

Gonzaga University Campus Security & Public Safety

# Annual Security & Fire Safety Report

Published December 2020

2020 Annual Security Report Table of Contents:

<b>Section 1: The Campus Security &amp; Public Safety Department</b> .....	4
About the Campus Security & Public Safety Department.....	4
Working with the Spokane Police Department & Other Local Agencies .....	4
Contacting the CSPA Communications Center .....	5
Blue Light Phones .....	5
Video Surveillance .....	5
Security Escorts & Safe Ride .....	5
Living in Logan Neighborhood .....	6
Keeping the Community Informed .....	6
Crime Prevention on Campus .....	9
Sexual Misconduct and Harassment Awareness and Education Programs.....	12
Sexual Misconduct and Harassment Risk Reduction.....	13
<b>Section 2: Crime Reporting and Resources</b> .....	15
Emergency Reporting .....	15
Non-Emergency Crime Reporting.....	15
Reporting Harassment or Discrimination .....	16
<b>Section 3: The Clery Act</b> .....	18
About the Clery Act.....	18
Clery Act Statistics 2017-2019 .....	23
<b>Section 4: Sexual Misconduct and Harassment Reporting, Policies and Procedures</b> .....	24
Confidential and Non-Confidential Resources and Reporting Options .....	24
About Confidential Resources and Reporting Options.....	25
About Non-Confidential Resources and Reporting Options .....	26
Introduction to University Policies and Procedures .....	27
Role of the Title IX Coordinator .....	28
Statement of Privacy and Confidentiality .....	28
Definitions, Examples and Prohibited Conduct .....	29
Interim Measures to Protect Safety and Well-Being.....	32
Emergency Removal of a Student.....	33
Mandatory Reporting.....	33
Procedures for the Resolution of Sexual Misconduct and Harassment Reports under the Office of Human Resources.....	34
<b>Section 5: Additional University Policies and Procedures</b> .....	47
Missing or Absent Student Policy .....	47
Housing and Residence Life Policies – Selected Sections .....	48
Student Code of Conduct –Selected Sections .....	50

Student Code of Conduct Administrative Guidelines.....	53
Section 6: Fire Safety and Statistics .....	61
Fire Statistics and Safety Education .....	61
Reporting Fires and Fire Safety Concerns.....	61
Fire Alarms, Evacuation, Fire Safety Devices, and Flammable Materials.....	61
Fire Alarm and Safety Devices Policy .....	62
Fire Systems and Statistics .....	63

THE CONTENTS OF THIS GUIDE WERE WRITTEN OR COMPILED BY THE OFFICES OF CAMPUS SECURITY & PUBLIC SAFETY, THE DIVISION OF ADMINISTRATION, AND STUDENT AFFAIRS. ALL UNIVERSITY POLICIES, PRACTICES AND PROCEDURES ARE CONSISTENT WITH GONZAGA'S CATHOLIC, JESUIT, HUMANISTIC IDENTITY AND THE UNIVERSITY MISSION STATEMENT.

**UNIVERSITY POLICIES:** Gonzaga University community members have a responsibility to be familiar with and adhere to University policies, rules, and expectations. Specific information about drug and alcohol policies, as well as other policies related to conduct, health, safety, and security is available to all students, staff, and faculty members through the Gonzaga website at: <https://www.gonzaga.edu/student-life/student-services/resolution-center/student-code-of-conduct> and <https://www.gonzaga.edu/about/offices-services/human-resources/about/policies-procedures>. Policies related to on-campus residential facilities can be found on the Housing and Residence Life page at <https://www.gonzaga.edu/student-life/student-services/resolution-center/student-code-of-conduct/standards-of-conduct-and-policies/other-university-regulations/housing-and-residence-life-policies>.

Policies specific to University staff are contained in the Personnel Policies and Procedures Manual. Please contact Human Resources at ext. 5996 for further information. For faculty policies, please contact the Academic Vice President's office at ext. 6109. Policies specific to individual schools may be found in publications prepared by those schools, such as the Law School Student Code of Conduct.

