

GONZAGA-IN-FLORENCE

SAFETY & SECURITY GUIDE

2017-2018

A Publication of the Gonzaga-In-Florence Program

In compliance with federal law

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Gonzaga-In-Florence

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

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

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

<http://www.gonzaga.edu/studenthandbook>

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

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

This publication is available on the Gonzaga University website at:

<http://www.gonzaga.edu/studenthandbook>

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

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INTRODUCTION

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

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

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

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

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

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

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

EMERGENCY REPORTING

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

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

CRIME REPORTING

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

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

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

Jason Houston, Ph.D.,
Director,
Gonzaga-In-Florence
Room 116
Cell +39 334 798 2573
Houston@gonzaga.edu

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

Student Development Staff
Mozilo Center

*Please use the listed cell phone numbers only for reporting crimes and emergencies to GIF administrators.

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

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

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

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

KEEPING THE COMMUNITY INFORMED AND PROMOTING SAFETY

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

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

materials are also distributed to GIF staff and faculty. The purpose of presenting this information is to encourage community members to be responsible for their own security and the security of others.

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

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

EMERGENCY RESPONSE AND NOTIFICATION PROCEDURES

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

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

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

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

The GIF program reviews and exercises aspects of its emergency response and evacuation procedures and system(s) on an annual basis. Notification to the campus community of testing is publicized via email messaging and the Ciao newsletter. Documentation of testing is maintained in the office of the Assistant Director for Student Development and includes a description of the test, the date and time of the test, and whether the test was announced or unannounced.

FEDERAL CAMPUS SECURITY ACT

The “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act” was originally enacted in 1990. It has been amended several times and is commonly known as the Clery Campus Security Act. Two goals of this legislation are disclosure of criminal activity on campus and timely warning of criminal activity. Gonzaga-In- Florence supports these goals. Our crime reporting procedure, coordinated through the Assistant Director for Student Development, insures that criminal activity on campus is effectively tracked and reported.

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

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

The Act was most recently amended in 2008 as part of the Higher Education Opportunity Act. Additional requirements were mandated related to hate crime reporting and emergency notification to the community in the event of a significant emergency or dangerous situation.

CLERY CAMPUS SECURITY ACT STATISTICS CATEGORY		2016			2015			2014		
		C	A	R	C	A	R	C	A	R
		A M (1)	P P (2)	N C (3)	A M (1)	P P (2)	N C (3)	A M (1)	P P (2)	N C (3)
MURDER (& NON-NEGLIG. MANSLAUGHTER)		0	0	0	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER		0	0	0	0	0	0	0	0	0
FORCIBLE SEX OFFENSES	RAPE	0	0	0	0	0	0	0	0	0
	OTHER (5)	0	0	0	0	0	0	0	0	0
NON-FORCIBLE SEX OFFENSES(6)		0	0	0	0	0	0	0	0	0
ROBBERY		0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT		0	0	0	0	0	0	0	0	0
BURGLARY		0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT		0	0	0	0	0	0	0	0	0
ARSON		0	0	0	0	0	0	0	0	0
DOMESTIC VIOLENCE		0	0	0	0	0	0	0	0	0
DATING VIOLENCE		0	0	0	0	0	0	0	0	0
STALKING		0	0	0	0	0	0	0	0	0

HATE CRIMES (6): No hate crimes meeting Clery criteria were reported in 2016, 2015, or 2014.

Notes:

Column Headings as defined by the Clery Campus Security Act:

- (1) "CAM" Campus means any building or property owned or controlled by an institution within the same reasonably contiguous geographic area of the institution and used in direct support of, or in a manner related to, the institution's educational purposes, including residence halls.
- (2) "APP" Adjacent Public Property means all public property that is within the same reasonably contiguous geographic area as the institution, such as sidewalks, streets and other thoroughfares, and parking lots. The park across the street from the front of the GIF building is not included in this area.
- (3) "RNC" Reportable Non-Campus means any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area. The pensioni used for student housing and two art studios are included in this category.

Other notes:

- (4) Includes sexual assault with an object, forcible fondling (sexual assault), sodomy
- (5) Incest and statutory rape
- (6) Reported crimes which are listed above, or which involve bodily injury, reported to local police agencies or to a campus security authority, that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability (Clery Act definition).

ARRESTS AND DISCIPLINARY REFERRALS		2016			2015			2014		
		C A M	A P P	R N C	C A M	A P P	R N C	C A M	A P P	R N C
ARRESTS	LIQUOR LAW VIOLATIONS	0	0	0	0	0	0	0	0	0
	DRUG LAW VIOLATIONS	0	0	0	0	0	0	0	0	0
	ILLEGAL WEAPONS POSS.	0	0	0	0	0	0	0	0	0
DISCIPLINARY REFERRALS	LIQUOR LAW VIOLATIONS	0	0	0	0	0	0	0	0	0
	DRUG LAW VIOLATIONS	0	0	0	0	0	0	0	0	0
	ILLEGAL WEAPONS POSS.	0	0	0	0	0	0	0	0	0

SEXUAL MISCONDUCT AND HARASSMENT POLICY

What to Do If You Experience Sexual Harassment or Misconduct:

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

Emergency Response	Health and Safety	Campus Assistance
Medical/Police 112	Sacred Heart Medical Center 509-474-3131 Deaconess Hospital 509-458-5800	Campus Security and Public Safety Communications Center 509-313-2222 or ext. 2222 Lutheran Services 24hr Crisis Line 001-509-624-7273 Health Center 509-313-4052 or ext. 4052

CONFIDENTIAL RESOURCES AND REPORTING OPTIONS:

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

CONFIDENTIAL RESOURCES & SUPPORT	NON-CONFIDENTIAL RESOURCES AND SUPPORT
HEALTHCENTER/COUNSELING CENTER 001-509-313-4052 SAFET 001-509-624-RAPE LUTHERAN SERVICES CRISIS LINE 001-509-624-7273 LUTHERAN SERVICES ADVOCATE 001-509-342-8564 (text ok) LUTHERAN SERVICES 001-509-313-6119 ANY PRIEST SERVING AS SACRAMENTAL CONFESSOR OR ANY ORDAINED RELIGIOUS PERSON SERVING IN THE SACRED CONFIDENCE ROLE.	1) CAMPUS SECURITY AND PUBLIC SAFETY 001-509-313-2222 OR EXT. 2222 2) TITLE IX COORDINATOR 001-509-313-6910 OR EXT. 6910 3) STUDENT DEVELOPMENT OFFICE 001-509-313- 4100 4) HUMAN RESOURCES DIVISION 001-509-313-5996

AN ANONYMOUS REPORT CAN BE COMPLETED ON-LINE AT: WWW.GONZAGA.EDU/SEXUALMISCONDUCTFORM.
Harassment and Non-Discrimination Policy

1. Overview

a. Philosophy

Gonzaga 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, Gonzaga expects all community members to promote dignity and respect in their daily interactions with each other.

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

Gonzaga seeks to cultivate a campus culture of prevention and awareness surrounding harassment, discrimination and/or sexual misconduct. All members of the Gonzaga community are encouraged to report any incident of harassment, discrimination, or sexual misconduct. Gonzaga will take steps to resolve complaints promptly and equitably. Gonzaga does this by providing counseling and support services for individuals and groups who have been affected by harassment, discrimination, and/or sexual misconduct, by holding individuals who violate this policy accountable, and by providing education and training to the Gonzaga community.

It is a violation of Gonzaga policy to threaten, intimidate or retaliate in any way against an individual for raising allegations of harassment or discrimination, participating in an investigation, complaint process or hearing, filing a complaint alleging harassment or discrimination, or encouraging others to report. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. Gonzaga will take immediate and responsive action to any retaliation. Anyone found to have acted in a retaliatory manner may be subject to appropriate disciplinary action up to and including termination of employment.

b. Notice of Non-Discrimination

GONZAGA'S POLICY ON NON-DISCRIMINATION

Gonzaga University does not discriminate against any person on the basis of race, color, religion, national origin, sex, marital status, sexual orientation, gender identity, age, disability, veteran status, or any other non-merit factor in employment, educational program, or activities that it operates.

Policies and procedures (collectively referred to as "policies") are written consistent with Gonzaga's Mission Statement. Our non-discrimination policies comply with federal and state regulations, including Title IX of the Education Amendments of 1972.

Title IX Inquiries & Complaint Process

Inquiries concerning application of Title IX may be referred to the Title IX Coordinator. To file a complaint of sexual harassment, sexual assault, sexual misconduct, or gender-based discrimination, contact any of the parties listed below.

Non-Discrimination Inquiries & Complaint Process

Inquiries concerning the application of the University's non-discrimination policy may be referred to the Office of Equity and Inclusion. To file a complaint of harassment or discrimination based upon any of the protected groups, contact the Office of Equity and Inclusion or any of the parties listed below.

<p>Chris Purviance, Assistant Director Office of Equity & Inclusion Business Services Center, Office 009 102 E. Boone Ave. purviance@gonzaga.edu (509) 313-5858</p> <p>Stephanie N. Whaley Title IX Director Business Services Center, Office 18 102 E. Boone Ave. whaleys@gonzaga.edu (509) 313-6910</p> <p>Matt Nelson Title IX / EO Investigator 205 Crosby nelsonm4@gonzaga.edu (509) 313-3998</p>	<p><u>Deputy TIX Coordinators</u></p> <p>Heather Gores, Athletics Associate Athletic Director McCarthy Athletic Center, Office 315 gores@athletics.gonzaga.edu (509) 313-3599</p> <p>Eric Baldwin, Dean of Student Well-Being and Healthy Living College Hall 120 baldwine@gonzaga.edu (509) 313-4135</p> <p>Michael Roden, Assistant AD Student Athletic Support Services McCarthy Athletic Center PV103A roden@athletics.gonzaga.edu (509) 313-5527</p>
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Individuals may also contact the Office for Civil Rights of the U.S. Department of Education:

Seattle Office, Office for Civil Rights, U.S. Department of Education
915 Second Avenue Room 3310
Seattle, WA 98174-1099
Telephone: 206-607-1600, FAX: 206-607-1601; TDD: 800-877-8339
Email: OCR.Seattle@ed.gov

c. Scope of Policy

This policy applies to harassment and discrimination based on legally protected classes or characteristics. It applies to all Gonzaga community members, including employees and students. All students and employees of Gonzaga are responsible for their actions and behavior, whether the conduct in question occurs on or off campus. As such, this policy applies to both on campus conduct and relevant off campus conduct which affects the Gonzaga community.

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

Gonzaga's Office of Equity and Inclusion is responsible for oversight of complaints made pursuant to this policy for all forms of harassment and discrimination prohibited by law. However, gender-based complaints made by students against other students, faculty, staff, other community members or visitors, are overseen by the Title IX Coordinator.

d. Harassment and Discrimination Defined

Harassment and discrimination against individuals in protected classes can take many forms. It can include verbal or physical conduct, name-calling, slurs, comments, rumors, jokes, innuendos, unwelcome compliments or touching, cartoons, pranks, graphic and written statements, communications via cell phones or the internet, or other conduct which may be physically or emotionally threatening, harmful or humiliating.

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

- i. 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
- ii. 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
- iii. The conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creates an intimidating, hostile, or offensive employment or academic environment, and
- iv. The conduct or communication would not have occurred but for the protected category of the individual(s) or group to whom it is directed or who are affected by it.

Specific examples of Harassment and Discrimination are provided in Section B of this policy.

e. Verbal and Other Expressive Behaviors in Instruction Settings

The College and University Personnel Association and the American Association of Gonzaga Professors have developed guidelines for addressing allegations of harassment arising in an instructional setting. The types of expressive behavior which are acceptable within the instructional setting are defined below. Complaints received concerning behaviors outside of these protected behaviors are handled through the applicable procedures described in the *Gonzaga University Policies and Procedures Manual*, the *Faculty Handbook* and the *Student Code of Conduct*, as determined by the classification of the respondent (employee, student or faculty).

- i. Definitions:
 - "Instructional setting:" An instructional setting is a situation in which a member of the faculty or academic staff is communicating with a student(s) concerning matters the faculty or academic staff member is responsible for teaching the student(s). These situations include, but are not limited to, such communication in a classroom, laboratory, during a field trip or in a faculty or academic staff member's office.
 - "Expressive behavior:" Expressive behavior is conduct in an instructional setting whenever a faculty or academic staff member seeks to communicate with students. It includes, but is not limited to, the use of visual materials,

verbal or written statements, and assignment of visual, recorded or written materials.

ii. 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 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 unreasonable, it shall not be an acceptable defense to the use of such behavior.
- Expressive Behavior related to pedagogical strategies: A faculty or academic staff member's selection of pedagogical strategies shall not be the basis for discipline unless the Faculty Harassment/Discrimination Committee finds, at a formal hearing, that the faculty or academic staff member's claim that the objective cannot be accomplished as effectively by techniques less likely to cause harm is unreasonable.

f. Statement of Privacy and Confidentiality

Gonzaga is committed to protecting the privacy and confidentiality of all individuals involved in a report of harassment or discrimination. Gonzaga will balance privacy and confidentiality with its obligation to conduct a thorough review of the allegation for the purpose of protecting the parties and the broader campus community and maintaining an environment which is free from harassment and discrimination.

