

# UNIVERSITY POLICIES & PROCEDURES

## ALCOHOL POLICY

The use of alcoholic beverages on University property must be consistent with University policy and local law. In the case of branch campuses or programs, use of alcoholic beverages must be consistent with the laws of the jurisdiction where University programs are located. All state and local laws regarding alcohol are also University rules. Off-campus conduct related to alcohol which violates the law also violates University policy. The following is a summary from Washington state statutes of some important points related to the use of alcoholic beverages:

- ❖ A person must be 21 years of age to acquire, possess or consume any liquor (alcohol, spirits, wine and beer)
- ❖ It is a violation of state law for any person under 21 years of age to purchase or attempt to purchase alcoholic beverages
- ❖ It is a violation of state law to sell alcohol to a person under 21 years of age, as well as to provide alcohol to any person who is underage
- ❖ It is a violation of state law to misrepresent age and to use false or forged documents (such as a drivers license from any state) to obtain alcohol

Alcohol provided to students by their parents is prohibited on campus and in University residential facilities except as it relates to specific upper-division housing. Students in the presence of others improperly using alcohol may be in violation of the University's Bystander Conduct policy. The University reserves the right to confiscate, retain and dispose of/destroy any and all alcohol related paraphernalia regardless of value or ownership.

Excessive drinking/intoxication at any location is not acceptable and will not be taken as an excuse for inappropriate conduct.

The following two sections apply specifically to Gonzaga University's Spokane campus.

### On Campus Gonzaga-owned property and buildings

- A. University regulations do not permit the possession or consumption of alcoholic beverages in common areas (both interior and exterior) except in cases specifically approved by, and registered with, the Student Life Office, and which comply with State and local laws.
- B. Intoxication which is dangerous or disruptive, regardless of where the alcohol was consumed or the age of the individual, is prohibited
- C. Requests for special events must be reviewed and authorized by the Vice President for Student Life or his/her designee, subject to Washington State Liquor Control regulations. Individuals who sponsor special events involving the serving of alcoholic beverages must be 21 years of age and must abide by all State and local regulations.
- D. Organizations or individuals sponsoring any event at which alcoholic beverages are served or present:
  1. Are responsible for ensuring laws and University regulations governing the provision and consumption of alcoholic beverages are upheld.
  2. Must arrange to serve non-alcoholic beverages and food appropriate to the occasion.
  3. Must arrange for a responsible bartender to coordinate serving.
  4. Must fulfill all requirements listed by the Vice President for Student Life Office.

## **Alcoholic beverages in University owned residential facilities.**

The use of alcohol is prohibited in some cases and regulated in others as described below:

### **A. Possession or consumption of alcohol in common areas, both interior and exterior is prohibited.**

### **B. Residential Facilities reserved for under division (first and second year) students**

1. Students of any age and/or their guests of any age may not consume alcoholic beverages. Use, possession, distribution, sale or display of alcoholic beverages and alcohol paraphernalia including possession of empty alcohol containers is prohibited.
2. Should alcohol-related problems arise in individual rooms, student residents will be confronted by University officials and held accountable for their actions and the actions of those present in the room, even when not consuming alcoholic beverages personally.
3. Empty containers may be considered evidence of consumption of alcoholic beverages.

### **C. Residential Facilities reserved for upper division (third year and above) students**

1. Residents of individual rooms and apartments on campus and University owned off-campus apartments and houses are responsible for ensuring that University policy is upheld at all times with regard to alcoholic beverages
2. The possession and/or consumption of alcohol shall not infringe upon the privacy, peace, and rights of others.
3. Should alcohol-related problems arise in individual rooms, student residents will be confronted by University officials and held accountable for their actions and the actions of those present in the room, even when not consuming alcoholic beverages personally.
4. In individual rooms, suites, or apartments in any residential facility maintained by Gonzaga University, mass quantities of alcoholic beverages are prohibited, regardless of the resident's age. This includes, but is not limited to such things as kegs, multiple cases of beer, and stocked bars.
5. Beverages must be consumed within the confines of the apartment unit and are prohibited on balconies, stairways, parking lots, grounds, patios, porches and other common areas.
6. Residents are encouraged to refrain from having under-aged guests over while consuming alcoholic beverages to avoid the appearance that they may be distributing such beverages to under-aged people.
7. Any apartment unit or house which has an under-aged resident is considered "dry" until all assigned residents are at least 21 years old. This means it is prohibited to consume, possess, distribute, display or otherwise use alcoholic beverages and includes possession of empty containers.
8. Partying that becomes detrimental to the community is inappropriate.
9. Equipment or supplies used in drinking games or to promote excessive drinking (i.e., beer pong tables) are prohibited.

## **Violation of the Alcohol Policy**

Violations of the alcohol policy will be enforced by the Student Life Staff, Residence Life Staff, University officials, and other members of the University community. Individuals, student groups, or organizations that violate any of the alcohol regulations will be held accountable and may lose the privilege of sponsoring future events as well as be subject to disciplinary actions by the Student Life Staff.

Students who violate State and local laws or University regulations concerning alcohol usage can expect to attend an alcohol education class and be subject to disciplinary action in accordance with University procedures up to and including suspension or dismissal from the University.

Egregious violations of the alcohol policy may receive enhanced disciplinary follow-up. These violations include, but are not limited to possessing or consuming mass quantities of alcohol, and abusive consumption of alcohol, which includes but is not limited to:

- ❖ Requiring medical response, transport, or hospitalization
- ❖ Blackouts
- ❖ Disruption to the community, such as requiring others to watch over you, including friends
- ❖ Impacting University operations, such as Security and Residence staff duties

## **ANIMALS ON CAMPUS**

Service animals are allowed in the care of their handler. Any animal on campus must be leashed and attended at all times. Privately-owned animals are not permitted to run loose on campus or in any campus building. Dangerous animals or animals found unattended may be impounded and turned over to animal control authorities. A University official may determine that a particular animal's presence on University property is disruptive and direct the owner to remove that animal. For the specific policy on animals in residence halls please see the Pets section of the Residence Life Operations portion of this handbook.

## **BYSTANDER CONDUCT**

Students are expected to refrain from being in the presence of others who are violating University policies and rules. Students will be held accountable for their actions even if they are not participating in prohibited conduct. This includes but is not limited to: students who are in the presence of others using alcohol or drugs in violation of University policy, even if they are not using alcohol or drugs themselves. Students are expected to promptly report conduct or activity which poses a danger to the community or its members. In certain circumstances when a report is made of behavioral or conduct violations in an attempt to help students in need of medical attention or assistance individuals may be given immunity from conduct sanctions. Please see the Good Samaritan Practice section of this handbook for more information.

