. NOTE: In matters covered under the University’s Sexual Misconduct and Harassment Policy, the time frames for responding to reports of sexual
misconduct or harassment contained that policy will supersede this section and the DOCS will consult with the Title IX Coordinator regarding the timing for any investigation and/or hearing.

In the event that a student does not attend a properly noticed and scheduled hearing, the hearing panel chair, in the exercise of his or her discretion, may proceed with the hearing in the absence of such student.

b) Hearing Procedures: UCB proceedings are not open to the public. All information is private and confidential, and all participants will receive instruction as to the preservation of the privacy of all concerned.

All UCB hearings shall be audio recorded in their entirety by the panel chair. No other recordings will be allowed and no other electronic devices will be allowed into the hearing room. The audio record is the property of the University and kept with the records of the proceeding. There shall be no recording or transcript of deliberations.

The complainant and the respondent are entitled to an identical right to be present at and to participate in all hearing processes. The panel chair may allow the contesting parties to be screened from the vision of one another during the hearing, may make arrangements for attendance by video conference, or make other appropriate accommodations, all within his or her sound discretion.

The hearing panel chair shall open any hearing by reading the statement of charges. A representative from the Office of Community Standards will present information related to the case which may include, but not be limited to, documents, investigative reports, or witnesses. If an investigation has been completed prior to the hearing, the primary investigator will present his or her investigation to the panel. The chair, UCB members and parties may ask reasonable questions of the investigator.

The complainant will then have the opportunity to present any other relevant information in the case against the accused party. This information will be presented by the introduction of any available and relevant documents, physical evidence or through the in-person testimony of witnesses. The panel chair, the respondent and the UCB members may direct reasonable questions to witnesses presented by the complainant. All witnesses shall affirm the truthfulness of their testimony. All witnesses, except the complainant and respondent, shall be excluded from the hearing room except during their own testimony.

At the conclusion of the complainant’s case, the respondent may present a response to the charges. The response, if any, will be presented by the introduction of available and relevant documents, physical evidence or through the in-person testimony of witnesses. The panel chair, the complainant, and the UCB members may direct reasonable questions to witnesses presented by the respondent.

The complainant and the respondent may not directly question one another unless granted permission to do so by the panel chair. If a request to allow direct questioning between the parties is made, the panel chair shall enter into the record a written finding in support of his or her decision. If a request to allow direct questioning is denied, the chair, at his or her discretion, may allow the parties to pose additional questions or inquire further into specific matters by submitting these questions/requests in writing to the chair. The chair may then, at his or her discretion, pose the submitted questions to the other party. If necessary, a brief break may be granted to allow
both parties an opportunity to prepare and submit such questions/requests. The chair is empowered to disallow or reframe any questions that are irrelevant, redundant, or otherwise inadmissible. Formal rules of evidence do not apply and the panel chair will determine what information is relevant to the hearing. The responsibility for the resolution of all issues as to admissibility or relevance of evidence, the propriety of questions, and any other procedural matter shall rest solely with the panel chair in the exercise of his or her discretion. The party wishing to present any witness is responsible for arranging for the attendance of such witness. The University will not compel the attendance of witnesses.

Following the presentation of each party’s evidence the panel chair may allow each party to present additional evidence in response. After the presentation of evidence is complete the panel chair may allow each party to present a closing summation of his or her case.

Upon the completion by all parties of the presentation of their respective cases and information, the UCB chair will declare the hearing "closed" and no further information will be received by the hearing panel. Once the hearing is closed, the member(s) of the panel will deliberate for the purpose of making a determination whether or not the accused party is responsible for the violation charged. This determination will be made based on a preponderance of evidence, that is whether the alleged violation is "more likely than not" to have occurred. If the information presented does not indicate by a preponderance of the evidence that a violation as alleged has occurred, but does indicate that a violation other than that charged has occurred, the panel may so find. The determination shall be made by majority vote of the members of the panel, and shall be supported by written findings of fact signed by the panel chair and the voting majority.

If no violation of any kind is determined, then the proceedings are at an end (absent any appeal as described below), and the parties will be notified of the outcome consistent with FERPA and other applicable privacy laws.

If it is determined that a violation has occurred, then the panel will continue its deliberations for the purpose of determining the appropriate sanction, if any, to be levied.