- i. Privacy generally means information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those Gonzaga employees who "need to know" in order to assist in the active review, investigation or resolution of the report. While not bound by confidentiality, these individuals are required to be discreet and respect the privacy of all individuals involved in the process.

- ii. Confidentiality means information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual. These professionals include those licensed by the State as a medical professional, mental health clinician or clergy serving in their capacity as a sacramental confessor or any ordained religious serving in the sacred confidence role.

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

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

All resolution proceedings are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act, Title IX, other applicable federal and state laws, and Gonzaga policy. No information shall be released except as required or permitted by law and Gonzaga policy.

2. Specific Policies Associated with Harassment and Discrimination

a. Gender-based Harassment, Discrimination and Sexual Misconduct

- i. Purpose
 - Define gender-based harassment and the forms of sexual misconduct which violate our community standards;
 - Identify resources and support for all members of the Gonzaga community;
 - Identify the Title IX Coordinator and the scope of his/her role;
 - Provide information as to where an individual can obtain support or access resources in a confidential manner;

- Provide information as to how an individual can make a report on campus or off campus; and
- Provide information as to how a report against a Gonzaga community member will be investigated, evaluated and adjudicated.

When used in this policy:

- i. Reporting Party refers to the person who reports to Gonzaga gender-based harassment, discrimination, and/or sexual misconduct.
 - ii. Complainant refers to one who has allegedly been the subject of gender-based harassment, discrimination, and/or sexual misconduct.
 - iii. Respondent refers to the person(s) who is reported to have allegedly committed an act or acts of gender-based harassment, discrimination, and/or sexual misconduct.
 - iv. Third party refers to any other participant in the process, including a witness to the alleged misconduct.
 - v. Mandatory reporter refers to people who have regular contact with students and therefore are legally bound to report suspected or observed abuse. At Gonzaga all employees are mandatory reporters of alleged sexual harassment or discrimination, unless they are licensed by the State as a medical professional, mental health clinician, or clergy, serving in their capacity as a sacramental confessor or any ordained religious serving in the sacred confidence role.
- ii. Gender-based Harassment, Discrimination, and/or Sexual Misconduct Awareness and Education Programs

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

- Housing and Residence Life
- Human Resources
- LGBTQ+ Resource Center
- Center for Cura Personalis
- Women's and Gender Studies
- Campus Climate Committee

These offices offer established training sessions, programs and events throughout each year. Some offices are also available to design programming for specific groups or situations.

iii. Examples, Definitions, and Prohibited Conduct:

This policy addresses a broad spectrum of behavior, all of which falls under the broad definition of sexual harassment. Sexual harassment is objectionable verbal or physical conduct which is gender-based or sexual in nature. Unwelcome sexual advances, requests for sexual favors, sexually motivated physical or verbal conduct may be sexual

harassment. Other behavior which is not sexual in nature but is motivated by a person's sex, gender identity, or sexual orientation may also be sexual harassment.

Sexual harassment may include sexual misconduct and sexual violence. A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical. Sexual misconduct and sexual violence can include, but is not limited to, sexual assault, intimate partner violence, sexual exploitation, harassment and stalking. Sexual harassment also includes gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation or hostility based on gender or gender-stereotyping, even if those acts do not involve conduct of a sexual nature.

Gender-based harassment, discrimination or sexual misconduct can take many forms:

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

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

- Demeaning sexist statements, humor or jokes about sex or gender-specific traits, crude sexual remarks, offensive stories, remarks of a sexual nature about a person's clothing or body, remarks about sexual activity or experiences, sexual innuendo or other suggestive comments, offensive notes, sexual propositions, or insults and threats, that an individual communicates are unwanted and unwelcome.
- Hazing as defined by Student Code of Conduct.
- Display or circulation of written materials or pictures degrading to an individual(s) or gender group.
- Engaging in demeaning verbal and other expressive behavior of a sexual or gendered nature in instructional settings.
- Inappropriate or unwelcome physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or brushing against an individual's body.
- Undue and unwanted attention, such as repeated inappropriate flirting, compliments about clothing or physical attributes, staring or making sexually oriented gestures.
- Pressuring an individual to become involved in sexual activity.

- Making a student's work or an employee's job more difficult because of that person's sex, gender identity or sexual orientation.
- Using a position of power and authority to: 1) threaten or punish, either directly or by implication, for refusing to tolerate harassment or submit to sexual activity or for reporting harassment; 2) promise rewards in return for sexual favors.
- Sexually assaulting an individual.

2) Specific Examples of Prohibited Conduct:

In addition to the range of behaviors identified above as sexual harassment, the following conduct is specifically prohibited by this policy:

a) **"Sexual Assault":**

- **Related to Attempted or Actual Penetrations:** Having or attempting to have non-consensual vaginal, anal, or oral penetration, however slight, with any object or body part, with another person. This includes intercourse or attempted intercourse under circumstances including:
 - the use or threat of coercion or force,
 - when the other person is incapacitated and that incapacitation is reasonably apparent to the Respondent; or
 - when the other person does not consent.
- **Related to All Other Forms of Sexual Contact:** Having or attempting to have any non-consensual, non-accidental touching of a sexual nature. This touching can include, but is not limited to, kissing, touching the intimate parts of another or causing the other to touch the harasser's intimate parts. This includes sexual contact under circumstances including:
 - the use or threat of coercion or force,
 - when the other person is incapacitated and that incapacitation is reasonably apparent to the Respondent; or
 - when the other person does not consent.

b) **"Sexual-based Communication":** Speaking to, or directing any kind of communication, words, or images of a sexual nature at another person which is not welcomed by the receiving party. If the communication is unwelcome, that is, if it occurs without the other person's consent or participation it may create a hostile learning and living environment. Sexual-based communication can include interactions in person, by phone, social media, electronic messages and photos and written words or images such as graffiti.

c) **"Sexual Exploitation":** Taking sexual advantage of another for the Respondent's advantage or benefit, or for the benefit or advantage of anyone other than the Reporting Party, and that behavior does not otherwise constitute other forms of gender-based harassment, discrimination, and/or sexual misconduct described in this policy. Examples of sexual exploitation include creating images (including video or

still photography) of another person of a sexual nature via web-cam, camera, Internet exposure, etc., without knowledge and consent of all persons; knowingly exposing a person who has not consented to the risk to Human Immunodeficiency Virus (HIV) or any other Sexually Transmitted Diseases (STD); inducing incapacitation for the purpose of making the other person vulnerable to sexual assault; and voyeurism.

- d) **“Stalking”**: A pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person which would cause a reasonable person to become alarmed or be in fear of harm or injury, including physical, emotional or psychological harm. This includes cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact are used to pursue, harass or make unwelcome contact with another person.
- e) **“Domestic Violence”**: Domestic violence and emotional abuse are behaviors used by one person in a relationship to control the other. Partners may be married or not married; heterosexual, gay, or lesbian; living together, separated or dating.
- f) **“Dating Violence”**: A pattern of abusive behaviors used to exert power and control over a dating partner.
- g) **“Prohibited Relationships”**: Romantic or sexual relationships between two members of the Gonzaga community when one person in that relationship has actual or apparent authority to supervise, evaluate, counsel, educate, employ or otherwise make decision(s) or recommendation(s) regarding the other person in respect to the other person’s employment, education or instruction at Gonzaga, or as to his/her advancement, participation, benefits or privileges in the educational or employment context. Although relationships between "unequal" persons may not necessarily constitute sexual harassment, an inherent conflict of interest and may give rise to sexual harassment/discrimination, or allegations thereof. Refer to the Gonzaga [Certain Relationships by Persons in Authority](#) policy for more information.

3) Definitions

- 1. **“Consent”**: Consent occurs when the parties exchange affirmative words, actions, or behavior indicating their agreement to freely participate in mutual sexual activity. Consent must be informed, knowing and voluntary, and freely and actively given. As a general rule, a person will be considered unable to give valid consent if she/he cannot appreciate the "who, what, when, where, why and how" of a sexual interaction. The following further clarifies the definition of consent:
 - Each participant in a sexual encounter is expected to obtain and give consent to each act of sexual activity.

- If at any time it is reasonably apparent either party is hesitant, confused or unsure, both parties should stop and obtain mutual verbal consent before continuing such activity.
 - Consent may be withdrawn by either party at any time. Withdrawal of consent must also be outwardly demonstrated by words or actions which clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
 - Relying on non-verbal communication can lead to misunderstandings. Consent should not be inferred from silence, passivity, lack of resistance or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
 - Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity.
 - An individual who is physically incapacitated from alcohol or other drug consumption (voluntarily or involuntarily), or is unconscious, unaware or otherwise physically helpless is considered unable to give consent. For example, one who is asleep or passed out cannot give consent.
 - An individual in a blackout state may appear to act normally but may not have later recall of the events in question. The extent to which a person in this state affirmatively gives words or actions indicating a willingness to engage in sexual activity and the other person is unaware – or reasonably could not have known – of the alcohol consumption or blackout, must be evaluated in determining whether consent could be considered as having been given.
 - Alcohol and other drugs impair a person’s decision-making capacity, awareness of the consequences and ability to make judgments, and can create an atmosphere of confusion over whether consent has been freely and clearly sought or given.
 - Being intoxicated or impaired by drugs or alcohol is never an excuse for gender-based harassment, discrimination, and/or sexual misconduct and does not diminish one’s responsibility to obtain consent.
2. **“Coercion”**: The use, attempted use or threat of force, immediate or future harm, or the use of physical, severe 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 which impairs the person’s ability to give consent.
 3. **“Incapacitation”**: An individual who is incapacitated cannot consent to sexual activity. An individual is incapacitated if he/she is physically helpless, unconscious, or unaware, due to drug or alcohol consumption (voluntarily or involuntarily) or for some other reason. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. Some indicators of incapacitation may include, but are not limited to, lack

of control over physical movements, being unaware of circumstances or surroundings, or being unable to communicate for any reason.

iv. Retaliation

It is a violation of Gonzaga policy to threaten, intimidate or retaliate in any way against an individual for raising allegations of harassment or discrimination, participating in an investigation, complaint process or hearing, filing a complaint alleging harassment or discrimination, or encouraging others to report. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. Gonzaga will take immediate and responsive action to any retaliation. Anyone found to have acted in a retaliatory manner may be subject to appropriate disciplinary action up to and including termination of employment.

v. The Role of the Title IX Director and Deputy Title IX Coordinators

Title IX Director and Deputies are knowledgeable and trained in Gonzaga's policies and procedures, state and federal laws applying to matters of sexual misconduct, harassment and discrimination, and the dynamics of sexual misconduct, harassment and discrimination. Title IX Coordinators are available to meet with any individual, either Reporting Party, Complainant, Respondent or third party to discuss the options for resolution of a report under this policy.

In every report of sexual misconduct, harassment and discrimination, the Title IX Director will review the report, investigative steps and will endeavor to ensure that all appropriate remedies have been considered and implemented as needed with the goals of eliminating harassment, preventing its recurrence and addressing its effects. In cases involving a student respondent, the Title IX Director will determine whether there is sufficient evidence to forward the report to the Office of Community Standards.

Gonzaga's Title IX Director:

Stephanie N. Whaley Title IX Director (509) 313-6910 whaley@gonzaga.edu

Deputy Title IX Coordinators:

Eric Baldwin Dean of Student Well-Being and Healthy Living College Hall 120 baldwine@gonzaga.edu (509) 313-4135	Heather Gores Associate Athletic Director McCarthy Athletic Center, Office 315 gores@athletics.gonzaga.edu (509) 313-3599
	Michael Roden, Assistant AD Student Athletic Support Services McCarthy Athletic Center PV103A roden@athletics.gonzaga.edu (509) 313-5527

vi. Campus and Community Resources

- Health and Safety

The first priority for any individual who has been assaulted is to get to a safe place and call 911 or the Campus Public Safety and Security (509-313-2222).

An individual's physical well-being should be addressed as soon as possible, whether or not that individual wishes to make a report to Gonzaga or local law enforcement. A medical provider can facilitate and provide:

- 1) Emergency or follow-up medical services. The medical exam has two goals: first, to treat the full extent of any injury of physical trauma and to consider the possibilities of sexually transmitted disease or pregnancy; and second, to properly collect and preserve evidence as part of a "rape kit"/sexual assault examination for potential criminal prosecution (provided only by a trained provider in a hospital).
 - IMPORTANT: do not shower, bathe, douche, brush your teeth, drink or change your clothing, as you may be destroying evidence you will need if you decide to prosecute.
- 2) STD and HIV testing (available through Gonzaga Health Center or another off-campus provider)
- 3) Pregnancy testing (available through Gonzaga Health Center or another off-campus provider)
- 4) Health care concerns related to the incident may be discussed with the hospital emergency staff, a personal physician or Gonzaga Health Center staff, who can also provide referrals to off-campus providers
- 5) Gonzaga Health Center can also advise an individual about the complaint processes under this policy.

- Confidential Resources

Gonzaga recognizes not every individual will be prepared to make a formal report to Gonzaga or to local law enforcement. Individuals seeking to talk to someone about an incident of sexual harassment or misconduct in a confidential manner without making a report to Gonzaga or triggering any investigation or action by Gonzaga or the police can access confidential resources as outlined in this policy.