## **COMMUNICATION WITH STUDENTS**

E-mail is an official form of communication at Gonzaga University. The University will assign all students and official University e-mail address. It is to this address that the University will send all official e-mail communications. Students should frequently check their University-issued email account and read messages in a timely manner. Other forms of communication the University may use to contact students include residence hall room phone number, MSC mail box and local and other phone numbers listed with the Registrar's office with official address information.

## **DRUG POLICY**

The illegal use of drugs at Gonzaga University is not tolerated. This includes the abuse and improper use of prescription drugs. Disciplinary action will be taken against any student who is involved in such use of drugs. Violations of illegal possession, consumption, provision, or sale of narcotics or drugs, or possession of paraphernalia, may result in disciplinary sanctions from the University and/or referral to law enforcement officials. Actions that violate local, state, or federal laws in relation to drugs also go against University policy.

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

It is a violation of the University's Bystander Conduct policy to knowingly be in the presence of others who possess illegal drugs or paraphernalia, or to be in the presence of others 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.

Gonzaga University's alcohol policy has its basis in Washington State law. The University's alcohol policy is detailed elsewhere in this publication. 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. More information about specific health risks is available at the Campus Health Center.

Gonzaga encourages students who use alcohol and have problems, or suspect they have a substance abuse problem to seek assistance through campus resources such as the Substance Abuse Counselor (available through the Student Life office), the Campus Health Center, and the Counseling Center. 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 and other employee assistance programs provided by the University.

For further information about the University's compliance with the Drug-Free Schools and Campuses Regulations, the University's drug and alcohol policies, or related matters, please contact the Student Life office, College Hall #120, extension 4100

## **EVENTS POLICY**

Gonzaga University is an academic community dedicated to the advancement of learning. It is guided by a humanistic, Catholic, and Jesuit mission to advance the Gospel values of faith and justice through teaching, advocacy and example. To serve these objectives, members of the University community must be free to engage the full range of views on a variety of subjects. They may, therefore, consistent with these processes and standards, invite speakers to campus and produce events on campus that promote the University's values, as well as those that express

ideas or opinions that are contrary to Catholic doctrines and teachings. The following standards and procedures govern such activities.

### **Standard**

- A. Permission to invite a guest speaker or to host an event for the public on campus may be denied altogether if:
1. The speech or event would not constitute a legitimate educational experience or otherwise contribute to the University's mission; or
  2. The speech or event is likely to confuse the public or students about or offend the University's core values or mission as a Catholic, Jesuit, humanistic institution by advocating positions or activity contrary to Catholic teachings and the person or group seeking permission refuses to accept provisions for appropriate response or counter-programming; or
  3. There is a substantial risk that the speech or event would conflict with University policies concerning the creation of a hostile learning environment; or
  4. The speech or event poses a substantial risk to the physical safety of members of the University community; or
  5. There is a substantial risk that the speech or event would disrupt classes, obstruct access to campus facilities, or otherwise interfere with other ongoing University events or activities; or
  6. The speech or event would violate the law.

### **Process**

- A. A student or student group wishing to invite a guest speaker to campus or to host an event for the public on campus must follow the policies and procedures adopted by the Vice President for Student Life regarding guest speakers and events. This will require obtaining advance approval from the Vice President for Student Life (or designee), so that the standards of paragraph 1 will be applied before any invitation is made.
- B. Because faculty are representatives of the University and implementers of its mission, faculty wishing to invite a guest speaker to campus or to host an event on campus shall seek the advice of colleagues, the most appropriate department chair, and their dean before extending an invitation or planning an event that is likely to confuse the public or students about or offend the University's core values or mission as a Catholic, Jesuit, humanistic institution. If the faculty member's judgment about a speaking invitation or event is questioned, the Academic Vice President shall make the initial determination as to the propriety of the speech or event, in light of the rationale and considerations offered by the faculty supporting the event.
- C. In reviewing any request for a guest speaker or event, the Vice President for Student Life (or designee) or Academic Vice President may impose conditions to ensure consistency with the standards of paragraph 1. Any decision of the Vice President for Student Life (or designee) or the Academic Vice President to grant, deny, or condition permission for a guest speaker or event must be provided to the interested parties and may be appealed to the President. The President shall have final authority to grant, deny, or condition usage of University property for any guest speaker or event.
- D. In exercising this authority, the Vice President for Student Life (or designee), Academic Vice President, and President shall:
1. Give due consideration to the standards of paragraph 1; the educational content and value of the proposed speech or event; the degree of faculty involvement in planning the speech or event; the academic or educational context for it; and the amount of co-sponsorship by faculty and campus organizations.

2. Seek, where possible, modifications to the speech or event which, short of prohibiting it, would address the concerns about it. Such actions may include issuing disclaimers, requiring that a question and answer period immediately follow the speech or event, creating counter programming at a different time, balancing the speech or event with opposing views, changing the date of the speech or event, or otherwise providing appropriate context for those attending
  3. Give the persons and groups supporting or opposing the speech or event an opportunity to be heard.
- E. To avoid unnecessary future conflict and facilitate future decision making by members of the University community, when the President exercises his authority to permit, condition, or deny permission for a guest speaker or event, he shall communicate to the University Community his reasons for doing so in a timely manner.

### **Disclaimer:**

An invitation to a guest speaker or production of an event does not in any way imply approval, endorsement, or sponsorship by the University or by those making the invitation or planning the event of the views expressed by the speaker or any aspect of the event.

## **FIRE, HEALTH AND SAFETY DEVICES**

Tampering with, or the unauthorized use of fire safety equipment such as extinguishers, smoke and heat detectors, alarm pull stations, signage or emergency exits is prohibited. This includes the activation of a false fire alarm and tampering with any equipment or fixtures used for the purpose of fire, health, or building safety. It also includes failure to evacuate the building during the sounding of a fire alarm or upon the direction of a staff member or other official; or attempting to re-enter the building without permission of the proper authorities.

## **GOOD SAMARITAN PRACTICE**

The welfare of everyone in our community is highly important, and Gonzaga University encourages students to offer help and assistance to others in need. The purpose of the Good Samaritan Practice is to provide care for others in a safe manner. When any student observes another student in need of medical attention, the right thing to do is to call for medical help. Good Samaritans facing a friend or acquaintance's medical emergency are asked to immediately call 911. AFTER calling 911, please contact residence life staff members or Gonzaga Campus Security to assist while waiting for medical emergency professionals to arrive. If you are unsure if a person's life is in danger, but you think it might be, make the call. If you are even considering calling, you probably should have called ten minutes ago.