C) Notice of Outcome: The respondent will be notified in writing of the disposition of the case, as well as any sanctions imposed, after a decision has been determined. Complaints in matters alleging a crime of violence or sexual misconduct will also be notified in writing of the outcome of the case. Notification will be made in compliance with privacy laws, including but not limited to FERPA. Notification shall include the name, title and address of the person with whom any appeal may be filed.

d) Appeals Process: Either a complainant or a respondent may appeal a determination made by the UCB. An appeal shall be filed by submitting it to the DOCS within five days of the date of issuance of a panel’s written decision. A properly filed and timely appeal will automatically stay any sanction(s) levied unless doing so would be inconsistent with the institution’s Title IX obligations and/or it is determined by the DOCS that this action would present an unreasonable danger to any person or property or be disruptive to the University’s living/learning environment. The non-appealing party shall respond in writing to the appeal within five days of the filing of the appeal with the DOCS.

All appeals will be considered by the University Conduct Appeals Board (UCAB) consisting of three members of the UCB appointed by the Vice-President for Student Development and who did not originally hear the matter being appealed. The Vice-President for Student Development will also
appoint one of the three appellate panel members to act as chairperson of the appeal board. Appeal hearings are "document only" procedures and no students or support persons are present when an appeal is being considered. The UCAB will consider only information reviewed at the original hearing, information submitted by the parties within the five day appeal and response periods referenced above, the audio record of hearing, and the findings of fact entered by the panel. The bases upon which an appeal may be considered are limited to the following:

   i. Severity of sanction: Is the sanction(s) imposed appropriate for the violation found?
   ii. Insufficient information: Is the determination supported by a preponderance of the information presented? That is, were the facts in the case sufficient to establish that "it is more likely than not" that a violation occurred? In making such a determination, the UDAB shall not substitute its judgment for that of the panel below. It will review the determination made below only to evaluate whether there is sufficient information in the record to support the determination made.
   iii. Improper procedure: Was the original hearing conducted fairly? Did all parties have a reasonable opportunity to prepare and present information and to challenge any information presented?
   iv. New information: Is new relevant information available that was not reasonably available at the time of hearing, and that would more likely than not have an impact on the determination?

The UCAB may deny the appeal (leaving the determination of responsibility and any sanction levied below in place) or it may grant the appeal in whole or in part. The UCAB shall issue Findings of Fact in support of its determination.

The UCAB may take the following actions after considering an appeal:
   i. Remand the matter to the original panel to be reheard in whole or part.
   ii. Affirm the original decision and sanction(s).
   iii. Reverse the original decision and sanction(s).
   iv. Affirm or reverse the original decision in part and/or alter the sanction(s) which could increase or decrease the severity of the sanction(s).

A notification of the decision regarding the appeal will be made to the party who filed the appeal in person, by phone, or to the appellant’s University e-mail address or mailing address. In cases of violence or sexual misconduct, the complainant will also be notified of the decision regarding the appeal. Notification will be made in conformance with privacy laws, including FERPA. The appeal decision shall be rendered within fifteen days of the filing of the written appeal. The decision of the UCAB is final and effective immediately upon issuance of the written decision on appeal.

SANCTIONS

If it is determined that a student is responsible for a violation of policy, the nature of the violation, the circumstances surrounding the violation, the student’s prior conduct history (if any), the impact of the misconduct on the community, and conduct outcomes assigned to previous findings for such violations, will be among the factors considered in determining an outcome. The Office of Community Standards and/or its designee(s) are not limited to the conduct outcomes listed here:

Administrative:

   Fees: Directly associated with costs for workshops, programs, or other assigned outcomes.

   Fines: Reasonable fines may be imposed not to exceed $1,000 for any student.
**Restitution:** Payment of compensation for loss of property, or damage to person or property.

**Residency Status Review:** Written notice to a student in University residence that further violations of residence life or University policy may result in removal from University housing.

**Warning:** Written notice to the student that his or her behavior is below the University’s standards of conduct.

**Reprimand:** Written notice to a student for severe or repeated failure to meet the University’s standards of conduct.

**Conduct Probation:** A specified period of observation and evaluation of a student’s conduct, accompanied by Eligibility Restrictions, imposed for repeated or arrant violations. Any violation of University policy, while on Conduct Probation, could result in separation from the University.

**Restrictions:**

**Loss of privileges:** Denial of specified privileges for a designated period of time.

**Contact restriction:** Limitation or prohibition of communication or contact with a member of the University community.