**DISCLAIMER:** The Vice President for Administration or their designee shall resolve any questions involving the application or interpretation of the policies and procedures set forth in this guide. In such instances, the decision of the Vice President for Administration or their designee shall be final and binding. The Vice President for Administration or their designee reserve the right to change any of the policies and procedures included in the Annual Security Report at any time. The version of the Annual Security Report on the Gonzaga website is subject to revision and may not reflect the exact content of this printed version. The online version is considered to be the official publication of the report. Discrepancies between the online version of the report and the print version will be resolved in favor of the online version.

This publication may be available in alternative formats. Please contact the Disability Access at ext. 4134.

## Student Affairs

**Office Location:** College Hall 120

**Office Hours:** Monday through Friday 8:00 am – 5:00 pm

**Student Affairs Office Phone:** 509-313-4100

Vice Provost for Student Affairs Kent Porterfield, EdD

## Campus Security & Public Safety Department (CSPS)

**Office Location:** Huetter Mansion, 503 E. Sharp Avenue

**Office Hours:** Monday through Friday 9:00 am – 4:00 pm

**CSPS Communications Center:** 509-313-2222 (24/7, 365 days a year)

**CSPS Business Office:** 509-313-6147

Vice President for Administration James Angelosante, 509-313-6118

Director of Campus Security & Public Safety (CSPS) Becky Wilkey, 509-313-3996

Clery Compliance Coordinator Taylor Jordan, 509-313-2224

Visit the CSPS webpage at: <https://www.gonzaga.edu/about/our-campus-location/campus-safety>

Gonzaga University is a community of over 8,500 persons living, working, and studying on campus. As with any community, crime prevention, security and public safety are concerns. At Gonzaga, we believe that the security of our campus is a responsibility shared by all members of the community. Security awareness and crime prevention are goals which serve to protect individuals and the community as a whole. When all members of the community learn and practice these traits, a safer living and learning environment is created. The Jesuit tradition of education embraces the concept of “men and women for and with others,” which at its most basic level encompasses care and concern for each and every member of our community. We encourage you to join us in our efforts to provide a safe and caring environment in which living, learning, and working can take place most productively.

# **Section 1: The Campus Security & Public Safety Department**

## **About the Campus Security & Public Safety Department**

The Campus Security & Public Safety Department (CSPS) works to facilitate the safety and security of the students, staff, faculty, visitors, and property of Gonzaga University. CSPS is a service-oriented organization that promotes safety, security, awareness, and personal responsibility and has an especially close working relationship with the Office of Housing and Residence Life.

The Campus Security & Public Safety Department is organized by function: the Operations Division includes Patrol and Communications functions, the Specialized Services Division oversees Parking, Crime Prevention and Education, Emergency Preparedness, and the Behavioral Intervention Team (BIT)/Clery Compliance. A staff of professionals and students provides administrative and other support for all aspects of security operation. CSPS is staffed 24 hours a day, 365 days a year.

CSPS officers are trained to professional standards in public safety methods. Ongoing training, appropriate for the campus environment, is provided throughout the year. Officers carry handcuffs, pepper spray and/or baton and patrol the campus on foot, by car, and bicycle. Officers have the same arrest powers as private citizens. Some supervisory personnel have a limited law enforcement commission through the Spokane Police Department for information sharing purposes. CSPS operates using a behavior-based reporting standard. This means that patrol and dispatch officers are trained to respond only when there exists observable, articulable, and bias-free facts that have reasonably and justifiably aroused suspicions of such activity. During the calendar year 2019 all officers completed de-escalation training.

CSPS officers provide a proactive patrol of the campus and surrounding area designed to detect and deter crime, and facilitate a safe environment for our community's people and property. Periodic checks are made of all University buildings on campus and lock up services are provided. In addition to patrol and building checks, CSPS officers also answer calls for service, provide escorts upon request, check alarms, investigate suspicious situations, and assist local emergency providers. CSPS staff members follow up on calls for service and take action as appropriate, including writing an incident report to document the circumstances. CSPS officers work in conjunction with Residence Hall staff, the University administration, and local police to enforce and seek compliance with Gonzaga policies, rules, and expectations, local ordinances and state laws.

Campus buildings are either checked or secured by CSPS after business hours each day. Access to facilities after business hours is provided by CSPS and requires authorization from the party responsible for the building or office and the presentation of photo identification. Residential facilities are locked 24 hours a day, 7 days a week. Access by non-residents is limited to guests of a resident or an approved University visitor.