### ***When alcohol is involved, why call?***

*Students may be impaired or intoxicated by alcohol or drug use. Serious medical consequences can occur when well-meaning friends of an intoxicated or impaired student risk a student's physical well being by taking care of the student themselves. Not every person knows if they have had too much to drink and there is a chance that you may be with another person whose drinking is at a dangerous level. Dangerous impairment by drugs may also not be immediately recognizable. Even a person who has consumed only a small amount of alcohol may be experiencing a dangerous interaction with illegal or prescription drugs or may have other complicating health conditions. **In these rare circumstances, our priority is the preservation of life.** Students should not hesitate to call because of fear of disciplinary action. Many symptoms and factors can contribute to medical emergencies such as alcohol poisoning, drug impairment, other specific medical conditions, or interactions between all three, and serious consequences can result.*

**When alcohol is not involved, why call?**

*You may be faced with a medical emergency when alcohol use is not involved.*

*For students with a medical emergency resulting from ailments such as asthma, diabetes, allergic reactions, epilepsy or other conditions who appear to need help, please call 911 for medical help. Don't take chances with another person's health and safety by assuming that everything will be alright. Sometimes a person in medical distress needs YOU to make the call. If you are unsure if a person's life is in danger, but you think it might be, make the call. You may need to ignore statements by the student in distress regarding whether or not they want you to call 911. Remember, their judgment is impaired by their medical condition. If you are even considering calling 911, you probably should have called ten minutes ago. Make the call.*

**How to recognize a medical emergency?**

*Dangerous medical situations involving alcohol or drugs, or other dangerous medical conditions can come in many shapes and forms. You may not recognize the signs of an emergency because you have become accustomed to behaviors that may look normal when you or others are under the influence of drugs or alcohol. It is important to be aware and understand that a person, whether under the influence of alcohol or drugs, or not, who is unable to perform normal functions may be in a dangerous situation and need medical help now. Call 911 when a person:*

- ❖ *is passed out and cannot be roused or awakened or cannot stay awake or conscious*
- ❖ *has difficulty speaking coherently or comprehending others or the situation around them*
- ❖ *has difficulty sitting, standing or walking or cannot do this without assistance*
- ❖ *is vomiting*

*Many things could happen to a person who is impaired with any medical condition, such as falling, becoming unconscious or choking on vomit. Even the person who appears to be "sleeping it off" will still have alcohol or drugs in their system that can only be worked out over time.*

**What to do?**

*On or off campus, call 911 immediately. When on campus call Campus Security when possible right AFTER calling 911. While waiting for fire and ambulance emergency crews to arrive, if there is no physical injury, especially to the head, neck and back, you may gently turn the intoxicated on his or her side and maintain that position by placing a small pillow in the small of his or her back. This is important to prevent choking if he or she should vomit. Stay with the person until emergency responders arrive.*

**GUEST CONDUCT AND RESPONSIBILITY**

Anyone visiting a student on campus is considered a "guest" of that student and the host is responsible for that guest's conduct in relation to the policies, rules and expectations of the University. See also Housing and Residence Life guest policy.

**HARASSMENT**

Please see separate policy sections on Sexual and Relationship Misconduct and Harassment.

**HAZING**

As outlined in the University's Ethos Statement, Respect for Oneself and Respect for Others are cornerstones on which Gonzaga's students base their individual growth and development. Traditions are important at Gonzaga and some of these traditions include rituals and rites of

passage which link us to the University's past and help us prepare for the future. These actions can build important bonds between individuals and groups. It is imperative to remember that the relationships and bonds that are created in our community are to always be deeply rooted in mutual respect, and not through senseless activities or humiliation.

Any hazing actions, including, but not limited to, those which produce mental discomfort, physical discomfort, or ridicule are expressly prohibited. Willing participation by persons being suspected of being hazed does not override this policy. Hazing is a form of victimization. It is pre-meditated and not accidental. Hazing consists of a broad range of behaviors that may place another person in danger of physical or psychological discomfort or harm or of activities that demonstrate disregard for another person's dignity or well-being. A level of coercion is often involved, i.e. those being hazed either couldn't or didn't feel they could opt out because of the peer pressure involved and the desire to belong to the group. Hazing incidents typically involve perpetrators (the planners and organizers), bystanders (those who participate but were not hazed or involved in the planning or organizing), and victims, (those who were hazed). All involved are responsible for their behavior, but consequences will generally differ based on the seriousness of the incident and one's level of responsibility, planning or participation. Hazing is a form of harassment. Hazing is not limited to group activity alone, but includes individual behavior, which subjects another to abusive conduct, or ridiculous or annoying tricks or pranks. Because hazing and some initiation-related practices threaten the self-esteem and safety of students, and subsequently the University as a whole, Gonzaga adopts the following policy statement:

- ❖ Hazing is defined as any act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property for the purposes of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.
- ❖ Hazing related conduct includes, but is not limited to, embarrassment; ridicule; sleep deprivation; verbal or physical abuse; personal humiliation; excessive fatigue; physical and/or psychological shock; humiliation; encouraging or requiring a person to consume alcohol, drugs or foreign or unusual substances; requiring the wearing of conspicuous apparel in public; requiring the carrying of "burdens" in public; and moral degradation or substantial interference with the person's educational pursuits.
- ❖ Student organizations, as well as students, are expected to design their programs and policies in accordance with the principles of Gonzaga University as described in the University Mission Statement and the University Student Handbook.
- ❖ Individual members, organizational activities, and developed policies should promote the ideals of the University and its Jesuit foundations which emphasize individual well-being, a strong academic commitment and a sense of, and a respect for, self and for others.

**Student organizations and individuals which fail to adhere to this policy statement or expectations will be subject to disciplinary actions and sanctions as outlined in the University Student Handbook.**

### **Gonzaga's Hazing Policy and Washington Law**

Hazing is strictly prohibited at Gonzaga by University policy and the laws of the State of Washington. Violation of the hazing policy may subject an individual or recognized organization or team to disciplinary action, either administratively or through a Judicial Peer Review Board, with penalties up to and including suspension or dismissal for individuals and suspension or termination of a student organization or team. Students and organizations may also be subject to criminal prosecution through the State of Washington for "any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending a public

or private institution of higher education or other postsecondary educational institution in this state.” (RCW 28B.10.900)

## **IDENTIFICATION CARDS**

Students are required to obtain an official student identification card within one week of enrollment at the University. Students are required to carry the card at all times and present it when requested by any University official including Security and Dining staff members. If a card is lost or stolen contact Student Accounts immediately for a replacement.

The alteration or misuse of a student identification card is prohibited. This includes possessing, presenting or using another person’s card or card number without permission. It also includes using another person’s identification card number. Students must surrender their identification card to a University official upon request.

## **KEYS, KEYCARDS AND CODES**

Loaning keys to any other person for the purpose of entering a University facility, residence hall, room or secured area without being accompanied by the legitimate key holder is prohibited. This includes identification “swipe” cards and keypad codes. This policy also applies to possessing, using, making, or causing to be made any keys for any building, laboratory, facility, residence hall room, or University room or secured area except as authorized by the Plant Services Department.