Campus and Local Resources for STUDENTS

Where to go for Gender-based Harassment, Discrimination, and/or Sexual Misconduct
Incidents and Support Services

Confidential Reporting	Non-Confidential Reporting
Health & Counseling Center – 509-313-4052	Campus Security & Public Safety – 509-313-2222
On-campus Lutheran Social Services Advocate 509-313-6119	SART First Responder – 509-313-2222 Center for Cura Personalis – 509-313-4009
SAFeT – 509-624-7273	Title IX Coordinator – 509-313-6910
Any Priest serving as a sacramental confessor or any ordained religious serving in the sacred confidence role.	Any Gonzaga Staff or Faculty Member
<u>Anonymous</u> report completed online at www.gonzaga.edu/sexualmisconductform	Spokane Police Dept. – 509-456-2233 (non-emergency)
Whistle blower website www.gonzaga.ethicspoint.com	Report completed online at www.gonzaga.edu/sexualmisconduct

Emergency Response	Health and Safety Resources in Spokane Community	Gonzaga Campus Assistance
911	Spokane Police Dept. – 509-456-2233 (non- emergency)	Campus Security & Public Safety -- 509-313-2222
	Sacred Heart Medical Center – 509-474-3131	SART (Sexual Assault First Responder)-- 509-313-2222
	Deaconess Hospital – 509-458-5800	Safe Transportation (Campus Public Safety – 509-313-2222
	Holy Family Hospital – 509-482-0111	Health & Counseling Center – 509-313-4052
	SAFeT (Sexual assault crisis agency) 509-624-7273	Center for Cura Personalis – 509-313-4009
	Spokane Crime Victim Service Center -- 866-751-7119	Office of Disability Access (Student Disability Resources) – 509-313-4134
	YWCA of Spokane Alternatives to Domestic Violence – 509- 326-2255	Title IX Coordinator --509-313-6910
	First Call for Help 509-838- 4428	
	Lutheran Community Services --509-747-8224	

Services offered 24 hrs./day, 365/yr.

Campus and Local Resources for EMPLOYEES

Where to go for Gender-based Harassment, Discrimination, and/or Sexual Misconduct Incidents and Support Services

Confidential Reporting	Non-Confidential Reporting
On-campus Lutheran Social Services Advocate 509-313-6119	Campus Security & Public Safety – 509-313-2222 Title IX Coordinator – 509-313-6910
SAFeT – 509-624-7273	Any Gonzaga Administrator or Supervisor
Any Priest serving as a sacramental confessor or any ordained religious serving in the sacred confidence role.	Equity and Inclusion Office – 509-313-5858; 509-313-6909
<u>Anonymous</u> report completed online at www.gonzaga.edu/sexualmisconductform	Spokane Police Dept. – 509-456-2233 (non-emergency)
Whistle blower website www.gonzaga.ethicspoint.com	Report completed online at www.gonzaga.edu/sexualmisconductform

Emergency Response	Health and Safety Resources in Spokane Community	Gonzaga Campus Assistance
911	Spokane Police Dept. – 509-456-2233 (non-emergency)	Campus Security & Public Safety -- 509-313-2222
	Sacred Heart Medical Center – 509-474-3131	Safe Transportation (Campus Public Safety – 509-313-2222
	Deaconess Hospital – 509-458-5800	Title IX Coordinator –509-313-6910
	Holy Family Hospital – 509-482-0111	Equity and Inclusion Office – 509-313-5858; 509-313-6909
	SAFeT (Sexual assault crisis agency) 509-624-7273	Human Resources Disability Accommodations (staff and faculty) – 509-313-5852
	YWCA of Spokane Alternatives to Domestic Violence – 509-326-2255	Employee Assistance Program (confidential for staff and faculty) -- 877-595-5284 or http://www.gonzaga.edu/eap
	Spokane Crime Victim Service Center -- 866-751-7119	
	First Call for Help 509-838-4428	
	Lutheran Community Services --509-747-8224	

Services offered 24 hrs./day, 365/yr.

vii. Reporting

While certain community members are mandatory reporters, Gonzaga encourages all community members to report information about any type of gender-based harassment, discrimination, and/or sexual misconduct involving students, staff or faculty members. An incident does not have to occur on campus to be reported. Off campus conduct which adversely affects or has the potential to adversely affect the Gonzaga community also falls under this policy. Gonzaga will promptly investigate and respond to all reports of sexual misconduct, harassment and discrimination.

Gonzaga provides resources to both Complainants and Respondents in making decisions, obtaining information about their options under this policy and assisting either party in the event that a report of gender-based harassment, discrimination, and/or sexual misconduct is made.

A Complainant need not immediately request an investigation or disciplinary actions at the time the report is made. Once Gonzaga is made aware of an incident, the option to request action will remain open as long as the Complainant and/or Respondent are current students, staff, faculty or are otherwise subject to this policy. If any party involved in a complaint is no longer affiliated with Gonzaga, Gonzaga will still seek to meet its Title IX obligation by taking steps to end the harassment, prevent its recurrence and address its effects.

Under Washington State Law, Gonzaga must, within forty-eight hours of receiving a report of alleged sexual assault of an individual under the age of eighteen (18), make a report or cause a report to be made to Child Protective Services or local law enforcement. An appropriate Gonzaga professional will notify the reporting party of Gonzaga's mandatory reporter requirements.

- Coordination with Law Enforcement

Notifying Law Enforcement may result in the Reporting Party, Complainant and/or Respondent being contacted by a police officer. The police department determines if a criminal investigation will occur and if the case will be referred for prosecution. A case not referred for criminal prosecution may receive a Gonzaga response.

An act not criminally prosecuted may violate Gonzaga policy. To the extent permitted or required by law, Gonzaga will cooperate with outside investigators. Gonzaga encourages reporting to both Gonzaga and to an outside law enforcement agency, if the alleged gender-based harassment, discrimination, and/or sexual misconduct may also be a crime.

Gonzaga process and the criminal justice process are two separate and independent courses of action. If an individual wants to file a report with Law Enforcement, a Gonzaga professional staff member is available to assist. Gonzaga generally will not file a police report on behalf of an individual, unless circumstances warrant. Gonzaga's response to a report is not impacted by the filing of a criminal complaint or by the outcome of the criminal investigation.

- Amnesty

It is Gonzaga's goal that all individuals report all incidents of sexual misconduct so that those affected can receive the support and resources needed.

Therefore, violations of Gonzaga's alcohol and drug policies by a Reporting Party or a Complainant may be exempt from disciplinary action in situations where gender-based harassment, discrimination, and/or sexual misconduct also occurs. However, Gonzaga may initiate an educational discussion about the use of alcohol or drugs and their impact.

- False Reports

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

viii. Interim measures

After a report is made, Gonzaga will provide interim support and reasonable protection against further acts of misconduct, harassment or retaliation as needed, and will provide services and resources to provide a safe environment. For a listing of services and resources see the Campus Resources section of this policy.

Gonzaga will determine the necessity and scope of any interim measures pending the completion of the complaint process. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. Gonzaga will take immediate and responsive action to enforce a previously implemented interim measure. Interim measures are not appealable.

The range of interim measures includes:

1. **Contact/Communication Directives:** The Complainant or Respondent may request, or Gonzaga may impose, even if not requested, communication and contact restrictions to prevent further potentially harmful interaction. Any such request shall be made to the investigator. Upon request the investigator assigned to the case will inform the Reporting Party or Respondent of options and will endeavor to accommodate the requested changes if they are reasonably available.

In some cases, an individual may wish to consider a protection/anti-harassment order issued by the appropriate court of the State of Washington. This is a civil proceeding independent of Gonzaga. If a court order is issued Gonzaga will, to the extent possible, assist the protected person in benefitting from the restrictions imposed by the court and will also facilitate on-campus compliance with the order. The court enforces the order through law enforcement. Gonzaga does not enforce the order but does enforce its own rules.

2. **Academic, Employment or Living Arrangements:** A Complainant or Respondent may request, or Gonzaga may impose, even if not requested, a change in academic, employment or living situation after a report of sexual misconduct, harassment or discrimination. Upon request Gonzaga will inform the Complainant or Respondent of the options and will endeavor to accommodate the requested changes if they are reasonably available. Interim changes may include:
 - Class or work schedule changes
 - Limiting access to certain Gonzaga facilities or activities
 - Leave of Absence
 - Campus Security escorts across campus
 - Academic support services
 - Other remedies which can be tailored to the involved parties to achieve the goals of this policy
3. **Emotional Support:** Gonzaga provides counseling services through the Health and Counseling Center for students, or the Employee Assistance Plan (EAP) for staff and faculty. These resources also provide referrals to off campus agencies.

ix. Procedures for resolution of gender-based harassment, discrimination, and sexual misconduct

- Overview of Potential Resolution Outcomes: Gonzaga is committed to providing all students, staff, and faculty with a safe environment in which to live, learn and work. Consistent with this goal, Gonzaga will respond promptly and equitably when any incident of gender-based harassment, discrimination, and/or sexual misconduct is alleged against an individual or Gonzaga becomes aware of the situation by other reliable means. The first priority is to offer support and services to members of the Gonzaga community. Gonzaga's response may take a number of forms within its discretion. Potential responses include offering reasonable protection and services to involved parties, conducting a Title IX inquiry or review, conducting an investigation, imposing corrective or restrictive measures (including any student conduct outcome up to suspension or expulsion or employee remediation including termination) and conducting resolution processes.

Review and Investigation: Gonzaga will review and respond to all reports of sexual discrimination, misconduct, harassment, and discrimination. In every case, Gonzaga will make an immediate assessment of any risk of harm to individuals or the campus community and will take appropriate steps to address. Following this initial review, Gonzaga may take steps to investigate or otherwise determine what occurred. Gonzaga will take all reasonable steps to investigate and respond to the report consistent with the Complainant's request; however, circumstances may exist when Gonzaga chooses to move forward with an investigation or resolution or take other appropriate measures without the Complainant's consent. Gonzaga will investigate the report in a thorough, equitable, and expeditious manner. These investigative steps may include interim measures intended to provide for the safety of individuals and the campus community. Gonzaga's overarching goal is to end any misconduct, to prevent its recurrence, and to address its effects. Generally speaking, Gonzaga will attempt to complete the investigation and resolution of all reports within 60 calendar days of receiving a report.

- Resolution of Complaints:
 - 1) The Student Development Division has staff designated for resolving student-to-student complaints as well as complaints of harassment or discrimination against a student by an unknown party. Reports where a student is the Respondent will be resolved under the Student Code of Conduct.
 - 2) The Equity and Inclusion Office or academic administration is responsible for resolving complaints against a faculty/staff member. Reports where a staff member is the Respondent will be resolved under *Gonzaga University Policies and Procedures Manual*. Reports where a faculty member is the Respondent will be resolved under the *Faculty Handbook*.

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

Parties will be notified in writing of the final outcome of the hearing or other action which concludes the report process.

b. Harassment and Discrimination of all Other Protected Categories

i. Purpose

Gonzaga is committed to providing equal opportunities for all individuals. To do so, Gonzaga must maintain an environment free from harassment, discrimination, intimidation and humiliation as expressed by communication, threats, acts of violence, hatred, abuse of authority or ill-will which assaults an individual's self-worth. Harassment and discrimination interferes with or limits an individual's or group's ability to participate in, or benefit from, Gonzaga programs, services, activities or amenities. Harassment and discrimination dishonor Gonzaga and its members and diminishes the stature of the academic community.

Gonzaga will make every reasonable effort to address harassment and discrimination even if the perpetrator has not been identified.

ii. Harassment and Diversity Awareness and Education Programs

Gonzaga provides a variety of awareness and prevention programs on diversity, harassment and discrimination issues involving race, ethnicity, religion, sexual orientation, gender identification, ability/disability and many other diversity and inclusion topics. Programs are available to all community members including students, faculty and staff. While a variety of offices provide programming related to these issues, the primary offices to contact in search of existing programming or customized events include:

- Campus Climate Committee
- Center for American Indian Studies
- Disability Access Office
- Human Resources
- Intercultural and Multicultural Professionals Affecting Change Together (IMPACT)
- LGBTQ+ Resource Center
- Unity Multicultural Education Center (UMEC)

These offices offer established training sessions, programs and events throughout each year. Staff are also available to design programming for specific groups or situations.

iii. Examples, Definitions, and Prohibited Conduct

- Definitions:
 - 1) Race, ethnicity, color: Being a member certain race or having personal characteristics associated with race (such as hair texture, skin color, complexion, or certain facial features).
 - 2) Religion, creed: people who belong to traditional, organized religions and also others who have sincerely held religious, ethical or moral beliefs.