The University Plant Services Department (Plant Services) maintains access control equipment for all University facilities. Duplication of any University key by anyone other than the University locksmith is prohibited. The Office of Housing and Residence Life issues keys and keycards for residential facilities using a keyless entry system. The Plant Services Department issues keys to all other community members based on appropriate authorization. Any community member can place a work order or file a maintenance concern by calling the Plant Services desk at 509-313-5656. Requests involving safety issues or security concerns are given top priority.

## **Working with the Spokane Police Department & Other Local Agencies**

The Spokane Police Department (SPD) is the law enforcement agency with primary jurisdiction for the campus area. Criminal activity and requests for police service that are beyond the authority and resources of CSPS officers (for example, arresting suspects and conducting criminal investigations) are directed to that agency. The SPD patrols the area, monitors criminal activity and compiles crime statistics for campus and surrounding area. SPD has primary responsibility for responding to calls in the Logan Neighborhood.

CSPS has a well-established relationship with the SPD and liaison opportunities between the departments occur on many occasions and at various levels, and has a signed memorandum of understanding between CSPS and SPD. The University also has a written memorandum of understanding with SPD for the strict purposes of Title IX compliance. CSPS also occasionally works with the Spokane County Sheriff's Office. Both agencies have jurisdiction for the campus area. The Washington State Patrol, an agency with statewide authority, also

has jurisdiction for the campus area, but CSPS has no formalized working relationship or regular contact with that agency. The Washington Liquor Control Board (WALCB) also has statewide authority and jurisdiction for the campus area. There is an informal working relationship between CSPS administrators and WALCB agents.

While CSPS patrols focus primarily on the campus, SPD patrol both the campus and surrounding area. SPD officers are frequently contracted by the University to provide additional proactive patrol of the campus and neighborhood during the school year. CSPS often contracts with the SPD and other local security providers to supplement its own force when necessary, for example, during high activity periods on or near campus and during special events.

## **Contacting the CSPS Communications Center**

The CSPS Communications Center is located in the Security office in the Huetter Mansion and is staffed 24 hours a day year-round. The CSPS Communications Center can be reached by calling 509-313-2222. The Communications Center dispatches requests for service to CSPS patrol officers and coordinates notifications of other campus services providers as needed.

## **Blue Light Phones**

In addition to reaching the Communications Center by calling 509-313-2222, CSPS maintains a number of exterior “blue light” phones. These phones have a direct dial connection to the CSPS Communications Officer and can be used to request an officer response or report an incident. The phones are mounted on an eight-foot stanchion which is painted a light color, making them easily recognizable. A highly visible blue light at the top of the stanchion is illuminated after dark. To use the phone: simply open the door to the phone box and push the red button. There is no handset and the person in need will be connected directly to the CSPS dispatcher. The location of the phone is automatically displayed to the CSPS Communications Center Officer. There are more than twenty blue light phones located across campus. To see the locations of the phones, refer to the Clery Map on page 22.

The University also maintains a number of courtesy phones throughout the campus. These phones are programmed to call University extensions, including the CSPS Communications Center. They will also call off campus to summon emergency providers if necessary.

## **Video Surveillance**

Over 600 video surveillance cameras are located throughout campus. These include cameras at the entryways of many residence halls. Cameras are monitored for security and safety issues in the CSPS Communications Center and recorded digitally.

## **Security Escorts & Safe Ride**

Escorts on campus and in the near neighborhood are available at all times. An escort can be requested by directly calling CSPS or using a blue light phone. Gonzaga’s Safe Ride program is also available. This no-cost ride can get you home from a compromising situation, no questions asked. More information on this program is available by calling 509-313-2222.