## **MEDICAL INSURANCE**

All students should have adequate health and accident insurance to avoid the unexpected interruption of their education by high medical expenses. The services of the Health Center and the Counseling and Career Assessment Center should not be confused or substituted for the services covered by hospitalization and urgent care insurance coverage. Some insurance policies may not cover the student outside of the issuing area. Students should consult the carrier to provide a supplemental policy. Since students are responsible for all medical charges, it is reasonable and prudent to have a major medical plan that covers students for “out of area” care for emergencies.

### **Mandatory Accidental Injury Insurance**

There is an automatic accident plan in place for students enrolled on the main campus. A complete brochure and fees are available in Student Accounts, Student Life and the Health Center or at [www.gonzaga.edu/studentinsurance](http://www.gonzaga.edu/studentinsurance).

### **Optional Injury and Illness Insurance**

There is an optional major medical group plan that can be purchased through the Student Accounts Office. A complete brochure and fees are available in Student Accounts, Student Life, and the Health Center or at [www.gonzaga.edu/studentinsurance](http://www.gonzaga.edu/studentinsurance).

A medical insurance plan is a requirement for all International Students studying on an F or J Visa. Contact the International Student Program Office at extension 6563 for more information.

## **MEASLES IMMUNIZATION**

If you were born after 1956, it is mandatory to have a rubeola (measles) immunity documented before registration, or your registration may be held. This can be shown by proof of two injections after your first birthday after 1957, preferably after 1980.

## **MENINGOCOCCAL VACCINE**

The Center for Disease Control (CDC) and the American College Health Association (ACHA) recommends that parents and students are aware of the following information about meningitis: A. Students living in residence halls are at slightly increased risk for bacterial meningitis; B. Meningitis can be devastating; C. A vaccination can reduce the risk. Please consult with your health care provider or come in for the vaccine at our Health Center.

## **MISSING STUDENTS**

If the University is advised of the unusual or unexpected absence of a student, steps may be taken to gather information in order to locate the student. Because the safety and well-being of our students is so important, the University may contact parents, friends and law enforcement officials. The federal government recently enacted a law regarding missing student procedures. At the time of publication of the handbook the government regulations were not finalized. Gonzaga will develop procedures as policy guidance becomes available. Please contact the Student Life office for further information.

## **NETWORK AND COMPUTER RESOURCE ACCEPTABLE USE POLICY EXCERPTS**

For the complete policy, please see the University's Information Technology Services website.

### **Unacceptable Uses**

1. Using GUNet for any unlawful activity.
2. Sending spam or creating or retransmitting chain e-mail messages.
3. Sending e-mail from another user's account.
4. Altering the header of an e-mail message to prevent the recipient from determining the actual sender of the e-mail.
5. Logging into or using any computer account or accessing, modifying, or creating any files without the account owner's permission.
6. Introducing new services or resources (e.g., personal web server) or altering existing services or resources (e.g., registering personal domain name) on GUNet without the approval of Information Technology Services.
7. Transmitting, without authorization, information proprietary to the University or information that could be construed as a statement of official University policy, position, or attitude.
8. Distributing information encouraging the patronage of network sites containing material prohibited by policies contained within the documents.
9. Wasting resources such as print services, disk space, and network bandwidth.
10. Intercepting network traffic without authorization.
11. Using GUNet for any activity that results in degradation of University provided services, denies services to other GUNet users, or jeopardizes the security or capabilities of GUNet.

### **Privacy**

1. Under ordinary and normal circumstances, a user's computer files—including electronic mail—are considered private. In order to correct system problems or investigate misuse of resources, it may be necessary for system administrators to examine users' files

- (including e-mail and network traffic). In such cases, user privacy will be respected to the extent possible consistent with University policy and the law.
2. Personal web pages and e-mail addresses may be listed on University directories unless the user specifically requests that this information be kept confidential.

### **Agreement**

1. I understand that access to GUnet is a privilege and not a right. I acknowledge that failure to conform to this policy statement may result in revocation of my GUnet account(s) and/or network access. Furthermore, disciplinary action consistent with University policy may be taken by the appropriate University officers (e.g., Student Life, Department Chair, supervisor) and illegal activities may be referred to the appropriate authorities.
2. I understand the above stated conditions for accessing GUnet and the Internet, and I agree to abide by these terms and conditions. I understand that certain material found on the Internet is offensive to some people and that I access the Internet of my own free will. Furthermore, I request access to Gonzaga University computing resources and/or an account on GUnet.

### **Gonzaga University Student E-Mail Policy**

**Rationale:** There is an expanding reliance on electronic forms of communication on the Gonzaga University campus. E-mail is fast, convenient, and cost-effective. It is prudent that the university include e-mail as an official form of communication with students.

This policy is intended to ensure that students have access to official communication from the university by e-mail and that they understand their responsibilities around communication of this type. This policy does not prohibit students from maintaining their own non-university e-mail account in addition to their Gonzaga e-mail address.

#### **Policy:**

1. University use of e-mail. E-mail is an official means of communication at Gonzaga University. The university may send communications to students by e-mail and has the right to expect that those communications will be received and read in a timely fashion. Information sent via e-mail has the same importance and needs to be responded to in the same manner as information sent in other ways. Students have the responsibility of accessing and reading their e-mail messages in a timely fashion.
2. Assignment of student e-mail address. Information Technology Services (ITS) or other authorized personnel will assign all students an official university e-mail address. It is to this address that the university will send all official e-mail communications. This official address will also be listed in the university's student directory unless the student has requested otherwise.
3. Managing E-mail boxes. Students are expected to read and properly dispose of e-mail promptly. Prompt disposition of e-mail is necessary to manage storage space on the student e-mail system. Disposal may include deletion, filing into alternate folders on the university mail server, or moving the e-mail onto the student's own computer. The university reserves the right to purge mail from accounts. Prior notification will be given if that notification is feasible and practical to allow students time to save messages.
4. Forwarding e-mail. In some cases a student may wish to configure his or her Gonzaga University e-mail account to forward e-mail to another address. The student takes full responsibility for the correct configuration of that forwarding. The university takes no responsibility for the handling of e-mail in this fashion. The use of automatic e-mail forwarding does not absolve the student from the responsibilities associated with e-mail sent to the student's official e-mail address. The university or individual schools may forbid

the automatic forwarding of e-mail in cases where it is found to be problematic. Additionally, the university may delete e-mail forwarding or other automated e-mail handling rules that cause system problems without prior notification.