- 3) National origin: Being from a particular country or part of the world, having a particular ethnicity or accent or appearing to be of a certain ethnic background (even if they are not).
 - 4) Sex, gender: Being of a certain gender or sex or being connected with an organization or group which is generally associated with people of a certain sex.
 - 5) Marital status: The status of being a member of a legally recognized union or not being part of a legally recognized union.
 - 6) Sexual orientation: a person's sexual identity in relation to the gender to which they are attracted; the fact of being heterosexual, homosexual, or bisexual, or asexual, or pansexual.
 - 7) Gender identity: person's private sense, and subjective experience, of their own gender. This is generally described as one's private sense of being a man or a woman, consisting primarily of the acceptance of membership into a category of people: male or female.
 - 8) Age: for purposes of this policy, being age 40 or older.
 - 9) Disability: being a person covered by the Americans with Disabilities Act, as amended, or the Rehabilitation Act, as amended, and other federal and state laws as applicable. Generally, "disability" means a physical or mental impairment that substantially limits one or more major life activities.
 - 10) Veteran status: having served in the military or currently serving in the military.
 - 11) Genetic information: when genetic information is used for academic or employment purposes.
 - 12) Retaliation: No officer, employee, or agent of an institution shall retaliate, intimidate, threaten, coerce or otherwise discriminate against any individual for exercising their rights or responsibilities. Those rights/responsibilities include but are not limited to reporting alleged discrimination or harassment, participating in an investigation or encouraging others to make reports.
- Following are examples of behaviors which, if based on any of the protected classes may constitute harassment or discrimination:
 - 1) Making demeaning remarks to an individual or group, or in the presence of an individual or group. This includes name calling, slurs, epithets, jokes and other put-downs which demean a person or group, treat individuals or groups differently because of these protected classes, or create a hostile environment.
 - 2) Displaying, circulating, or placing visual or written material demeaning anyone based on protected category status in a Gonzaga living or working area, which results in a hostile or demeaning education, working or living environment.
 - 3) Damaging, defacing, or destroying Gonzaga's property or the property of any individual because of these protected categories.
 - 4) Expressing in words (including "fighting words" likely to provoke an immediate or violent reaction), pictures or symbols commonly understood to convey hatred or contempt.

- 5) Engaging in acts based on these protected categories that obstruct or attempt to obstruct or seriously impair Gonzaga activities on Gonzaga property or in other locations where Gonzaga-sponsored activities occur.
- 6) Engaging in demeaning verbal and other expressive behavior in instructional settings.

iv. Reporting Harassment or Discrimination

- Reporting

Emergency Reporting: Call 911 if the incident involves a threat to safety, a crime, or if evidence needs to be collected or preserved.

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

Campus reporting options: Individuals are encouraged to bring forward concerns or complaints about suspected harassing or discriminatory behavior to any of the following:

Campus and Local Resources for STUDENTS

Where to go for Hate / Bias Incidents and Support Services

Confidential Reporting	Non-Confidential Reporting
Health & Counseling Center – 509-313-4052	Campus Security & Public Safety – 509-313-2222
Any Priest serving as a sacramental confessor or any ordained religious serving in the sacred confidence role.	Center for Cura Personalis – 509-313-4009 Any Gonzaga Staff or Faculty member
<u>Anonymous</u> report completed online at www.gonzaga.edu/sexualmisconductform	Title IX Coordinator – 509-313-6910 Equity and Inclusion Office – 509-313-5858; 509-313-6909
Whistle blower website www.gonzaga.ethicspoint.com	Report completed online at http://www.gonzaga.edu/Student-Life/Support-for-Students/harassmentdiscriminationreport.asp
	Spokane Police Dept. – 509-456-2233 (non-emergency)

Emergency Response	Health and Safety Resources in Spokane Community	Gonzaga Campus Assistance
911	Spokane Police Dept. – 509-456-2233 (non-emergency)	Campus Security & Public Safety -- 509-313-2222
	Sacred Heart Medical Center – 509-474-3131	Safe Transportation (Campus Public Safety – 509-313-2222
	Deaconess Hospital – 509-458-5800	Health Center & Counseling Center – 509-313-4052

	Holy Family Hospital – 509-482-0111	Center for Cura Personalis – 509-313-4009
	Spokane Crime Victim Service Center -- 866-751-7119	UMEC – 509-313-5836
	First Call for Help 509-838- 4428	LGBTQ+ Resource Center –509-313- 5847
		Office of Disability Access (Student Disability Resources) – 509-313-4134
		Chief Diversity Officer – 509-313-6550
		Title IX Coordinator –509-313-6910

Services offered 24 hrs./day, 365/yr.

Campus and Local Resources for EMPLOYEES

Where to go for Hate / Bias Incidents and Support Services

Confidential Reporting	Non-Confidential Reporting
Any Priest serving as a sacramental confessor or any ordained religious serving in the sacred confidence role.	Campus Security & Public Safety – 509-313-2222 Any Gonzaga Administrator or Supervisor
<u>Anonymous</u> report completed online at www.gonzaga.edu/sexualmisconductform	Title IX Coordinator – 509-313-6910 Equity and Inclusion Office – 509-313-5858; 509- 313-6909
Whistle blower website www.gonzaga.ethicspoint.com	Report completed online at http://www.gonzaga.edu/Student-Life/Support-for- Students/harassmentdiscriminationreport.asp
	Spokane Police Dept. – 509-456-2233 (non- emergency)

Emergency Response	Health and Safety Resources in Spokane Community	Gonzaga Campus Assistance
911	Spokane Police Dept. – 509-456-2233 (non- emergency)	Campus Security & Public Safety -- 509-313-2222
	Sacred Heart Medical Center – 509-474-3131	Safe Transportation (Campus Public Safety – 509-313-2222
	Deaconess Hospital – 509-458-5800	Chief Diversity Officer – 509-313-6550
	Holy Family Hospital – 509-482-0111	Title IX Coordinator –509-313-6910
	Spokane Crime Victim Service Center -- 866-751-7119	Equity and Inclusion Office – 509-313- 5858; 509-313-6909
	First Call for Help 509-838- 4428	Human Resources Disability Accommodations (staff and faculty) –509-313-5852
		Employee Assistance Program (confidential for staff and faculty) -- 877-595-5284 or http://www.gonzaga.edu/eap

Services offered 24 hrs./day, 365/yr.

- Coordination with Law Enforcement

Notifying Law Enforcement may result in the Reporting Party, Complainant, and/or Respondent being contacted by a police officer. The police department determines if a criminal investigation will occur and if the case will be referred for prosecution. A case not referred for criminal prosecution may receive a Gonzaga response.

An act not criminally prosecuted may violate Gonzaga policy. To the extent permitted or required by law, Gonzaga will cooperate with outside investigators. Gonzaga encourages reporting to both Gonzaga and to an outside law enforcement agency, if the alleged gender-based harassment, discrimination, and/or sexual misconduct may also be a crime.

Gonzaga process and the criminal justice process are two separate and independent courses of action. If an individual wants to file a report with Law Enforcement, a Gonzaga professional staff member is available to assist. Gonzaga generally will not file a police report on behalf of an individual, unless circumstances warrant. Gonzaga's response to a report is not impacted by the filing of a criminal complaint or by the outcome of the criminal investigation.

- False Reports

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

v. Retaliation

It is a violation of Gonzaga policy to threaten, intimidate or retaliate in any way against an individual for raising allegations of harassment or discrimination, participating in an investigation, complaint process or hearing, filing a complaint alleging harassment or discrimination, or encouraging others to report. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. Gonzaga will take immediate and responsive action to any retaliation. Anyone found to have acted in a retaliatory manner may be subject to appropriate disciplinary action up to and including termination of employment.

vi. Procedures for Resolution of Harassment and Discrimination

- Overview of Options

Gonzaga is committed to providing all students, staff and faculty with a safe environment in which to live, learn and work. Consistent with this goal, Gonzaga will respond promptly and equitably when any incident of harassment or discrimination is alleged against an individual or Gonzaga

becomes aware of the situation by other reliable means. The first priority is to ensure the safety of all members and then to offer support and services to members of the Gonzaga community. Gonzaga's response may take a number of forms within its discretion. Potential responses include offering reasonable protection and services to involved parties, conducting an inquiry or review, conducting an investigation, imposing corrective or restrictive measures, or conducting resolution processes.

- Review and Investigation

Gonzaga will review and respond to all reports of discrimination or harassment. In every case, Gonzaga will make an immediate assessment of any risk of harm to individuals or the campus community and will take appropriate steps to address any risks. Following this initial review, Gonzaga may take steps to investigate or otherwise determine what occurred. Gonzaga will take all reasonable steps to investigate and respond to the report consistent with the Complainant's request; however, circumstances may exist when Gonzaga chooses to move forward with an investigation or resolution or take other appropriate measures without the Reporting Party or Complainant's consent. Gonzaga will investigate the report in a thorough, equitable, and expeditious manner. These investigative steps may include interim measures intended to provide for the safety of individuals and the campus community. Gonzaga's overarching goal is to end any discrimination and harassment, to prevent its recurrence and to address its effects.

Generally speaking, Gonzaga will attempt to complete the investigation and resolution of all reports within 60 calendar days of receiving a report.

- Resolution of Complaints

- 1) The Student Development Division has staff designated for resolving student-to-student complaints as well as complaints of harassment or discrimination against a student by an unknown party. Reports where a student is the Respondent will be resolved under the Student Code of Conduct.
- 2) The Office of Equity and Inclusion or academic administration is responsible for resolving complaints against a faculty/staff member. Reports where a staff member is the Respondent will be resolved under *Gonzaga University Policies and Procedures Manual*. Reports where a faculty member is the Respondent will be resolved under the *Faculty Handbook*.

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

3. Harassment and Discrimination Complaint Procedures Specific to Staff

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

The staff in the Office of Equity and Inclusion within Human Resources or TIXC is available to discuss general concerns or specific complaints about harassment or discrimination, and to answer questions about the various procedures for initiating a complaint. Any member of the campus community may present questions about procedures, seek informal advice, or submit a complaint, either verbally or in writing. Sometimes suggestions may be provided which enable the individual to deal directly with the other party. Other cases may require intervention or administrative action.

a. Preliminary Inquiry and/or Investigation

A preliminary inquiry and/or investigation is the first step in the resolution process after allegations of harassment or discrimination are reported through proper channels. Its purposes are to: 1) determine the facts, 2) determine whether a reasonable basis exists for the allegations, 3) advise the complainant (if applicable) of resolution options, and 4) if appropriate after steps 1-3, notify the respondent of allegations and obtain a response.

The Investigator will meet with the complainant to receive full and complete details about the allegations. Once the Investigator has the initial facts of the case, the Investigator will normally meet with the respondent's immediate supervisor or appropriate administrator to discuss the case and determine the appropriate steps for resolution. Witnesses may be interviewed as necessary to conduct the preliminary inquiry as determined by the Investigator. If the Investigator determines that a reasonable basis exists for the allegations, the Investigator will meet with the respondent to explain the allegations and obtain a response.

If the Investigator cannot determine by a preponderance of evidence that the alleged incident(s) occurred, or that it/they did not constitute harassment or discrimination, the Investigator or TIXC will communicate this to the complainant. Some form of intervention may occur at this point in an attempt to resolve any misperceptions or misunderstandings, or deal with allegations of conduct that may be improper but not harassment or discrimination. Allegations of misconduct that are serious but not considered harassment or discrimination may be handled through applicable processes outlined in the Gonzaga University Policies and Procedures Manual at Gonzaga's discretion.

Gonzaga will conduct a preliminary inquiry in response to all complaints. Any further action deemed necessary will be determined by the results of the preliminary inquiry.

b. Intervention

At the conclusion of an inquiry and/or investigation, intervention may occur with or without a finding of policy violation. Intervention entails a variety of actions Gonzaga may take to resolve the situation so as to mitigate the need for administrative action. However, Gonzaga will take administrative action without the step of intervention if the seriousness of the situation or other circumstances warrants such.

Intervention does not involve discipline, or require a specific finding that the harassment and discrimination policy has been violated. Each case will be evaluated on its own merits.

Gonzaga will consider such factors as the seriousness of the allegations, the number of complainant(s) involved, the length of time the alleged conduct has occurred, and the effect of the alleged conduct on the complainant. If necessary, a more extensive inquiry may be undertaken to determine these factors.

Intervention may include one or more of the following, which are used at Gonzaga's discretion:

- i. Informal and/or formal discussions with the parties to request behavior changes (normally informal discussions will be used only to resolve a first complaint against an employee)
- ii. Education
- iii. Offer of apology to the complainant or those affected by the behavior
- iv. Formal mediation by a professional (mediation is not used to resolve incidents of sexual assault)
- v. Leave of absence, transfer, resignation
- vi. Other measures deemed appropriate for the situation

Gonzaga has the sole discretion and authority to take whatever actions it deems necessary to resolve the situation. If, after the step of intervention, a satisfactory resolution cannot be reached or if additional complaints, concerns or information are received and corroborated, Gonzaga may take administrative action against a respondent.

c. Administrative Action

If the Office of Equity and Inclusion, or TIXC, determines by a preponderance of the evidence that a violation of policy occurred, then administrative action may be taken. Administrative action may involve Performance Notice, Corrective Action Plan (CAP), Letter of Expectation (LOE), suspension, demotion or termination of employment after a respondent has been found to have violated this policy. These steps may be taken without the step of intervention if the seriousness of the situation or other circumstances warrants such. They may also be taken after intervention has not resolved the problem to Gonzaga's satisfaction or additional allegations are made and corroborated.

d. Records

The Office of Equity and Inclusion or TIXC, as appropriate, will keep a confidential record of discussions and actions of the preliminary inquiry, intervention, and administrative action in a separate file. Administrative actions will also be copied to the individual's personnel file.