## **Behavioral Intervention Team**

Gonzaga’s Behavioral Intervention Team (BIT) was established for the purpose of early identification, assessment, intervention, and management of incidents and behaviors that pose a risk to the safety and well-being of the Gonzaga community. The BIT relies on information from community members in order to identify and address potential threats. While the team analyzes patterns of behavior and takes a holistic approach towards threat assessment, certain warning behaviors can shed light on the need for a full-scale investigation. Some warning signs that community members should look for include (but are not limited to) the following behaviors:

- Violent fantasy content in writings, social media posts, and viewing of materials
- Difficulty managing anger
- Making threats
- Boasting and practicing of fighting

- Unusual interest in police, military, terrorist activities and materials
- Isolation and/or social withdrawal
- Suicidal ideation
- Homicidal ideation
- Stalking
- Non-compliance and disciplinary problems
- Imitation of past murderers
- Interest in previous shooting situations
- Victim/martyr self-concept
- Strange or aberrant behavior
- Paranoia
- Violence and cruelty
- Inappropriate affect/inappropriate emotional reactions
- Acting out
- History of police contact
- Mental health history related to dangerousness
- Expressionless face/anhedonia
- Excessive use of alcohol/drugs

To contact the BIT about a potential threat or concern or to obtain more information about Gonzaga's threat assessment process, please use the following resources:

BIT Coordinator Email: [BIT@gonzaga.edu](mailto:BIT@gonzaga.edu)

BIT Coordinator Phone: 509-313-2224

Behavioral Intervention Team Web Page & Reporting Form: <https://my.gonzaga.edu/BIT>

## Living in Logan Neighborhood

The University maintains cordial and productive relationships with residents in the Logan area, as well as the Logan Neighborhood Organization. An ongoing, positive connection with the neighborhood is important to GU. Students living in the neighborhood have a special obligation to act as responsible neighbors and are expected to show respect in terms of parking, noise, social gatherings and behavior overall.

Several departments on campus help shape Gonzaga's presence in the neighborhood. All efforts are designed to promote better understanding and relations with Logan neighborhood residents, including the annual Logan Neighborhood Block Party. Student Affairs professionals work with students living in the neighborhood (including on a disciplinary basis) to educate on appropriate conduct and respectful relationships. A professional Residence Director working through the Office of Housing and Residence Life works with students residing in Gonzaga owned, leased, or managed properties. The University has no officially recognized student organizations with off-campus locations.

## Keeping the Community Informed

### EMERGENCY NOTIFICATIONS:

Gonzaga is committed to ensuring the campus community receives timely, accurate, and useful information in the event of a significant emergency or dangerous situation on campus or in the local area. Emergency notifications are issued in the case of an immediate threat to the health or safety of the community. Gonzaga will immediately notify the campus community upon confirmation of an emergency or dangerous situation unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts

to assist a victim or to contain, respond to or otherwise mitigate the emergency. Gonzaga University may be notified of an actual or potential emergency impacting the University through several sources, including:

- Gonzaga community members
- Members of the public
- Emergency response personnel
- Emergency management personnel
- Media (traditional and social) reports

The responsibility of confirming the existence of a significant emergency or dangerous situation is primarily determined by Campus Security and Public Safety. The Director of CSPA and/or the Associate Director of CSPA are responsible for confirming the emergency, developing message content and initiating emergency notifications. Incidents specific to health-related concerns, i.e. a serious viral outbreak, will involve the Director of Health & Counseling Services, often in partnership with the Spokane Regional Health District. Severe weather emergency notifications are authorized by the Emergency Preparedness Manager via the Emergency Operations Center.

Emergency notifications will be issued via the university emergency notification system, which is called ZagAlert. The ZagAlert system can send messages to any combination of voice message/phone call, text (SMS) message, email message, paging systems on GU polycom telephones, and on the official GU social media sites on Facebook or Twitter. The type(s) of message(s) sent within the ZagAlert system (phone call, text, email, etc.) will be selected by the sender on a situational basis. Alert messages either provide specific protective actions to take or provide information so recipients can determine their safest course of action. This can include campus closure notifications, areas to avoid, evacuation orders, shelter in place orders, or lockdown procedures. Due to the urgent nature of the message contents, ZagAlert emergency notifications are not be segmented to specific audiences and will always be released to the entire contact database.