5. **E-mail privacy.** This policy does not supersede the university's policies on privacy as stated in the university's Acceptable Use Policy. However, all users of electronic communication, including e-mail, need to realize that communication of this type usually leaves traces as to its origin and destination as well as its content. The simple deletion of e-mail or other electronic files does not remove these traces and the file or e-mail is often recoverable for some time after deletion. Further, students need to realize that the university makes regular archival copies of all e-mail to ensure the system's integrity and that these archives exist for some time. Therefore, although Gonzaga's e-mail system and governing policies may grant some privacy to student e-mail, students should treat all e-mail as if they were public documents.
6. **Spam Filtering.** The university uses a variety of spam filtering tools including some that can be controlled by end-users. The university will continue to stay apprised of the latest spam filtering techniques and will adjust its own processes when warranted. However, no current spam filtering technique is completely effective and they will let mail through that should be blocked and occasionally block e-mail that should be delivered. Moreover, each person's definition of spam is unique. Given that, students should expect that on rare occasions, legitimate e-mail may be blocked from delivery.
7. **Lifetime E-mail.** Gonzaga graduates are granted the use of the university e-mail system for life, as long as they continue to periodically check their account. Once a student has graduated, they must check their account at least once every six months or it is subject to deletion.

## **OFF-CAMPUS CONDUCT**

Students are subject to the University's behavioral expectations off-campus. Behavior off-campus that reflects adversely upon the University's values and image may subject the student to disciplinary action. This includes, but is not limited to: disrespect for the rights of Logan neighbors, hosting or allowing disruptive gatherings to occur at a residence and other nuisance behavior that reflects negatively on the institution. It also includes facilitating or allowing illegal or dangerous behavior as well as negative interactions with public safety officials.

## **OUTDOOR SPECIAL EVENTS & AMPLIFIED SOUND**

Amplifiers, bullhorns, musical instruments, and other forms of communication beyond that of the natural voice must receive prior written approval from Office of Student Activities. In some circumstances a noise variance permit may be required by the City of Spokane. It is the student's or organization's responsibility to obtain this permit.

## **PARKING**

All students, staff, and faculty who park or use a vehicle on Gonzaga University property must register the vehicle with Campus Public Safety & Security. This applies to all vehicles brought to campus, including motorcycles. Vehicles can be registered at the Security office, located in the lower level of Welch Hall.

Parking lots are designated and posted by permit color and are restricted to particular groups (staff/faculty, law students, residence halls, rental properties, etc). A list of locations is provided at the time of registration, or is available at the Security Office. Parking enforcement is conducted year round, but hours and conditions vary depending on the time of year. Reserved spaces for disabled persons and maintenance vehicles, loading zones, fire lanes, campus interior, and other

violations are enforced 24 hours a day year round. Students, staff, and faculty are not permitted to use a temporary visitor pass or park in visitor spaces.

Students receiving an unreasonably high number of citations may be assessed additional fees for non-compliance. An unreasonable number of citations, even those paid promptly, may also result in a referral to the Student Life staff for disciplinary follow-up. In addition to disciplinary action, on-campus parking privileges may be revoked upon adequate notice and an offending vehicle may be towed and impounded.

The University reserves the right to search privately owned vehicles on University property when there is an indication that the vehicle may be involved in a violation of a University policy.

Further information about parking rules and regulations, permit sales and registration, violation fees and payments and appeals is available at the Security office, or by calling the Parking Message Line at extension 4147. Information is also available via the Campus Security website at [www.gonzaga.edu/security](http://www.gonzaga.edu/security).

## **PORTABLE STORAGE UNITS**

Students may not bring portable storage units, including cargo containers or trailers, to campus without prior authorization from the Campus Public Safety & Security department. Short-term parking for licensed trailers able to be towed by a car, which do not take up more than one parking space, do not require prior authorization.

## **POSTING**

The University reserves the right to regulate the posting and distribution of all notices. Approval for posting, as well as complete posting/publicity guidelines, may be obtained at the Crosby Information Desk located in the Crosby Student Center. The University policy has been designed to ensure that Gonzaga University students, faculty, and staff have equal access to common posting areas and that the aesthetic quality of the campus is preserved. Posting on University property is a privilege.

## **RELIGIOUS ACTIVITIES ON CAMPUS — GUIDELINES**

Please contact the University Ministry office at extension 4242.

## **RESIDENCY REQUIREMENT AND QUALIFICATIONS**

You must be a regularly matriculated full time student to live in Gonzaga University residential facilities. Full time is defined as 12 credits per semester for undergraduates, and 9 credits per semester for graduate and law students. In the event that a student withdraws from classes during the semester for legitimate reasons, exceptions to this policy must be requested from the Associate Director of Residence Life, in writing, within one week of the change.

You must attain the age of 18 within nine months of your first day of classes to qualify to live on campus. Students younger than this must live off-campus with parents, a guardian or immediate family member over the age of 21.

The University requires full-time undergraduate first and second year students under the age of 21 to reside on campus in the residence hall system and to take their meals in the dining halls. As a general rule to measure this requirement, if you have completed four full academic semesters of college since you graduated High School (not including summers) you qualify to live off campus, even if you are not yet 21. Undergraduate first and second year students who are under the age of 21 but who are married or living with immediate family in the local area must arrange, in writing, for exemption from this requirement with the Office of Housing and Residence Life.

It is important to be aware that a written request to move off-campus does not constitute permission to do so, nor should students consider entering into an off-campus lease or agreement unless the Office of Housing and Residence Life grants the written request. In some cases, permission to be exempted from the Residency Requirement will accompany a financial penalty when there is a Rental Agreement already filed with the Office of Housing and Residence Life.

All students residing in campus-owned housing are contractually obligated to the University for the room and board fees as stipulated in the "terms and conditions" portion of the Residential Living Application/Agreement.

### **RESTRICTED AREA ENTRY**

Unauthorized entrance, occupancy or use of University property or premises, including entry onto roofs and secured areas and areas not intended for student use is prohibited. This includes, but is not limited to: maintenance and custodial areas, construction sites and Lake Arthur and the Spokane River adjacent to University property.

### **SEXUAL AND RELATIONSHIP MISCONDUCT**

Please see separate policy section which also includes the Harassment policy.

### **SKATING AND BIKING ON CAMPUS**

Safety, courtesy and caution dictate the use of skateboards, in-line skates, bicycles and scooters on campus. The use of these items is not permitted in any university facility or on any stairways. The right of way of pedestrians is to be observed at all times. Stunt riding and skating, including the use of benches, stairways or other objects, is prohibited. Electric and gas powered scooters may be treated as motor vehicles by the University and subject to parking and traffic regulations. Bicycles may not be left in stairwells or in any area likely to impede foot or vehicle traffic. Bicycles may not be secured to any object other than a bike rack. Bicycle riders are expected to observe the city of Spokane's helmet ordinance while on campus.

### **SMOKING**

Smoking is not permitted in University facilities or vehicles. Smoking will be permitted outdoors only, 25 feet from any University building. In all areas of the campus smoking must not cause unreasonable discomfort or annoyance to others.

### **SOLICITATION**

In order to protect students' right to privacy, under no circumstances are off-campus solicitors allowed to canvass campus. Any violation of this policy should be reported to the Student Life office or Campus Public Safety & Security immediately. Permission for public area solicitation must be obtained from the manager of the Crosby Student Center. Students or student groups wanting permission for solicitation within Residence Halls must contact the Residence Director and the Office of Housing and Residence Life.