Throughout the resolution process, Gonzaga will be guided by discretion, with information shared on a need-to-know basis only.

e. Grievance

Any party who believes this complaint process has been violated or improperly applied, or that the application of administration action is inappropriate, may use the Grievance Policy as described in the Gonzaga University Policies and Procedures Manual, beginning with Step 2.

f. Alternative Steps

Gonzaga University's intention is that through these procedures any complaints will be resolved internally; however, a complaint may be filed with federal or state agencies, such as:

Washington State Human Rights Commission
Information and Complaints

1-800 233-3247 or 1-800 622-2755 (Spanish) or TTY (800) 300-7525

Washington State Human Rights Commission

Spokane District Office
1330 N. Washington St., Suite 2460
Spokane, WA 99201
(509) 568-3196

US Office of Civil Rights

Seattle Office
U.S. Department of Education
915 Second Avenue, Room 3310
Seattle, WA 98174-1099
Telephone: (206) 607-1600
Facsimile: (206) 607-1601
<mailto:OCR.Seattle@ed.gov>

E-mail: Complainants may file a complaint, using the following e-mail address: ocr@ed.gov.

Online: Complainants may file a complaint with OCR using OCR's electronic complaint form at the following website: <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>.

U.S. Department of Labor

Office of Federal Contract Compliance Programs
1111 Third Ave., Suite 745
Seattle, WA 98101
(206) 398-8000

Equal Employment Opportunity Commission

Federal Office Building
909 First Avenue, #400
Seattle, WA 98174
(800) 669-4000
TTY (800) 669-6820

GIF DRUG POLICY

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

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

In residential facilities with shared living spaces such as bathrooms, living rooms, hallways, kitchens, and jointly held storage space, all residents with access to, and control over, the shared space will be held accountable for evidence of violations of University policies. It is a violation

of University policy to knowingly be in the presence of others who possess illegal drugs or paraphernalia, or to be in the presence of a person using illegal drugs. The University reserves the right to confiscate, retain and dispose of/destroy any and all drug-related items, regardless of value or ownership.

DRUG-FREE SCHOOLS AND CAMPUSES REGULATIONS

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

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

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

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

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

STUDENT CODE OF CONDUCT

University Expectations for Conduct

A. Principles and Values

Gonzaga University's Student Code of Conduct require students to act with respect, honesty and integrity at all times. In accepting Gonzaga University's offer of admission, students agree that they will conduct themselves in accordance with these standards as well as the law. The Gonzaga community's spirit of Jesuit education encourages its members to consistently strive for *magis*, meaning greater service to a universal common good in all that we do. Our Ignatian heritage teaches us that we learn from our mistakes, develop our gifts, exhibit care for ourselves and each other, and devote ourselves to the common good. The University's Jesuit tradition of *cura personalis* calls members of the community to demonstrate a mature concern for others. This includes taking action in situations such as persons in need of medical attention, individuals who are exhibiting threatening behavior, or persons appearing overly intoxicated or under the influence of drugs. When students encounter these situations, appropriate actions may include notifying University or other officials and getting assistance for the person in need.

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

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

B. University Standards of Conduct

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

1. Prohibited Conduct

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

- a. Abuse of the Student Code of Conduct system, which includes without limitation, failure to comply with a Student Code of Conduct notice; falsification of information presented within Student Code of Conduct processes; attempting to influence or

discourage a witness or other participant; attempting to influence a Student Code of Conduct decision-maker outside pre-hearing and hearing persuasive processes; and, any other disruptive or obstructive behavior.

- b. Acts of general dishonesty, academic dishonesty or any other violation of the University's Academic Policy.
- c. Conduct in breach of the peace or invasive of the rights of others, or which endangers persons or property through the use of motor vehicles, weapons, explosives or any other dangerous instrumentality.
- d. Conduct which threatens the health or safety of any person, including but not limited to, physical or verbal abuse, retaliation, threats, intimidation, harassment, and any form of coercion.
- e. Disorderly, lewd or indecent conduct.
- f. Failure to comply with a reasonable request or to follow a directive from a University official acting in the performance of his or her duties.
- g. [Hazing](#).
- h. Violation of the University's [Alcohol Policy](#).
- i. Violation of the University's [Harassment and Discrimination Policy](#), which includes gender-based harassment and discrimination, sexual misconduct, and harassment and discrimination of all other protected categories.
- j. Theft, damage, or vandalism of property.
- k. Theft or other abuse of computer facilities or information technology resources. This offense includes without limitation: gaining unauthorized access to information technology resources; change, revision or transfer of a computer file; and, the use of computing facilities to send obscene or abusive messages.
- l. Abusive or harassing behavior, including but not limited to stalking, unwelcome communications, unauthorized making or use of any audio, video or photographic record or image of a person without that person's prior knowledge, or effective consent when such conduct may reasonably cause injury or distress
- m. Unauthorized possession, duplication or use of a key or pass card to any University premises or unauthorized entry to or use of University premises.
- n. Violation of the University's [Drug Policy](#).
- o. Destructive or disruptive behaviors that create risk to others, infringe on the rights of others, or otherwise disrupt the educational living or learning environment of the University.

- p. Violation of any federal, state or local law.
- q. Violation of any University policy.

2. Alcohol Policy

The use of alcoholic beverages on University property and at University events must be consistent with University policy and applicable 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 that 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. A person must be 21 years of age to acquire, possess or consume any liquor (alcohol, spirits, wine and beer)
- b. It is a violation of state law for any person under 21 years of age to purchase or attempt to purchase alcoholic beverages
- c. 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
- d. It is a violation of state law to misrepresent age and to use false or forged documents (such as a driver's 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 held accountable for not taking appropriate action.

The University reserves the right to confiscate, retain and dispose of/destroy any and all alcohol and related paraphernalia regardless of value or ownership. Paraphernalia is defined as alcohol containers of all kinds, posters, promotional items and items used to facilitate drinking such as beer steins, shot glasses, and beer pong tables.

Drinking that is dangerous or disruptive, over-intoxication and public drunkenness, regardless of age or where the alcohol was consumed, is inappropriate and is not an excuse. For those under 21 years, consumption of alcohol off- campus is a violation of the University's alcohol policy.

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 Development Office, and that comply with state and local laws.

- b. Requests for special events must be reviewed and authorized by the Vice President for Student Development 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.
- c. Organizations or individuals sponsoring any event at which alcoholic beverages are served or present:
 - i. Are responsible for ensuring laws and University regulations governing the provision and consumption of alcoholic beverages are upheld.
 - ii. Must arrange to serve non-alcoholic beverages and food appropriate to the occasion.
 - iii. Must arrange for a responsible bartender to coordinate serving. Choice of bartender is subject to review and approval by the Student Development Office.
 - iv. Must fulfill all requirements listed by the Vice President for Student Development 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, of all residential facilities is prohibited.
- b. Residential facilities reserved for lower-division (first and second year) students
 - i. Students of any age and/or their guests of any age may not consume alcoholic beverages at any time in lower division residence halls. The use, possession, distribution, sale or display of alcoholic beverages and alcohol paraphernalia, including possession of empty alcohol containers, is prohibited.
 - ii. Should a violation of the alcohol policy described in #1 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.
 - iii. Empty containers may be considered evidence of consumption/possession of alcoholic beverages.
- c. Residential Facilities reserved for upper-division (third year and above) students
 - i. 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.

- ii. The possession and/or consumption of alcohol shall not infringe upon the privacy, peace, and rights of others.
- iii. 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.
- iv. 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.
- v. Beverages must be consumed within the confines of the apartment unit or house and are prohibited on balconies, stairways, parking lots, grounds, patios, porches and other common areas.
- vi. 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.
- vii. Any apartment unit or house that 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.
- viii. Partying that becomes detrimental to the community is inappropriate.
- ix. Equipment or supplies used in drinking games or to promote excessive drinking (e.g., beer pong tables) are prohibited.

Violations of the alcohol policy will be enforced pursuant to the Student Code of Conduct. 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 Development Staff. Students who violate state and local laws or University regulations concerning alcohol usage may be required to attend an alcohol education class and may be subject to Student Code of Conduct procedures and sanctions. 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/or abusive consumption of alcohol. Some examples of "abusive consumption" are situations that involve: requiring medical response, transport, or hospitalization; blackouts; disruption to the community; impacting University operations, such as Security and Residence staff duties.

3. Drug Policy

The illegal use of drugs on or off campus, by Gonzaga University students is prohibited. The unlawful manufacture, possession, control, sale, transfer or use of any dangerous drug, controlled substance, experimental drug, mind-altering substance, or drug paraphernalia on

University premises or at University-sponsored activities is prohibited. Actions that violate local, state, or federal laws in relation to drugs are also a violation of University policy. This includes the abuse or other improper use of prescription drugs. The 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.

Students should be aware that in spite of the November 2012 Washington state vote to legalize and/or decriminalize small amounts of marijuana possession or use for persons over the age of 21, Gonzaga is required to uphold, and expects its students to abide by federal laws that prohibit use, distribution, consumption, of marijuana by anyone of any age.

Students in the presence of others improperly using drugs may be held accountable for not taking appropriate action.

The University reserves the right to confiscate, retain, and dispose of/destroy any and all drug related items regardless of value or ownership.

Medical marijuana users should be aware that Gonzaga University does not permit marijuana use or possession on campus, whether or not in a residential facility, even with official medical documentation. All questions regarding the reasonable accommodation of medical conditions, including conditions treated with medical marijuana, should be directed to the Disability Resources, Education, and Access Management (DREAM) office.

This Drug Policy is published in compliance with the Drug Free Schools and Communities Act.

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 suspect they may have a problem associated with alcohol or other substance abuse to seek assistance through campus resources such as the Student Development 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. 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 Development Office, College Hall 120 or call 509-313-4100.

Violations of the Drug Policy will be addressed pursuant to the Student Code of Conduct. Sanctions resulting from a violation of this policy may include substance use assessment; recommendations for treatment; and random drug testing in addition to sanctions set forth in the Student Code of Conduct. Any costs associated with the imposition of sanctions are the responsibility of the student.

4. Fire Alarms & Safety Devices

When a fire alarm sounds in a building the occupants of that building must immediately evacuate and call Campus Security & Public Safety at ext. 2222. Evacuation maps are posted in all campus buildings and should be followed whenever possible. Entering or re-entering a building in which a fire alarm is sounding is prohibited unless authorized by an official of the Spokane Fire Department, the Campus Security & Public Safety department, or other University Official. Failure to evacuate a building during a fire alarm, entering or re-entering a building during a fire alarm may constitute a violation of the Student Code of Conduct. Tampering with, or the unauthorized use of, fire safety equipment such as extinguishers, smoke and heat detectors, alarm pull stations, fire sprinklers, signage or emergency exits is prohibited. This includes activation of a false fire alarm and tampering with any equipment or fixtures used for the purpose of fire, health, or building safety.

5. Guest Conduct & 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 and expectations of the University.

6. Harassment and Discrimination

See Harassment and Discrimination Section beginning on page 9.

7. Hazing Policy

Traditions are important at Gonzaga and some of these traditions include rituals and rites of passage that link students to the University’s past and help them 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 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, that 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:

- a. Hazing is defined as any act or process that endangers the mental or physical health or safety of a student, or that damages 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, team or organization.

- b. 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.
- c. Student groups, teams and organizations, as well as individual 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 Student Code of Conduct.
- d. 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 respect for oneself and for others.
- e. Encouraged or forced violation of any University rule, policy, or expectation or of the law.

Student organizations and individuals failing to adhere to this policy statement and/or behavioral expectations will be subject to disciplinary actions and sanctions as outlined in the Student Code of Conduct, and may also be subject to criminal prosecution pursuant to Washington state law (RCW.28B.10.901).

8. Identification Cards Policy

Students must maintain and carry an official student identification card for the entire period they are affiliated with Gonzaga University. The student ID card is the property of Gonzaga University and must be presented upon a reasonable request of a University Official in the performance of his/her duties and may be revoked at any time by the University. No one other than the person to whom the card is issued is to use the official student ID card. Transfer, alteration, falsification, or forgery of the student ID card is prohibited. Lost or stolen student ID cards can be managed through ZAGCARD and should be reported to Campus Card Services in the Office of Student Accounts immediately.

9. Keys, Keycards, & 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 prohibition includes student ID’s equipped with proximity readers for building entry, other “swipe-type” 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.

10. Non-motorized Riding Devices

Safety, courtesy, and caution must govern 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 where to do so would be likely to impede foot or vehicle traffic or disability access. 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.

11. Posting Policy

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 Welcome Desk located in the John J. Hemmingson Center. Notices, event flyers, and announcements for activities specifically related to Gonzaga University will be given first priority for posting. Advertisements for local businesses or Spokane community events that are not University-sponsored will only be posted on campus bulletin boards if approved and space allows. There is a fee associated with this service. This 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.

12. Restricted Area Entry Policy

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 restriction includes, but is not limited to, maintenance and custodial areas, construction sites, departmental storage closets, and Lake Arthur and the Spokane River adjacent to University property.