All Gonzaga University-owned emails and telephone numbers are automatically enrolled in ZagAlert. All Gonzaga community members are encouraged to include personal telephone, text, and email contact points. Gonzaga students, faculty and staff can enter additional contact information in ZagWeb by:

1. Logging into ZagWeb using the Zagweb User ID/PIN
2. Clicking on "ZagAlert" and entering additional contact information
3. Clicking "Submit"

Individuals who are not currently a student or employee, but who would like to receive emergency notifications, can go to [www.gonzaga.edu/zagalert](http://www.gonzaga.edu/zagalert) and follow the instructions for using the Blackboard MyConnect app to subscribe to alerts. Current students and employees can also register for a MyConnect account and install the application. Currently, the MyConnect app does not connect to the ZagAlert database maintained via the ZagWeb portal.

Gonzaga University also maintains a commitment to disseminating emergency information to the larger community. The "Emergency Information" Quick Link at the bottom of the main Gonzaga web page ([Gonzaga.edu](http://Gonzaga.edu)) shows a color-coordinated real time update of emergency conditions on campus, as well as emergency-related resources.

In certain circumstances, in addition to ZagAlert notifications, the University may also utilize various public address (PA) systems, or post bulletins on building entrances and exits. PA system alerts and bulletin posts may be segmented depending on incident location and severity.

#### **TIMELY WARNINGS:**

Timely Warnings are issued to inform the community about Clery Act Crimes (pages 18-19) that present an immediate, serious, or ongoing threat to the community. Often, the intent is to alert community members of a potentially dangerous criminal situation or an ongoing community threat so that they have the time and information necessary to take appropriate precautions, and prevent similar crimes. Timely warnings will include specific details on the type of crime(s), general location of the crime(s), and any relevant instructions or recommendations for promoting safety and reducing the risk of similar crimes from occurring. Timely



warnings are developed and issued by the Campus Security & Public Safety Department by way of Priority Mail. The warnings are emailed to the entire campus community, including all students, faculty and staff.

The university will issue Timely Warnings on a case-by-case basis considering the following criteria: (1) one of the below listed Clery crimes are reported; (2) the crime occurred within the University Clery geographical boundaries; and (3) there is a substantial risk to the safety of other members of the campus community because of this crime. The university may also issue an alert in other circumstances unrelated to Clery crimes, which may pose a significant threat to the campus community but does not reach the level of an emergency notification. CSPA may choose, but is not required, to issue a timely warning pertaining to a crime that occurred outside of Clery geography (pg 22) if it is a location used and frequented by the student population.

Gonzaga University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system. The only reasons permitting withholding an immediate notification include, if in the professional judgment of responsible authorities, a notification would compromise efforts to assist a victim, to contain the emergency, to respond to or otherwise mitigate the emergency.

### **TESTS AND DRILLS:**

Tests to the ZagAlert system will take place a minimum of once each semester, unless an actual emergency interferes with test scheduling. Test messages will always be denoted as such in the subject line, start of a text or beginning of a voice message or email. Tests are typically pre-announced via Morning Mail to prepare community members for the notification, but unannounced tests may also be held.

Evacuation maps are posted in main campus buildings and should be followed whenever possible. Residence hall evacuation drills are jointly coordinated by Housing and Residence Life and Campus Security & Public Safety. Non-residential campus buildings with standard occupancy of 50+ people test evacuation procedures annually in compliance with state law. All evacuation drills are scheduled in advance, announced to the community, and documented. Documentation includes a description of the drill, the date performed, the time the drill started and ended, and whether the drill was announced/unannounced. Documentation is maintained jointly by Housing and Residence Life Department and Campus Security & Public Safety. The announcement of the drills and instructions for emergency are sent via University Morning Mail and include: the type of drill, time and date of drill, and safety instructions.

### **DAILY CRIME AND FIRE LOG:**

Reports written by CSPA officers, reports received from Campus Security Authorities, Student Affairs professionals and other University officials, and information gathered from the SPD are used to track crime activity on campus. Crime statistics from SPD are requested and reviewed on an annual basis.

During the calendar year 2019, a publicly accessible hard copy of the Daily Crime Log and Fire Log could be found in the lobby of the Huetter Mansion during business hours Monday-Friday. The Daily Crime Log was also available to current GU community members online on the MyGU webpage. The log is maintained by the Clery Compliance Coordinator, or a designee in their absence. The Daily Crime Log and Fire Log disclose all criminal incidents, alleged criminal incidents and fires that are reported to CSPA. The Daily Crime Log includes the location, nature, date occurred, date reported, and disposition of each incident. Crimes are entered within two business days of when it was reported to CSPA. The Fire Log includes the date a fire was reported, the nature of the fire, the date and time of the fire, and the general location of the fire.