**Residence-related restrictions:** Housing restriction, relocation, or separation of a student from University housing for a designated period of time.

**Developmental:**

**Educational assignments:** Related to the violation for which a student is found responsible, this is a means to encourage a student to reflect on his or her personal growth and development.

**Performance assignments:** Community/restorative service, program or workshop attendance or presentation, random drug/alcohol testing, or other assigned tasks.

**Policy review:** Written notification of policy reminders, educational conversations, or workshops.

**Outcomes related to academic degree progress:**

**Suspension:** Separation of the student from the University for a specified period of time, with associated conditions specified for readmission.

**Expulsion:** Permanent separation of the student from the University.
ADDENDUM ONE

Crisis Action Plan

PURPOSE
The purpose of this Crisis Action plan is to instruct students, staff, and faculty about how to act in the case that an emergency situation should occur in the city of Florence that does not immediately involve the Gonzaga in Florence building or the pensioni residences. The goal of this plan is to inform students, staff, and faculty what actions to take so that GIF staff can ascertain the safety and location of all students.

TYPES OF EMERGENCIES COVERED
This plan provides an plan of action in the case of emergency situations in the city of Florence. This plan does not cover emergency situations directly involving any of the Gonzaga in Florence buildings or pensioni.

- Terrorist Attacks
- Natural Disasters (excluding Earthquakes)
- Weather Emergencies
- Political Upheaval (Mass Demonstrations)
- Riots
- Widespread Violence

STUDENT ACTION
In the case of an emergency crisis as listed above, students will proceed directly or as soon as safely possible to their pensione. This is the same pensione in which they are residing during their time in Florence. Students who do not live in a pensioni, but rather are participating in a homestay or other arraignment, should proceed instead to the Gonzaga in Florence building in Via Giorgio La Pira. When students arrive at their designated meeting point, they should identify themselves to the GIF staff person and to the pensione staff person present. They should remain at the meeting place until a GIF staff member gives further instruction.

GIF STAFF ACTION
In the case of an emergency crisis as listed above, staff will proceed directly or as soon as safely possible to an assigned location to assist with locating students. If possible, they should be in contact with the GIF Director to advise him/her of their whereabouts. If the crisis occurs during overnight hours, they should proceed as soon as possible to their assigned locations.

GIF Building
Director

Max and Silvia
Asst. Director for Student Development
Assoc. Director of Operations  
Custodian/Security Services

Holiday Rooms/Hotel Nazionale  
Assoc. Director for Outreach

Hotel Cordova  
Registrar

Staff not listed below can report to GIF Building to offer assistance.

GENERAL GUIDELINES FOR EMERGENCY SITUATION

• Make sure the state of health of the people around you and, if necessary, be the First Aider.
• Do not wander around.
• Do not use the cell phone if you have one, but keep it handy and accessible in case of emergency. It is likely that cell phone service will be difficult in such emergencies.
  If you are in a zone or area exposed to tsunami risk, move away from the beach and reach a higher place.

Limit the use of the car to avoid obstructing the passage of emergency vehicles.
ADDENDUM TWO

EARTHQUAKE EMERGENCY

Earthquakes are usually unexpected and very difficult to predict. There have been a number of studies and experiments regarding earthquakes predictions. However, there is still no success in making an accurate prediction. Italy is located on an earthquake risk zone, and it is divided into four different levels (Level 1 is for areas with high risk, whereas level 4 is where the risk is lower). Florence falls into level three, where earthquakes are rare but could be intense (1). It is, therefore, almost impossible to prevent an earthquake from happening, and then such situation must be faced as soon as it occurs.

An earthquake, usually, occurs with very violent initial quakes, followed by small breaks, with subsequent quakes of a lower intensity. These last quakes are dangerous as well, because of the eventuality of causing the collapse of damaged buildings.

**Actions to be taken in the case of significant earthquake:**
In both cases, either you are in a building or outside make sure to keep calm, and be prepared to face further quakes.