13. Smoking Policy

Gonzaga recognizes an obligation to provide an environment reasonably free of health hazards and contaminants that may adversely affect the safety and health of Gonzaga personnel and students.

In support of this obligation, Gonzaga complies with the Washington State Clean Indoor Air Act, by prohibiting smoking in all Gonzaga buildings, and within 25 feet of any entrance, exit, window, or ventilation intake. Managers and supervisors are responsible for enforcing the provisions of this policy for their employees and in their work areas. Environmental Health and Safety is responsible for administering this policy.

14. Solicitation Policy

In order to protect students' right to privacy, under no circumstances are off-campus solicitors allowed to canvass the campus. Any violation of this policy should be reported immediately to the Student Development Office or Campus Security & Public Safety. Permission to engage in public area solicitation must be obtained from the manager of the Crosby Student Center. Students or student groups seeking permission to solicit within Residence Halls (including "dorm storming") must receive permission from the Residence Director of the building(s) within which they wish to solicit.

The use of University facilities and resources to conduct commercial ventures not sanctioned by the University is prohibited. This restriction includes housing facilities, MSC box/address,

University phone number(s), voicemail, computing resources and use of University logos/trademarks.

15. Weapons, Fireworks, and Explosives Policy

The presence and use of weapons on campus 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 the University's student code of conduct 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. 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, switchblades 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). Replica guns and other simulated weapons are included within this policy. Objects otherwise not considered weapons, and knives with blades less than three inches, may be included within this policy if used as a weapon. Fireworks, flammables, explosives and chemicals of an explosive and/or flammable nature are also prohibited.

Exceptions to this policy may be authorized by the Director of Campus Security & Public Safety. 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.

C. Other University Policies and Regulations

1. Involuntary Withdrawal Policy

A. Purpose and Introduction

Gonzaga University is committed to fostering student success, maintaining an environment conducive to learning and assuring the health and safety of the University community. Accordingly, the University takes appropriate measures to address student behavior that presents a direct threat of harm to the health or safety of any community member and/or causes a serious disruption to the learning environment or educational mission of the institution. In such situations the safety and security of the Gonzaga community is paramount and University officials may accordingly consider the appropriateness of a number of reasonable security and health and safety measures. In extraordinary circumstances, the University reserves the right to request or require the student to withdraw. If a student declines to voluntarily withdraw, the University may determine that the needs of the community require an involuntary withdrawal.

B. Guidelines

A student may be subject to an involuntary withdrawal when the student exhibits behavior that:

- i. Harms or threatens to harm the health or safety of any Gonzaga community member, or any member of the non-campus community; or
- ii. Significantly disrupts the learning environment or educational mission of the University

The process outlined in this policy will be followed prior to the implementation of an involuntary withdrawal.

All references to the Dean of Student Well-Being and Healthy Living ("the Dean") in this policy include his/her designee.

C. **Process**

i. Individualized Assessment

The involuntary withdrawal process may be initiated when the Dean receives a referral or other information regarding a student who appears to be demonstrating behavior consistent with one or more of the criteria listed above.

If the Dean determines that the student's actions create a significant health, safety or welfare concern or threaten to disrupt the learning environment of the University the Dean may seek an immediate assessment of the student's ability to remain at the University. The assessment will be based on the students observed or recorded conduct, actions, or statements and may require consultation with other appropriate professionals, including but not limited to, the Student Health Center and the Student Counseling Center. The student will be required to sign a waiver allowing the exchange of relevant information between the assessing clinician and the University. Failure to appear for a mandated assessment will result in an involuntary withdrawal without further process. The University may also request authorization to consult with health care professionals that are providing, or have provided, care to the student. In addition, the Dean may initiate parental notification or consultation as part of the information gathering process or as part of the effort to work more effectively with the student to address her or his behaviors of concern.

The Dean will make every reasonable attempt to meet with the student to inform the student that an involuntary withdrawal is being considered; what the withdrawal would require (i.e. leaving academic program, housing, or other aspect of the University's services); and the reasons for the withdrawal being considered. The Dean will explain the next steps in the process, including a meeting with an Administrative Panel, invite the student to provide any relevant information, and provide the student a copy of this involuntary withdrawal policy. The Dean will also review all other available options for the student to pursue, including a voluntary withdrawal from the institution.

If a review of the available information leads the Dean to believe that pursuing an involuntary withdrawal is not appropriate the institution may still impose conditions or requirements under which the student is allowed to remain enrolled.

If the Dean believes that it is appropriate to pursue an involuntary withdrawal the Dean will coordinate a meeting of the Administrative Panel as described below.

ii. Administrative Panel

Any administrative panel assembled to consider the appropriateness of an involuntary withdrawal will be composed of the Dean of Student Well-Being and Healthy Living and two additional professional staff members selected from any of the following areas:

- a. Academic Affairs
- b. Campus Public Safety and Security
- c. Center for Cura Personalis
- d. Counseling Center
- e. Health Center
- f. Housing and Residence Life
- g. Respective professional school (i.e. graduate school for graduate student cases only, law school for law student cases only, etc.)

The student will be informed in advance of the time and location of the Administrative Panel meeting and be provided the opportunity to submit relevant information and present relevant witnesses.

The Administrative Panel will make an individualized assessment based on all available information. The Panel may consider, among other factors, the effect of any behavior on community members, as well as the impact on academic, residential, and extracurricular activities. The student will be notified of the decision in writing and the notification will include the rationale behind the decision and any appropriate next steps, including timelines for those steps (e.g. process for departing campus and any specifying conditions of reinstatement if reasonably available). The panel may also decide to inform the student's parents, emergency contact, or other close relative if concerns exist for the student's ability to process and react safely and appropriately. The student has the right to appeal this decision as detailed below. The decision of the Administrative panel will remain in effect pending any appeal.

If a review of the available information leads the Administrative Panel to determine that pursuing an involuntary withdrawal is not appropriate at this time, the institution may still impose conditions or requirements under which the student is allowed to remain enrolled.

iii. Appeal

A student may appeal the Administrative Panel's determination to the Vice President for Student Development ("VPSD"). A student has three (3) business days to request this appeal in writing. The VPSD (or designee) shall review all available information (i.e. all information considered by the Administrative Panel and any additional information subsequently made available by the student) and may seek additional information from the student. The decision of the VPSD will be communicated to the student in writing. The decision of the VPSD (or designee) is final.

D. Process for Return

A student involuntarily withdrawn may not re-enroll or be re-admitted before the start of the next semester. Although a request for re-enrollment or re-admission will be considered whenever submitted, to ensure timely consideration of the student's request, the following deadlines have been established for all materials to be received by the Dean of Student Well-Being and Healthy Living:

- i. November 1 for consideration for the spring semester
- ii. April 1 for the summer sessions
- iii. June 30 for the fall semester

A student who is being considered for re-admission is not entitled to a hearing on the re-admission request. The Dean, in consultation with appropriate University officials, will conduct an individualized risk assessment that addresses the particular conduct that led to the involuntary withdrawal. A recommendation for re-admission – the determination of which is made by the Dean of Admission - may be granted only if the Dean determines, in his or her professional judgment, that the conditions that led to the leave are no longer present. The Dean may require any documentation or evaluation deemed necessary to make this decision.

If a student is allowed to return from an involuntary withdrawal they may be required to meet certain conditions. Depending on the circumstances conditions for return may include, but not be limited to, examinations by independent or school employed medical health professionals, release of relevant medical records, compliance with treatment plans, demonstrated ability to meet the institution's academic and conduct standards, interviews with school officials, or personal statements.

The student's re-entry is also contingent upon the student meeting any admission or enrollment requirements of the University and of the school/college in which he/she was enrolled or wishes to enroll, and the successful completion of any expectations from the Office of Community Standards as a result of any Student Code of Conduct violations.

If the Dean determines that it is not appropriate for the student to return the student will be advised in writing of the outcome and the rationale that guided the decision. A student may appeal the Dean's decision by submitting a written appeal to the Vice President for Student Development within ten (10) business days of their receipt of the decision from the Dean. The VPSD will review the relevant information and a decision will be communicated in writing to the student within ten (10) business days of the submission of the appeal. The decision of the Vice President is final.

E. Relationship to Conduct Process

An Involuntary Withdrawal is not a substitute for appropriate action pursuant to the Student Code of Conduct and administrative actions outlined in the Student Code of Conduct, including interim suspension, may be enacted if one or more of the following situations exist:

- i. an imminent threat of danger or harm to any member of the community

- ii. a significant new or continuing disruption to the community is imminent
- iii. a student is unwilling or unable to meet with the Dean of Student Well-Being and Healthy Living
- iv. a student refuses to complete a required assessment; or
- v. other exceptional circumstances exist that make administrative action appropriate.

2 Information Technology Policies

The use of computer and network resources has become a vital part of the daily life of many of the students and employees at Gonzaga University. The growth of the Internet, the use of computers for documents and presentations, the expansion of campus networks to residence halls, and the use of e-mail as a means of communication have all become a part of everyday life for universities around the world. This integration of computers and networks into everyday life has made it essential that users are aware of their responsibilities when using these services. The following policies are in place for your protection and the protection of university data:

1. **Acceptable Use Policy:** <http://www.gonzaga.edu/Campus-Resources/Offices-and-Services-A-Z/Information-Technology-Services/IT-Policies-Proc/default.asp>
2. **Digital Millennium Copyright Act (DMCA):** <http://www.gonzaga.edu/Campus-Resources/Offices-and-Services-A-Z/Information-Technology-Services/IT-Policies-Proc/DMCA.pdf>
3. **Higher Education Opportunity Act (HEOAC):** <http://www.gonzaga.edu/Campus-Resources/Offices-and-Services-A-Z/Information-Technology-Services/IT-Policies-Proc/HEOAC.asp>
4. **Student Email Policy:** <http://www.gonzaga.edu/Campus-Resources/Offices-and-Services-A-Z/Information-Technology-Services/IT-Policies-Proc/Proposed-Student-Email-Policy.asp>

II. Student Code of Conduct Administration

A. General Provisions and Definitions

1. General Provisions

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

b. Communication/Contact Expectation Directives: The University expects students to manage interpersonal conflicts in a mature, adult like manner. Students are expected to use healthy, safe, and appropriate means to resolve and/or navigate interpersonal conflicts. In situations involving conflicts between students that appear to rise to the level of more serious inappropriate behavior, the University may issue a Communication/Contact Expectation Directive to one or both parties involved in the situation. This directive is used to help students navigate their educational experience. The directive may prohibit one or more persons from having contact with one another or third persons involved in a conflict. The directive may be issued as an interim measure or as a part of the University's conduct process as a social contact restriction. When used as an interim measure, this directive is not open to a review process. This request is supported by the Community Standards as a reasonable request of a University Official in the performance of his/her duties. As such, it is a requirement under the Student Code of Conduct that students comply with such a directive. It should be noted that a University Communication/Contact Expectation Directive is not the same thing as a court order, commonly referred to as a restraining or protective order.

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

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

d. Conditional Attendance: A student who has not been found to be in violation of any University policy may be subjected to conditional attendance restrictions if it is determined by the DOCS that a failure to do so presents an unreasonable danger to any person or property. This decision is an administrative action, and thus not appealable. A conditional attendance restriction does not replace the regular student conduct process, which shall proceed as detailed in the Student Conduct Processes section of this code.

e. Conduct Standing: The submission of an application for admission to the University represents a voluntary decision on the part of a prospective student. The University's approval of an application represents the extension of the privilege of joining the academic community and remaining a part of it as long as the student meets the academic and behavioral expectations of the University. Students who abide by University policies are considered to be in good conduct

standing with the University. A student's conduct standing may be changed as a result of being found in violation of one or more University policies. Students who successfully complete sanctions imposed through a Student Code of Conduct process may petition the Dean of Student Well-Being and Healthy Living to be restored to good conduct standing.

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

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

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

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

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

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

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

- i. **Jurisdiction:** Every student is expected to observe the highest standards of conduct, both on and off campus and while participating in any activity or program sponsored by the University. When prohibited conduct occurs on or off campus, the University may implement the procedures described in this Code.
- j. **Official University Communication with Students:** E-mail is an official form of communication at Gonzaga University. The University will assign all students an official University e-mail address to which the University will send all official e-mail communications. Students should frequently check their University-issued e-mail 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 contact information listed with the Registrar's Office.
- k. **Polygraph Evidence:** The results of any polygraph test are not allowed as evidence in any conduct process undertaken pursuant to the Code of Student Conduct.
- l. **Preponderance of Evidence:** Determinations of responsibility for violations will be made based on a preponderance of evidence standard, that is whether the alleged violation is "more likely than not" to have occurred.
- m. **Records:** The DOCS is the custodian of student conduct records. These records usually include complaints, findings of responsibility and any sanctions issued. Students should be aware that information maintained in their disciplinary file or other University record may be requested by entities outside the University. Such requests include employment background checks, military or civilian clearances for sensitive information, graduate or other college admissions processes, professional licenses and certifications, and court orders. The University follows the guidance of FERPA and other applicable privacy laws in responding to these requests, and maintains records in compliance with applicable law and University policy. Note: For records relating to any complaint, investigation, and conduct action made pursuant to the University's Sexual Misconduct and Harassment Policy the Title IX Coordinator will serve as the custodian of records.
- n. **Withdrawal from School with Pending Complaint:** If a student withdraws from his or her academic coursework or leaves the University without withdrawing and there are unresolved Student Code of Conduct allegations, a hold will be placed on the student's account and he/she will not be able to return to Gonzaga without resolving the alleged violation(s). The University reserves the right to resolve the allegation(s) after a student withdraws or otherwise leaves the University. If an allegation remains unresolved following the withdrawal of a student, the University will note in the student's education record the nature of the allegation and the fact the student withdrew prior to adjudication.