### **SOCIAL MEDIA:**

The University provides ongoing emergency information updates on its main accounts for Facebook and Twitter:



Facebook.com/GonzagaUniversity



@GonzagaU

The CSPA Facebook and Twitter accounts share information on parking, campus activities and events, departmental updates, crime prevention tips, and may also be used to broadcast emergency notifications and timely warnings.



Facebook.com/GonzagaCSPS

@GonzagaCSPS

### SEX OFFENDER REGISTRY:

The Spokane County Sheriff's Office maintains a website containing names, photos, history, and identifying information on registered sex offenders living in Spokane. Publicly-accessible information about Registered Sex Offenders on or near the campus (if any) will be available on the website. Access the website at: <https://my.spokanecity.org/police/prevention/sex-offenders-database>. The Sheriff's office is responsible for content and management of the website.

## Crime Prevention on Campus

### CAMPUS SECURITY & PUBLIC SAFETY RESOURCES AND PROGRAMMING:

Gonzaga University, through Campus Security & Public Safety, offers information, talks, and trainings designed to inform students and employees about CSPS procedures and practices. A common theme of all awareness and crime prevention programs is to encourage and empower students and employees to be responsible for their own safety and for the safety of others on campus. Crime prevention program topics include residence hall safety education, workplace safety, drug and alcohol safety, domestic and workplace violence prevention, sexual assault prevention, self-defense, fire safety, active shooter response, emergency response/preparedness and evacuation, and theft prevention. During Orientation, Campus Security & Public Safety participates in forums and information sessions to explain university security, public safety, and culture at Gonzaga University with all incoming students and their parents.

During the 2019–2020 academic year, Campus Security & Public Safety, led by the Crime Prevention and Education Officer, conducted 66 trainings or informational sessions:

**Residential Hall Safety Talks (24)** – These annual informational sessions are scheduled early in the school calendar and are designed to inform students about campus security, and practices to assist/encourage them to be community partners in their own security and the security of others. During these sessions students are equipped with crime prevention strategies applicable to living in on-campus residential facilities.

**New Employee Experience (6)** – These informational sessions, scheduled by Human Resources, are designed to inform new employees of Gonzaga about the functions and services of Campus Security & Public Safety and about their part in maintain a safe/secure campus, including crime prevention strategies.

**Workplace Safety Talks (15)** – These informational sessions are designed to assist departments with office space security and safety, and to provide employees office-specific crime prevention tips. Sessions are provided at the request of specific departments/buildings.

**General Safety Talks (15)** – These informational sessions are designed for the participants to learn about the functions and services of Campus Security & Public Safety and what their individual role is in maintaining a safe/secure campus, including the prevention of crimes. Sessions are provided by request.

**Run-Hide-Fight Sessions (5)** – These trainings are designed for staff and departments to learn the emergency procedures associated with an Active Shooter Situation. Trainings are provided by request.

**Off Campus Safety Assessments (1)** – Safety assessments are conducted by a certified Crime Prevention Through Environmental Design practitioner. All assessments are suggestions only based on the CPTED practitioners observations. Assessments are provided by request

Some programming during the Spring 2020 semester, including New Employee Experience, was impacted by COVID-19 restrictions. Programs are typically requested directly by campus groups, offices or departments. More information on available programs can be found on the CSPS website. For more information or to schedule a program with Campus Security & Public Safety, please call 509-313-2222.

## **RESIDENCE HALL SECURITY:**

During the school year the Gonzaga campus is home to more than 3000 students that live in University owned, leased, managed, and operated residential facilities. Keeping the residence halls safe requires attention to some particular security concerns:

1. Close exterior doors behind you as you enter your hall. DO NOT allow anyone to enter who is not accompanied by another resident. Propping exterior doors increases the risk of victimization to yourself and others.
2. Escort your visitors to the exterior door when they leave.
3. Soliciting and sales are not allowed in the residence halls. Report solicitors you encounter to CSPS and residence hall staff. If a door or lock is broken, call Customer Service 509-313-5656 to report it. After hours and on weekends, call CSPS and notify your residence hall staff member.
4. If you live on the ground floor or have a balcony keep your windows locked. Sliding glass doors in apartments should also be kept locked, even on upper floors.
5. Be sure to lock your room door if you will be away, even for a minute. Room and apartment doors should be kept locked when you are sleeping.
6. Keep your residence hall staff informed about safety and security concerns in and around your building.