The use of University facilities and resources to conduct commercial ventures not sanctioned by the University is prohibited. This includes housing facilities, MSC box/address, University phone number(s), voice mail, computing resources and use of University logos/trademarks.

### **WEAPONS, FIREWORKS & EXPLOSIVES**

The presence and use of weapons on campus, except in very limited circumstances, presents a potential threat to the safety of all community members. Use or display of weapons may result in threat or injury to self or others. Use or display of weapons, whether intentional or not, is generally inconsistent with our Ethos Statement and may be illegal.

Possession, use, display, sale or exchange of weapons at any location on campus, including University residential facilities and privately-owned vehicles, is prohibited. Fireworks, explosives and chemicals of an explosive nature are also prohibited. The term “weapon” means any object designed to propel an object, inflict a wound, cause injury, incapacitate, damage property or cause a reasonable fear of such, and includes, but is not limited to, all firearms, pellet/BB/air guns, paintball guns, home-manufactured cannons or explosive devices, bows and arrows, slingshots, clubs, martial arts devices, switchblade or otherwise-illegal knives or knives with a blade longer than three inches (with the exception of kitchen knives in our University homes and apartments). Toy guns and other simulated weapons are covered by this policy. Objects otherwise not considered weapons and knives with blades less than three inches may be covered by this policy if used as a weapon.

Exceptions to this policy may be authorized by the Director of Security. The University retains the right to search persons, possessions and bags and privately-owned vehicles on University property and to confiscate, retain and dispose of/destroy all items covered by this policy regardless of value or ownership. Law enforcement may be contacted for some violations of this policy.

**Need a safe ride home  
regardless?**

**USE SAFERIDE!**

**GU and GSBA have partnered with a local  
Spokane taxi company to provide students a  
safe ride home from a compromising  
situation, no questions asked.**

**Take a ride home for free,  
rather than walk alone!  
All you need is your GU ID card.**

**Call 509-568-8000 to arrange a ride.**



The page is framed by a border of Gonzaga University (GU) logos. The logo consists of the letters 'GU' in a stylized font with a small figure of a person on top of the 'U'.

# **Get involved!**

**Gonzaga has  
over 100 clubs!**

- Religious
- Political
- Service
- Cultural
- Awareness
- Arts
- Academic
- Honorary

Learn more about them at  
**[www.gonzaga.netclubmgr.com](http://www.gonzaga.netclubmgr.com)**

Or contact us at

**Office of Student Activities**

Crosby rm. 200      Phone: 313-6123  
[studentactivities@gonzaga.edu](mailto:studentactivities@gonzaga.edu)

**Gonzaga Student Body Association**

Crosby rm. 200      Phone: 313-4087  
[gsba-clubs@gonzaga.edu](mailto:gsba-clubs@gonzaga.edu)

**SEXUAL AND RELATIONSHIP  
MISCONDUCT POLICY, p. 167-172  
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DISABILITY GRIEVANCE PROCEDURE, p. 177-180**

**SEXUAL AND RELATIONSHIP MISCONDUCT POLICY - INTRODUCTION**

Sexual misconduct and relationship misconduct are prohibited and will not be tolerated at Gonzaga University. The following information will assist you in reporting an incident.

**WHAT TO DO/HOW TO REPORT AN INCIDENT OF SEXUAL MISCONDUCT**

The University encourages you to report any incident of sexual and relationship misconduct. Trained professionals are available to assist you and anyone who has been impacted by these incidents. Multiple resources are available; you are encouraged to use both on and off campus resources (see RESOURCES below).

If you feel you have experienced any type of sexual and relationship misconduct, 24 hr. assistance is available at 328-4220 or extension 0 when calling from campus phones. Ask for a Sexual Assault Response Team (SART) First Responder or a Campus Public Safety and Security Officer.

If you have any information about any type of sexual and relationship misconduct of another person, you are encouraged to report that information immediately to a SART First Responder, a Campus Public Safety and Security Officer, or by using the 3rd Party/Anonymous Report Form.

IF YOU ARE IN IMMEDIATE DANGER, GET TO A SAFE PLACE AND CALL THE SPOKANE POLICE DEPARTMENT – 911. It is important to preserve any evidence. Do not shower, douche, wash clothes, brush teeth, eat or drink after an assault. The police may use this evidence for a potential criminal investigation.

**Reporting Options:**

**I. File an anonymous incident report on line**

You can file an anonymous report via the Gonzaga University website. Third Party/Anonymous Report forms are also available in the Student Life office or the Residence Life office.

**II. Meet with a University official to file an anonymous incident report**

If you contact a SART First Responder, Campus Public Safety and Security Officer or other Student Life official, your name and/or the name of the accused can be left off the report to maintain privacy. This way, you can receive personal assistance, support and resources without initiating a campus inquiry or judicial action.

**III. Meet with a University official to file an incident report**

You can file an incident report to provide information for a preliminary inquiry by contacting any one of the following:

- ❖ SART First Responder through the University switchboard, 328-4220 or extension 0
- ❖ Campus Public Safety and Security Officer at 313-2222, or extension 2222
- ❖ Equal Opportunity Office at 313-6910 or extension 6910
- ❖ Student Life/Dean of Students office

**IV. File a criminal report with the Spokane Police Department**

You can report directly to SPD by calling 911. A report made only to Gonzaga University is not the same as a report made to local police. The University process and the criminal

**SEXUAL AND RELATIONSHIP MISCONDUCT POLICY  
HARASSMENT POLICY  
DISABILITY GRIEVANCE PROCEDURE**

justice process are two separate courses of action. If you wish to file a report with the Spokane Police Department, Gonzaga Student Life Professional Staff will assist upon your request. Only you as the person who experienced sexual misconduct may file the complaint report. Notifying the Spokane Police Department will generally result in the reporting party being contacted by a police officer. The police department determines if a criminal investigation will occur and if the case will be referred for prosecution.

## **CAMPUS AND COMMUNITY RESOURCES**

**Gonzaga's Sexual Assault Response Team (SART) First Responders:** First Responders are available to assist the reporting party with immediate and short-term needs. SART Responders are trained to respond to incidents of sexual and relationship misconduct and are available to meet with friends or family members of the reporting party.

**Spokane's Community Advocates:** SAFeT (Sexual Assault and Family Trauma Center) community advocates offer crisis intervention, information and referrals, legal advocacy and support services for all crime victims and their friends and family members. SAFeT Advocates are available off campus and can assist with Crime Victims Compensation which may pay for an ER visit and other 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 do not provide information disclosed to them to the University.

**Medical Care:** In the event of a sexual assault or rape, these tests and procedures are highly recommended as soon as possible.

- ❖ Rape kit
- ❖ STD and HIV testing (at 3 month intervals, for up to one year after incident)
- ❖ Pregnancy concerns may be discussed with the hospital E.R., with your primary care physician, or the staff at the University Health Center.