2. Definitions

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

- b. **Complainant:** A party alleged to have been the subject of, or harmed by, student misconduct. Party may refer to a person, student club, or organization.
- c. **Conduct Officer:** A University official trained to adjudicate matters pursuant to the Student Code of Conduct.
- d. **Day:** When used in this Code the term “day” or “days” refers to business days.
- e. **FERPA:** The Family Educational Rights & Privacy Act, a federal law that protects the privacy of student education records.
- f. **Director of the Office of Community Standards (DOCS):** The person designated by the Vice President for Student Development to perform the functions described in this Student Code of Conduct. The DOCS is responsible for initiating the conduct proceedings where there is a reasonable belief that a violation may have occurred and that disciplinary action is appropriate. Any reference in this Student Code of Conduct to the “Director of the Office of Community Standards” includes his or her designee.
- g. **Misconduct:** The violation of one or more University policies or the commission of an act of prohibited conduct contained in this Student Code of Conduct.
- h. **Outcome:** A determination of responsibility or non-responsibility for violation of the Student Code of Conduct, as well as any sanction levied.
- i. **Reporting Party:** A person submitting an allegation that a student is responsible for violating a University policy. “Party” may refer to a student club or organization.
- j. **Respondent:** A person alleged to have violated a University policy. “Respondent” may also refer to the officers and/or members of a student club or organization.
- k. **Retaliation:** Acts or attempts to seek retribution including, but not limited to, any form of intimidation, reprisal, harassment or intent to prevent participation in University proceedings under this policy. Retaliation may include continued abuse or violence, other harassment, and slander and libel.
- l. **Student:** A person enrolled, taking courses(s) or receiving instruction at Gonzaga University. Any reference to “student” in this Student Code of Conduct includes student clubs or organizations.
- m. **Student Conduct Review:** A process facilitated by the DOCS in cases of a less serious nature for the purpose of determining whether or not a policy has been violated, and what, if any, sanction is appropriate.
- n. **Student Conduct Conference:** A process facilitated by the DOCS in cases of a more serious nature for the purpose of determining whether or not a policy has been violated, and what, if any, sanction is appropriate.

- o. **University:** Gonzaga University.
- p. **University Conduct Board (UCB):** A hearing body, the members of which are appointed by the Vice-President for Student Development. Its function, upon assignment by the DOCS, is to hear and resolve allegations of misconduct to determine responsibility and sanctions. This Board is made up of University faculty, staff, and students trained to serve on both initial hearing and appellate panels.
- q. **UCB Chair:** The person acting as chairperson of a UCB hearing or appellate panel.
- r. **University Conduct Appeals Board (UCAB):** A panel of three UCB members appointed by the Vice-President for Student Development, and who did not originally hear the matter being appealed.
- s. **University Policy:** A written regulation or proscription of the University, including but not limited to those found in the Student Code of Conduct, Sexual Misconduct and Harassment Policy, Academic Policies, Student Group policies, and Residence Life regulations. All definitions included in any University Policy are incorporated here by reference.

B. Student Conduct Processes

1. Overview of the Student Conduct Process

The Division of Student Development is responsible for the implementation of the Student Code of Conduct. The University uses a graduated approach in responding to allegations of student misconduct with allegations being resolved through one of three conduct processes: 1) a Student Conduct Review; 2) a Student Conduct Conference; or 3) by the University Conduct Board. When less serious violations are alleged the matter may be resolved through a Student Conduct Review. In the case of more serious violations, or when a student has been held responsible for past misconduct, or when multiple violations are alleged, the matter may be resolved through a Conduct Conference. The most serious allegations of misconduct shall be referred to the University Conduct Board (UCB)

The determination as to which process will be utilized for the hearing and resolution of allegations of misconduct shall be made by the Director of the Office of Community Standards.

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

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

- a. Notice of the allegation(s) being made
- b. Notice of the date of hearing or other process
- c. The opportunity to be heard

- d. The opportunity to have an advisor of their choice present during any stage of the conduct proceedings
- e. Notice of the outcome as permitted by FERPA and any other applicable privacy laws
- f. The opportunity to have the outcome reviewed through the appropriate appeals process

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

2. Initial Review

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

- a. Determine that no further action is warranted,
- b. Refer the complaint for further investigation, and/or
- c. Bring a formal charge under this Student Code of Conduct.

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

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

3. Student Conduct Process Descriptions

a. Conduct Review process

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

Resolution of Complaints: The involved party, or parties, shall be advised of the nature of the charge(s) and be provided an opportunity to discuss the incident in an honest and respectful process. Each party shall be afforded the opportunity to provide any relevant information in support of her or his position. The conduct

officer(s) will use all information available, including information provided during the Conduct Review, to arrive at a finding of responsible or not responsible for alleged violations of the Student Code of Conduct. A notice of findings and conduct outcomes shall be provided in writing to students found responsible for policy violations.

With the exception of expulsion or suspension, any conduct outcomes may be assigned as the result of a Conduct Review.

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

b. Conduct Conference process

Student Conduct Conference: This process presents an opportunity for the involved party or parties to discuss and resolve complaints. Conduct Conferences are ordinarily conducted by one or two staff members from the Office of Community Standards and/or their designee(s).

Resolution of Complaints: The involved party, or parties, shall be advised of the nature of the charge(s) and be provided an opportunity to discuss the incident in an honest and respectful process. Each party shall be afforded the opportunity to provide any relevant information in support of her or his position. The conduct officer(s) will use all of the information available, including information provided during the Conduct Conference, to arrive at a finding of responsible or not responsible for alleged violations of the Student Code of Conduct. A notice of findings and conduct outcomes shall be provided in writing to students found responsible for policy violations.

With the exception of expulsion, any conduct outcomes may be assigned as the result of a Conduct Conference.

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

c. University Conduct Board process

University Conduct Board (UCB): The UCB shall be charged with the duty of making determinations as to complaints of misconduct and, if appropriate, regarding the imposition of sanctions. The UCB shall be comprised of trained hearing officers consisting of faculty, staff and students. The members of the UCB will hear and deliberate cases in panels of three members assigned by the Vice-President for Student Development the Vice-President for Student Development shall appoint one member of the panel to act as chairperson of the hearing panel. It shall be the duty of the chairperson to exercise control over the hearing in order to afford a fair and orderly hearing to all participants; to avoid needless consumption of time; and to prevent the harassment and/or intimidation of parties and witnesses

The UCB shall hear and decide cases as assigned to it by the DOCS and involving charges of the most serious nature including but not limited to allegations of sexual harassment or misconduct, discrimination or interpersonal violence.

- i. Pre-Hearing Procedures: A respondent or complainant participating in a UCB hearing will:
 - 1) Receive advance notice of date, time, and place of the initial hearing in person, University email, or U.S. Mail.
 - 2) Receive written notice of the complaint that specifies the nature of the violation and the basis for the charge including the date of period of time during which the misconduct is alleged to have occurred, and the location where the misconduct allegedly occurred.
 - 3) Be given adequate time to prepare a case pursuant to the time frames articulated in this Code
 - 4) Be given an opportunity to review related documentation
 - 5) Have access to a trained University staff person to provide information in navigating the Student Code of Conduct system
 - 6) Have the opportunity for an advisor of their choice present during any stage of the conduct proceedings
 - 7) Have an opportunity to present both written documentation and witnesses

The role of an advisor in the Student Code of Conduct is to provide support as the parties represents themselves in the process. An advisor does not actively participate in any part of a hearing. An advisor, may privately consult with and advise a party during the proceeding, but may not act as a representative of or spokesperson for a party; nor may an advisor provide any information on behalf of the party, examine witness, or otherwise participate in a hearing. Neither a witness nor a potential witness is permitted to serve as an advisor. Advisors must make themselves available for all hearing processes as requested by the party and the individual schedules of advisors generally has no impact upon the scheduling of hearings or other Student Code of Conduct processes. If an advisor is disruptive to the hearing process, the panel chair may dismiss the advisor. Dismissal of an advisor will not be grounds to postpone, suspend, or reschedule a hearing already in progress.

Before any hearing takes place, each party shall have the opportunity to meet with a trained University staff person for the purpose of becoming informed about hearing processes and procedures. All parties shall have reasonable opportunities to review any and all information which might be used during the hearing. This information shall include but not be limited

to investigative reports, written or recorded statements, and all relevant documents and information to the extent allowed by laws governing privacy, including FERPA. At this meeting the parties shall also be notified of the names of the Board members and any party wishing to challenge the participation of any Board member must notify the University staff person in writing within three days of this meeting stating the reason(s) for the objection. Failure to do so will constitute a waiver of any objection to the composition of the panel. The University staff person will forward the information to the Vice-President for Student Development who will determine whether the challenge has merit and reserves discretion to make changes in the Board composition.

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

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

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

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

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

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

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

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

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

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

The complainant and the respondent may not directly question one another unless granted permission to do so by the panel chair. If a request to allow direct questioning between the parties is made, the panel chair

shall enter into the record a written finding in support of his or her decision. If a request to allow direct questioning is denied, the chair, at his or her discretion, may allow the parties to pose additional questions or inquire further into specific matters by submitting these questions/requests in writing to the chair. The chair may then, at his or her discretion, pose the submitted questions to the other party. If necessary, a brief break may be granted to allow both parties an opportunity to prepare and submit such questions/requests. The chair is empowered to disallow or reframe any questions that are irrelevant, redundant, or otherwise inadmissible.

Formal rules of evidence do not apply and the panel chair will determine what information is relevant to the hearing. The responsibility for the resolution of all issues as to admissibility or relevance of evidence, the propriety of questions, and any other procedural matter shall rest solely with the panel chair in the exercise of his or her discretion. The party wishing to present any witness is responsible for arranging for the attendance of such witness. The University will not compel the attendance of witnesses.

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

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

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

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

- iii. **Notice of Outcome:** The respondent will be notified in writing of the disposition of the case, as well as any sanctions imposed, after a decision has been determined. Complaints in matters alleging a crime of violence or sexual misconduct will also be notified in writing of the outcome of the case. Notification will be made in compliance with privacy laws, including but not limited to FERPA. Notification shall include information regarding how an appeal may be filed.

C. Conduct Outcomes

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

1. Administrative:

- a. **Fees:** Directly associated with costs for workshops, programs, or other assigned outcomes.
- b. **Fines:** Reasonable fines may be imposed not to exceed \$1,000 for any student.
- c. **Restitution:** Payment of compensation for loss of property, or damage to person or property.
- d. **Residency Status Review:** Written notice to a student in University residence that further violations of residence life or University policy may result in removal from University housing.
- e. **Warning:** Written notice to the student that his or her behavior is below the University's standards of conduct.
- f. **Reprimand:** Written notice to a student for severe or repeated failure to meet the University's standards of conduct.
- g. **Conduct Probation:** A specified period of observation and evaluation of a student's conduct imposed for repeated or arrant violations. Any violation of University policy, while on Conduct Probation, could result in separation from the University.

2. Restrictions:

- a. **Loss of privileges:** Denial of specified privileges for a designated period of time.
- b. **Contact restriction:** Limitation or prohibition of communication or contact with a member of the University community.
- c. **Residence-related restrictions:** Housing restriction, relocation, or separation of a student from University housing for a designated period of time.

3. Developmental:

- a. Educational assignments: Related to the violation for which a student is found responsible, this is a means to encourage a student to reflect on his or her personal growth and development.
- b. Performance assignments: Community/restorative service, program or workshop attendance or presentation, or other assigned tasks.
- c. Policy review: Written notification of policy reminders, educational conversations, or workshops.
- d. Outcomes related to academic degree progress:
- e. Suspension: Separation of the student from the University for a specified period of time, with associated conditions specified for readmission.
- f. Expulsion: Permanent separation of the student from the University.

D. Appeals

Either a complainant or a respondent may appeal a determination made by a conduct officer or UCB hearing panel. An appeal is filed by submitting it to the Office of Community Standards within five days of the date of issuance of a conduct officer(s) or UCB panel's written decision using the form located below. A properly filed and timely appeal will generally stay any sanction(s) levied unless doing so would be inconsistent with the institution's Title IX obligations and/or it is determined by the Office of Community Standards that this action would present an unreasonable danger to any person or property or be disruptive to the University's living/learning environment. The non-appealing party may respond in writing to the appeal within five days of the filing of the appeal with the Office of Community Standards.

A student filing an appeal will receive confirmation of the appeal request and the status of any sanctions issued. Following acknowledgement of the appeal, the student's conduct file will be forwarded to the appropriate reviewer.

Appeals of Conduct Reviews and Conduct Conferences are considered by the Dean of Well-Being and Healthy Living or her/his designee. Appeals of Conduct Conferences resulting in suspension are considered by the Dean of Well-Being and Healthy Living and a conduct officer who did not originally hear the matter being appealed.