## **GENERAL SECURITY & SAFETY TIPS:**

1. Walk with another person after dark or call CSPS for an escort.
2. Be aware of your surroundings and any signs that something is amiss or out of place.
3. Stay in well lighted areas and walk away from alleys, dark corners and bushes whenever possible.
4. Don't carry credit cards, your social security card, or large sums of money.
5. Purses are an attractive target for thieves, don't carry one if it isn't necessary.
6. Lock your valuables securely, even in your room.
7. Mark your property for quick identification. Engravers may be borrowed from the CSPS.
8. Do not risk injury if someone attempts to forcibly take your wallet, purse, or personal belongings.
9. Carry a cellphone and use it if you feel threatened. Be sure you know how to use the speed dial for 911 and program CSPS into your speed dial (509-313-2222).
10. Don't attach your I.D. to your keys or mark your key chain with your name and address.
11. If University keys are lost or stolen, notify CSPS immediately, as well as Residence Hall staff (employees should notify their supervisor).
12. Get to know your neighbors and share information about suspicious activities.

## **BIKE SECURITY & SAFETY:**

The Office of Housing and Residence Life manages bike storage in residential buildings and bike lockers. The number of lockers is limited, so contact the Housing and Residence Life office at 509-313-4103 if you are interested. Here are some basic tips for keeping both bike and rider safe:

1. Register your bike with CSPS at [www.gonzaga.edu/BicycleRegistration](http://www.gonzaga.edu/BicycleRegistration).
2. Use a U-lock type device to secure your bike. Bikes locked with cables or small chains are frequently stolen.
3. When locking your bike, secure both the frame and front wheel to a bike rack.
4. Report suspicious activity or loitering around bike racks to CSPS. Thieves usually carry a hidden bolt cutter or other cutting tool.
5. Ride defensively, with the flow of traffic and always use hand signals.
6. Keep your bike maintained, especially the brake.

7. When cycling, be AWARE, VISIBLE, and PREDICTABLE.
8. Be considerate of pedestrians and vehicle drivers.
9. Wear a helmet, per Washington State Law RCW 46.61.755.
10. Don't impede free use of handicap ramps or other access points with bikes locked to handrails, etc.
11. Bicycles are not to be stored on any balcony, fire escape, or stairwell of any University property. Students who reside in Residence Halls should contact their Resident Assistant for information on bike storage.

#### **AUTO SECURITY & SAFETY:**

Auto theft is a growing problem and the campus area is not immune. Take action to safeguard your vehicle:

1. Lock all doors while driving and after parking.
2. Help secure your vehicle against theft or burglary with an electronic alarm.
3. Keep a copy of your registration, insurance, and title in a safe place separate from your vehicle.
4. Store valuables (laptops, purses, GPS units, audio equipment, gym bags, etc.) out of sight or locked in the trunk.
5. If you don't use your car regularly, check on it every day or two.
6. Immediately report all thefts, as well as suspicious activity in parking lots and near parked cars, to CSPS.

#### **IDENTITY THEFT:**

Identity theft affects millions of people each year. Identity theft occurs when personal information has been compromised and used to commit fraud or theft. During the course of the day, there are many occasions when checks are written, purchases are made with credit cards, and information is received or sent through the mail. These normal transactions can result in the theft of a person's identity. Minimize the risk by managing credit information carefully and responsibly.

1. Don't leave credit information in a vehicle.
2. Check your credit report once a year with a reputable credit bureau.
3. Shred voided checks, unused deposit/withdrawal slips and statements.
4. Keep number of credit cards to a minimum.
5. If you keep a receipt, black out the account number.
6. Only do on-line business with reputable firms.
7. If you become a victim, or suspect you might be a victim, contact CSPS immediately for assistance.