**Emotional Needs:** Individuals who have experienced sexual or relationship misconduct are encouraged to obtain help from a professional counselor and/or support group. GU'S Counseling Center Staff is available to meet with students by appointment.

**Academic and Living Arrangements:** A reporting party may request a change in academic or living situation after a report of rape or sexual assault. The University will inform the reporting party of the options and will accommodate the request if those changes are reasonably available.

### **Gonzaga University Support Services:**

SART First Responders	328-4220 or extension 0*
Campus Public Safety & Security	313-2222 or extension 2222*
Health Center	313-4052 or extension 4052
Counseling Center	313-4054 or extension 4054
Equal Opportunity Office	313-6910 or extension 6910

### **Spokane Community Services:**

Spokane Police Dept.	911* or 456-2233*
SAFeT (advocacy & support)	624-RAPE*
First Call for Help	838-4428*
Sacred Heart Medical Center	474-3344*
Holy Family Hospital	482-2460*
Deaconess Medical Center	458-7100*

\*24/7/365 availability

## POLICY STATEMENT

Sexual and relationship misconduct are prohibited and will not be tolerated at Gonzaga University. The University will take action to foster the safety and security of the entire community. We do this by providing prevention education, support services for those who have been affected, University judicial processes, and by holding accountable those who violate this policy. Students found responsible for any acts under this policy are subject to disciplinary sanctions up to and including suspension or dismissal from the University.

This section of the Handbook includes conduct and disciplinary information on rape, sexual assault, dating violence, domestic violence, stalking and sexual exploitation. Other misconduct of a sexual nature not meeting these definitions are covered by the University's general conduct and disciplinary provisions.

## Behavioral Expectations

The University subscribes to behavioral expectations consistent with the Ethos Statement and its Principles of Student Conduct, particularly Respect for Oneself and Respect for Others. This means that sexual activity should be mutual and consensual. Each individual is expected to obtain and give consent before sexual activity. Consent, preferably in the form of verbal affirmation, must be informed, and freely and actively given. If at any time either party demonstrates that she/he is hesitant, confused or unsure, or that it is reasonably apparent, both parties should stop and obtain mutual verbal consent before continuing sexual activity.

It is our goal that students report all incidents of sexual and relationship misconduct so that those affected can receive the support and resources they need. Therefore, violations of the University's alcohol policy by the reporting party may be exempt from disciplinary action in these circumstances. However, the University may initiate an educational discussion about the use of alcohol and its impact.

## DEFINITIONS

These definitions are descriptive of conduct which may constitute a violation and determine a finding of responsibility of the Sexual and Relationship Misconduct policy.

**"Accused"**: the person who allegedly ("is said to have") committed acts of sexual and/or relationship misconduct.

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

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

The following further clarifies the definition of consent:

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

*sexual activity and the other person is unaware – or reasonably could not have known – of the alcohol consumption or blackout, then consent may be considered to have been given.*

**“Dating violence and domestic violence”**: Dating violence refers to a situation in which one dating partner is physically, emotionally or sexually abused by the other dating partner. Domestic violence is similar to dating violence but involves individuals who live together. This also includes non-intimate relationships such as roommates. Dating violence and domestic violence can occur between individuals of the opposite sex or of the same sex.

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

**“Rape”**: vaginal or anal penetration, however slight, by a penis, object, tongue or finger as well as genital-oral penetration, initiated by a man or woman upon a man or a woman without consent.

**“Reporting Party”**: the person who reports to the University alleging that he/she has experienced sexual or relationship misconduct.

**“Sexual Assault”**: non-consensual touching of the sexually intimate parts of a person without that person’s consent or permission that does not meet the definition of another offense under this policy.

**“Sexual Exploitation”**: taking unjust or abusive sexual advantage of another; for the accused’s own advantage or benefit; or for the benefit or advantage of anyone other than the reporting party; and that behavior does not otherwise constitute rape, sexual assault or harassment [see Harassment Policy]. Examples of sexual exploitation include, and are not limited to:

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

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

## **UNIVERSITY JUDICIAL PROCEDURES FOR SEXUAL MISCONDUCT CASES**

### **HEARING PROCESS**

A University inquiry occurs when a reporting party makes a report of sexual or relationship misconduct by a student. An inquiry is conducted by a University official, who gathers additional information from the reporting party, accused, and witnesses if appropriate. The University uses this additional information to better understand what happened and determine if additional actions are necessary.

Depending upon the results of the inquiry the University may initiate a hearing. In most cases the University will not conduct a further inquiry or hearing without the reporting party’s request. However, under compelling circumstances such as evidence of a pattern of repetitive behavior, the use of force or threat of force, or the use of a weapon by the accused, or to meet statutory or regulatory requirements the University may initiate an inquiry, hearing and/or disciplinary action.

The purpose of the hearing is to determine whether the accused is **more likely than not responsible for violating the University's Sexual and Relationship Misconduct policy and/or ethos statement.**

Before the hearing both the reporting party and the accused will each meet with a separate University "intake" person who will explain what happens during a hearing. During the hearing process the incident is reviewed by either a hearing board or hearing officer. The board or officer listens to and speaks with the reporting party, the accused, and witnesses, and considers other relevant information, including results from the inquiry. The reporting party and the accused are entitled to the same opportunity to question each other and witnesses as determined by the hearing officer, and to have a support person (other than the intake person) present during the hearing.

The board or officer makes a determination of responsibility for the allegation. The board or officer reserves the right to determine responsibility for a lesser violation. Sanctions, if appropriate, are recommended to the Chief Judicial Officer.

Criminal courts determine guilt or innocence of an accused. Civil courts resolve non-criminal disputes between parties, usually for a money judgment. Gonzaga's hearing process determines responsibility, that is, whether the accused more likely than not violated the University's Sexual and Relationship Misconduct policy. The University has established considerations for a finding of responsibility under the Sexual and Relationship Misconduct policy, as described here:

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

Whether consent was given or obtained is a key factor in determining responsibility for a violation of Sexual and Relationship Misconduct policy. A variety of other factors and information is gathered and each case is evaluated on its own unique circumstances. The hearing board or officer bases the finding on all of the relevant information presented at the hearing.

Under Washington law, sexual and relationship misconduct may be punishable crimes, and may also result in civil action. However, the University undertakes inquiries and hearings and renders sanctions in a non-criminal context. Although the definitions and procedures may be similar to criminal law or the criminal court system, they are specific to Gonzaga University and limited to the meaning and use given them by the University. An act not criminally prosecuted may still violate University policy.