Appeals of UCB Hearings are considered by the University Conduct Appeals Board (UCAB) consisting of three members of the UCB who did not originally hear the matter being appealed.

The Office of Community Standards and/or its designee shall have the opportunity to provide a written response to the appeal request. The response may include information the Office of Community Standards and/or its designee regards as relevant to the appeal, including information used in making its determination.

Appeal processes are "document only" procedures and no students or support persons are present when an appeal is being considered. The appeals officer or UCAB will consider

information reviewed at the original conduct meeting or hearing, information submitted by the parties within the five day appeal and response periods referenced above, and the findings of the conduct officer or UCB hearing panel. The UCAB panel will also consider the audio record of the UCB hearing. The bases upon which an appeal may be considered are limited to the following:

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

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

The appeals officer or UCAB may take the following actions after considering an appeal:

1. Remand the matter to the original conduct officer(s) or panel to be reheard in whole or part.
2. Affirm the original decision and sanction(s).
3. Reverse the original decision and sanction(s).
4. Affirm or reverse the original decision in part and/or alter the sanction(s) which could increase or decrease the severity of the sanction(s).

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

ADDENDUM ONE

Crisis Action Plan

PURPOSE

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

TYPES OF EMERGENCES COVERED

This plan provides a plan of action in the case of emergency situations in the city of Florence. This plan does not cover emergency situations directly involving any of the Gonzaga in Florence buildings or *pensioni*.

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

STUDENT ACTION

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

GIF STAFF ACTION

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

GIF Building
Director

Max and Silvia
Asst. Director for Student Development

Assoc. Director of Operations
Custodian/Security Services

Holiday Rooms/Hotel Nazionale
Assoc. Director for Outreach

Hotel Cordova
Registrar

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

GENERAL GUIDELINES FOR EMERGENCY SITUATION

- Make sure the state of health of the people around you and, if necessary, be the First Aider.
- Do not wander around.
- Do not use the cell phone if you have one, but keep it handy and accessible in case of emergency. It is likely that cell phone service will be difficult in such emergencies.

If you are in a zone or area exposed to tsunami risk, move away from the beach and reach a higher place.

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

ADDENDUM TWO

EARTHQUAKE EMERGENCY

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

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

Actions to be taken in the case of significant earthquake:

In both cases, either you are in a building or outside make sure to keep calm, and be prepared to face further quakes.

If you are indoors:

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

If you are outdoors:

- Move away from buildings, trees, street lamps, electric cables: you could be struck by vases, tiles and other falling materials.

- Pay attention to other possible consequences of the earthquake: collapse of bridges, landslides, gas leaks, etc. Therefore, DO NOT stand or try to find shelter near bridges, river banks, or in areas where landslides could happen.
- Do not stay near construction sites and industrial plants.

After an earthquake

When the earthquake has stopped:

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

GIF Specific Instructions

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

Students

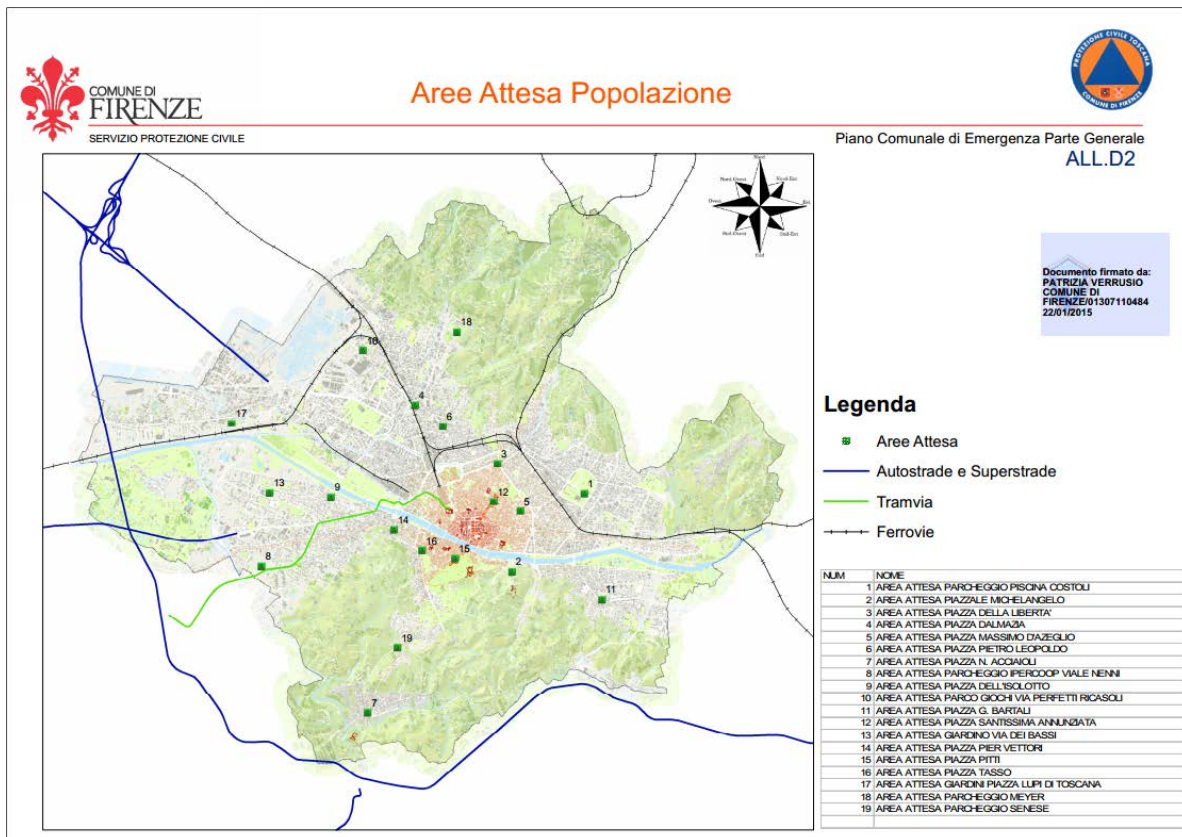
If you are alone on the way there, as soon as you arrive to Piazza Santissima Annunziata, locate other students of the GIF Program or staff members and stay with them.

While there, students should follow instructions given by members of the “Protezione Civile” or any identifiable member of the local authorities. Such behavior is very important because following instructions will help with the emergency management.

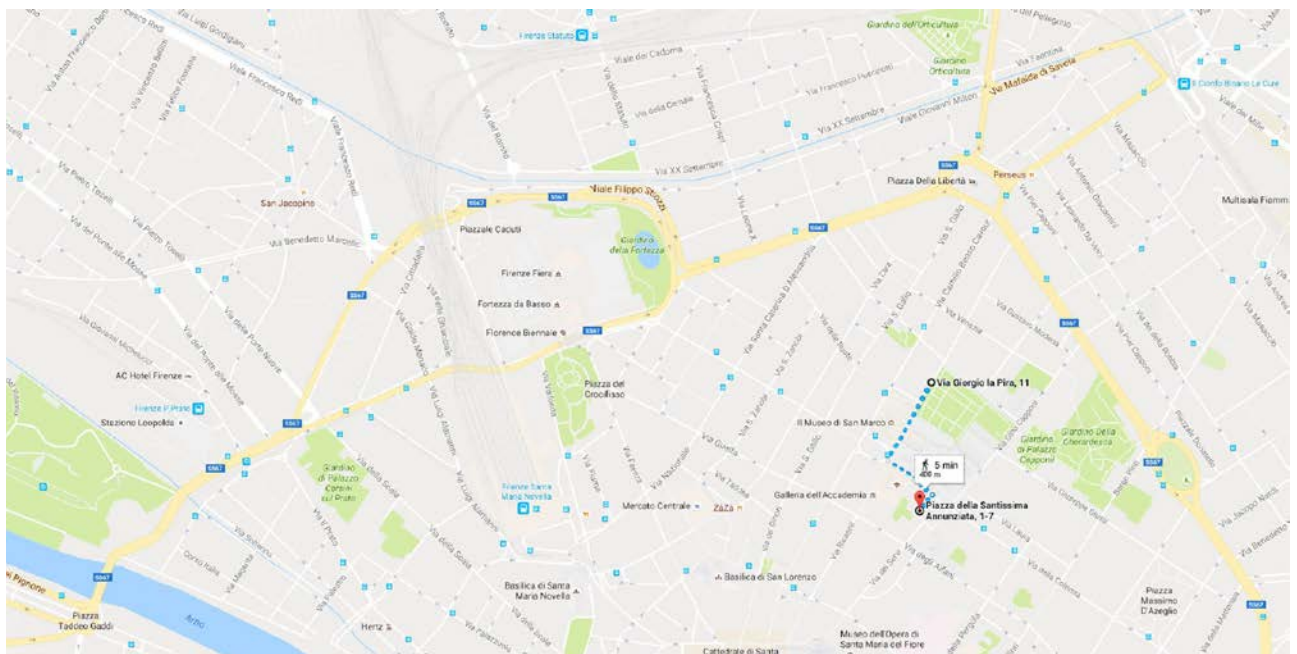
Staff

Staff members, as soon as they will have the opportunity, will count the number of students they have gathered, if possible get their names and last names, then they will try to get in contact with each other and communicate the number of students and staff that have been gathered into groups.

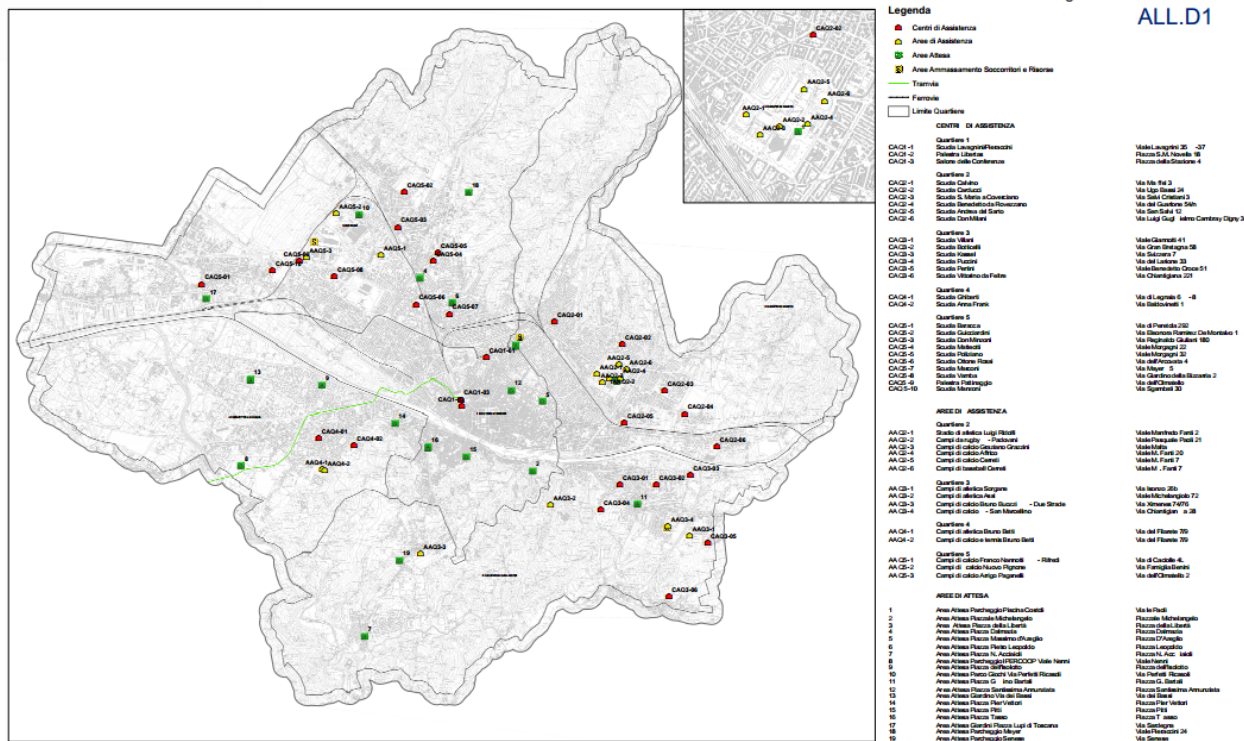
In the waiting areas local authorities of either the Protezione Civile (Civil Protection Association) or the Vigili del Fuoco (Fire Department) will communicate the areas where the population will have to go, which are the areas where the emergency management will occur. These areas have been identified and established by the Piano Comunale di Emergenza (Emergency City plan). The list of these areas is on the map (See map n. 3 ALL. D1 – Aree Gestione Emergenza – Emergency Management Areas). Following this, whenever possible, staff members will get in contact with the American Consulate in Florence and appropriate staff at Gonzaga University in order to proceed with the communication of eventual injured or deceased American citizens.



Map n. 1 – ALL D2 – Aree Attesa Popolazione – Designated Waiting Areas



Map n. 2 – Directions Via La Pira, 11 – Gonzaga in Florence Premises to Piazza Santissima Annunziata



Map n. 3 ALL D1 -Aree Gestione Emergenza – Emergency Management Areas

Sources:

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