**If you are indoors:**
- Go under a table and move toward a load bearing wall, to avoid the risk of the floor collapsing; it is also possible to find shelter in an under-stairs area or under a main or load-bearing wall doorway.
- Stay away from windows, mirrors, glass furniture, chandeliers, shelves, instruments of any kind, electrical outlets and plants, beware of falling objects.
- Open the door and proceed with prudence, testing the floor, the stairs, before walking on them. The floor can be “tested” with the foot that does not hold the weight of the body, and then proceeding very slowly.
- Never try to find shelter on a balcony, it collapses easily.
- Proceed and move along walls, even when descending stairwells (they are the strongest structural areas).
- Descend the stairs backwards; do not transfer the weight on the next stair step if not sure of a sufficient support.
- Check for the presence of scratches on the walls (the horizontal ones are the most dangerous, since they show that walls are being overloaded towards the external side).
- Do not use elevators: they can stop working or can collapse.
- Do not use lighters or matches: the gas pipes could be broken.
- Avoid the use of telephones in order not to overcharge the urban landlines, except in the case of extreme emergency occurred in the company.
- Get away as soon as possible from the building and go outside without waiting for the emergency call.
- Do not move an injured person, unless in evident and immediate life danger (collapse, fire that is getting closer etc.), call the security people identifying the place of the injured person.
- Shut down utilities such as gas and electricity will help keeping the building safer.

**If you are outdoors:**
- Move away from buildings, trees, street lamps, electric cables: you could be struck by vases, tiles and other falling materials.
- Pay attention to other possible consequences of the earthquake: collapse of bridges, landslides, gas leaks, etc. Therefore, DO NOT stand or try to find shelter near bridges, river banks, or in areas where landslides could happen.
- Do not stay near construction sites and industrial plants.

After an earthquake
When the earthquake has stopped:

- Make sure the state of health of the people around you and, if necessary, be the First Aider.
- If you are indoors, exit with caution, wearing shoes: you may get hurt on the street if there is broken glass or other material.
- Go immediately, but with calm, to the designated area that the city plan establishes (See map n. 1 ALL D2), which for GONZAGA IN FLORENCE Premises is PIAZZA SANTISSIMA ANNUNZIATA (see Map n. 2 for directions on how to get there), the closest most open area. In the case of impossibility go to an open area located away from buildings or collapsing structures or trees.
- Do not wander around.
- Do not use the cell phone if you have one, but keep it handy and accessible in case of emergency.
  If you are in a zone or area exposed to tsunami risk, move away from the beach and reach a higher place.
- Limit the use of the car to avoid obstructing the passage of emergency vehicles.

GIF Specific Instructions

When walking to the designated waiting area, if you are in a group with other students and or staff, stay all together, and avoid becoming separated. If on the way there you meet other GIF students have them join the group.

Students
If you are alone on the way there, as soon as you arrive to Piazza Santissima Annunziata, locate other students of the GIF Program or staff members and stay with them.
While there, students should follow instructions given by members of the “Protezione Civile” or any identifiable member of the local authorities. Such behavior is very important because following instructions will help with the emergency management.

Staff
Staff members, as soon as they will have the opportunity, will count the number of students they have gathered, if possible get their names and last names, then they will try to get in contact with each other and communicate the number of students and staff that have been gathered into groups.
In the waiting areas local authorities of either the Protezione Civile (Civil Protection Association) or the Vigili del Fuoco (Fire Department) will communicate the areas where the population will have to go, which are the areas where the emergency management will occur. These areas have been identified and established by the Piano Comunale di Emergenza (Emergency City plan). The list of these areas is on the map (See map n. 3 ALL. D1 – Aree Gestione Emergenza – Emergency Management Areas). Following this, whenever possible, staff members will get in contact with the American Consulate in Florence and appropriate staff at Gonzaga University in order to proceed with the communication of eventual injured or deceased American citizens.
Map n. 1 – ALL D2 – Aree Attesa Popolazione – Designated Waiting Areas

Map n. 2 – Directions Via La Pira, 11 – Gonzaga in Florence Premises to Piazza Santissima Annunziata
Map n. 3 ALL D1 - Aree Gestione Emergenza – Emergency Management Areas

Sources:

(1) protezionecivile.comune.fi.it;
(2) www.protezionecivile.gov.it is the institutional website of the Italian Civil Protection Department - Presidency of the Council of Ministers. Texts, multimedia and aggregated data on this website are protected under the Creative Commons license - Noncommercial - Share Alike 3.0 Unported License, except texts published in full in the "Legal Measures", of which the Civil Protection Department is neither owner nor holder, and contents available in the Radar Map section, as they are protected by a different license. If you wish to use these contents, without altering them, you need to explicitly cite the source as follows: "Source: Website of the Italian Civil Protection Department - Presidency of the Council of Ministers.

(3) G-I-F Internal Emergency Plan.