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

## **OUTCOMES AND SANCTIONS**

### **Sanctions for sexual or other relationship misconduct:**

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

### **Facilitated Discussion: (Optional)**

In addition to, or in place of a hearing, a reporting party may choose a facilitated discussion as a non-judicial option. A facilitated discussion is a voluntary process in which the reporting party

and the accused communicate with the help of a neutral third party trained in the dynamics of sexual and relationship misconduct. A facilitated discussion does not establish a determination of responsibility by the University, but may still accomplish appropriate outcomes. For a facilitated discussion to be successful both parties need to be willing to participate.

**Notification:**

The University will inform both the reporting party and the accused of the outcome of any institutional proceeding for allegations of sexual misconduct, including appeals. The outcome is the University's final determination about the alleged offense and any sanction imposed against the accused for a determination of sexual misconduct.

**Retaliation:**

Although Gonzaga acknowledges that extreme emotions and stress may be involved in these incidents, the University does not condone any person on either side of the incident engaging in any type of retaliation. This includes slander, libel or harassment. Violations of this type will be handled in accordance with the Ethos Statement and Behavioral Expectations.

## **HARASSMENT POLICY**

**Policy Statement on Human Dignity**

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

**Gonzaga University Harassment Policy Statement**

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

**Harassment Defined**

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

Harassment can take many forms. It can include slurs, comments, rumors, jokes, innuendoes, unwelcome compliments or touching, cartoons, pranks, and other verbal or physical conduct.

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

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

## Harassment Policy Compliance

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

## Harassment Complaint Procedures

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

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

## Sexual and Racial Harassment

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

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

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

- ❖ Demeaning sexist statements, off-color jokes, crude sexual remarks, offensive stories, remarks of a sexual nature about a person's clothing or body, remarks about sexual activity or experiences
- ❖ Display or circulation of written materials or pictures degrading to individuals or gender groups
- ❖ Inappropriate, unnecessary, or unwelcome physical contact, such as touching, patting, pinching, hugging, kissing, or brushing against an individual's body
- ❖ Undue and unwanted attention, such as repeated flirting, compliments about clothing or physical attributes, staring, or making sexually oriented gestures
- ❖ Pressuring an individual to become involved in sexual activity
- ❖ Making a student's work or an employee's job more difficult because of that person's sex or sexual orientation

- ❖ Using a position of power and authority to: 1) threaten or punish, either directly or by implication, for refusing to tolerate harassment, submit to sexual activity, or for reporting harassment, or 2) promise rewards for sexual favors
- ❖ Physically assaulting an individual, such as sexual battery, sexual molestation, or attempts to commit such assaults. Such actions may also constitute a violation of the criminal code and sexual misconduct policy
- ❖ Engaging in demeaning verbal and other expressive behavior of a sexual or gendered nature in instructional settings.

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

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

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

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

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

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

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

## **Demeaning Verbal and Other Expressive Behavior in Instructional Settings**

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

### **Definitions:**

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

### **Protected Expressive Behavior:**

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

### **Application:**

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

### **Reporting and Investigating Harassment:**

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

applicable procedures described in the Faculty Handbook, Student Handbooks, and the Personnel Policies and Procedures Manual.

### ❖ FALSE REPORTS

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

### ❖ CONFIDENTIALITY

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

### ❖ RETALIATION

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

## BIAS INCIDENTS

### Definition

The Ethos Statement sets out an expectation that all community members will show respect for others regardless of a person's race, creed, disability, gender, sexual orientation, ethnicity or nationality. Further, all community members are expected to avoid all forms of harassing or offensive behavior. Bias-motivated incidents are defined as behavior which constitutes an expression of hostility against the person or property of another because of the traits listed above. This may include such behavior as non-threatening name calling, using racial slurs/language or disseminating racist leaflets. Additionally, it includes actions such as but not limited to threatening phone calls, hate mail, physical assaults, and vandalism.

### Process

It is important that a record of the act is established immediately by reporting the incident to one of the following offices: Student Life office, Office of Intercultural Relations, Campus Public Safety & Security, Housing and Residence Life, DREAM (Disability Resources, Education and Access Management), Academic Services, LGBT Resource Center, Unity Multicultural Education Center or the Office of Equal Opportunity. These entities can assist in getting the incident documented. Incident reports will be forwarded to the Student Life office where a written record will be maintained. If the incident involves a crime, and there is an immediate threat to safety, or evidence to be preserved or collected, 911 should be called right away. Security should be called after 911 has been notified. For non-urgent or non-emergency situations, Security will respond on behalf of the University, and as appropriate will conduct an inquiry to be coordinated with the Dean of Students for Judicial Affairs. Security will assist with filing a police report if requested. It is important to remember that in reporting the incident, a photograph of the physical damage or a copy of the printed material should be submitted as part of the record. The particular elements of the incident need to be addressed at the time the initial report is submitted (i.e. suspected motive, time, place, how it was discovered and any other circumstances).

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

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

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

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

### APPLICATION

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

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

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

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

**Examples of non-academic access situations might be:**

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

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

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

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

### STEPS IN THE GRIEVANCE PROCEDURE

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

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

(509) 313-4134

[shearer@gonzaga.edu](mailto:shearer@gonzaga.edu)

The complaint does not have to be in writing.

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

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

- A. Determine whether a violation of University policy or law occurred
- B. Implement consequences for violation
- C. Correct the access or accommodation situation and restore the complainant's employment or academic environment or public access issue which led to the grievance
- D. Initiate steps to prevent the problem from recurring
1. *Meeting with University Official:* The complainant should make an appointment with the Equal Opportunity Officer at:  
Equal Opportunity Officer  
College Hall, Room 206  
(509) 313-6910 or 313-6289  
[loveland@gu.gonzaga.edu](mailto:loveland@gu.gonzaga.edu)
  2. *Submitting the grievance:* The complainant will submit the grievance in writing with this information:
    - ❖ the name and address of the person filing the grievance (the complainant)
    - ❖ a statement of the alleged discriminatory actions, including the date(s) the action(s) occurred and the name(s) of the persons involved and the nature of their involvement
  3. *Investigation:* The Equal Opportunity Officer will interview the complainant, other persons, contact Director, Disability Resources, Education and Access Management for relevant information, and conduct a formal investigation. The EO Officer will work with the appropriate Vice Presidents to insure a complete and thorough investigation.
  4. *Hearing the Grievance:*
    - ❖ Student Grievances regarding academic access and accommodation are heard by the Academic Vice President or designee
    - ❖ Student Grievances regarding non-academic access and accommodation are heard by the Vice President for Student Life or designee

- ❖ Employee Grievances regarding employment access and accommodation and the Public regarding access to facilities, activities, events and services are heard by the Vice President for Administration and Planning or designee.

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

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

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

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

### STEP III: APPEAL TO THE PRESIDENT

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

- B. The appeal will be resolved by the:

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

The President of Gonzaga University will either personally review the matter or designate another person to do so.

The President or his/her designee may request anyone to meet with him to discuss the appeal and/or request anyone to submit written materials.

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

### STEP IV: OUTSIDE REMEDIES

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

These agencies are:

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

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

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