#### **OFFICE SECURITY:**

Staff, faculty, work study students, and student organizations work in an office environment. This situation poses a special concern due to the high amount of traffic through buildings and offices. Opportunistic crime occurs when security awareness and crime prevention fall by the wayside. Follow these tips for a safe office:

1. Do not loan out office keys or allow them to be copied.
2. Keep your purse, wallet, or other valuables locked in a cabinet or drawer. Office thieves know the usual unlocked "hiding places".
3. If your office will be unattended, even for just a minute, lock the door.
4. Record the description and serial numbers of office equipment especially highly portable computer equipment.
5. Keep petty cash locked up at all times and make periodic checks of the amount.
6. Lock doors and close windows at the end of the working day.
7. Call CSPS for an escort if feeling unsafe.

8. Call CSPS to report unusual or suspicious behavior.

## Sexual Misconduct and Harassment Awareness and Education Programs

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

The professional staff and undergraduate interns within OHP offer established training sessions, programs and events throughout each year. Examples include:

1. **Zag into Action:** An online education course designed to familiarize students to our in house bystander intervention Program, Zags Help Zags. Students are introduced to bystander intervention strategies and are given opportunities to think critically about the ways in which they might apply these strategies in person to promote well-being and prevent harm. This program was launched fall 2018.
2. **Zags Help Zags:** Our bystander intervention program utilizes in person trainings, campus wide programming efforts, and marketing campaigns to promote the mission of empowering the Gonzaga community members to promote well-being and to take action in preventing physical, mental, and emotional harm. More information about this program can be found at [www.gonzaga.edu/zagshelpzags](http://www.gonzaga.edu/zagshelpzags).
3. **C.A.R.E. Strategies:** Adapted to fit our Jesuit mission of caring for others, the C.A.R.E. Strategies provide concrete examples of ways safely and positively act as an active bystander. These options for action are emphasized as a part of our commitment to student's holistic growth and development.
  - Create a Distraction
  - Ask Directly
  - Refers to an Expert
  - Enlist Others to Help
4. **Awareness Month Programming:** Each year Gonzaga participates in both Domestic Violence Awareness Month (October) as well as Sexual Assault Awareness Month (April). Throughout each month there will be a variety of trainings, film screenings, lectures, guest speakers, and art exhibits to raise awareness and promote action on our campus.
5. **New Employee Experience—Zags Help Zags:** An opportunity for every new employee on campus to engage with the Zags Help Zags program materials. New employees are given time to reflect on ways which they can model the Zags Help Zags C.A.R.E. Strategies for students as well as how they can use them in their own interaction on campus. New employees will gain the skills and knowledge to feel empowered to take action to promote well-being and prevent harm on campus.
6. **Escalation Workshop:** A film-based discussion that opens people's eyes to the warning signs of relationship abuse. The workshop consists of a film, *Escalation*, followed by a guided discussion led by a trained facilitator. The workshop is available by request for any student, staff, or faculty group on campus.

Many offices on campus are also invested in the creation of ongoing awareness and prevention campaigns and often collaborate with the Office of Health Promotion. The following offices are some of the most frequent collaborators;

1. Housing and Residence Life
2. Human Resources
3. Lincoln LGBTQ+ Resource Center
4. Women's and Gender Studies
5. Center for Student Involvement
6. The Center for Cura Personalis

Any questions regarding Gonzaga University's awareness and prevention programming around sexual misconduct, harassment and discrimination issues can be directed to the Office of Health Promotion at [ohp@gonzaga.edu](mailto:ohp@gonzaga.edu).

## **Sexual Misconduct and Harassment Risk Reduction**

No victim is EVER to blame for being assaulted or abused. Anyone can be sexually assaulted, and there are no sure means to prevent sexual assault because the only people who can prevent sexual assault are those who perpetrate it. However, below are some tips to help recognize warnings signs of abusive behavior and help to reduce the risk of a potential attack.

### **WARNING SIGNS OF ABUSIVE BEHAVIOR:**

Domestic and dating abuse often escalates from threats and verbal abuse to violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

1. Being afraid of your partner;
2. Constantly watching what you say to avoid a "blow up;"
3. Feelings of low self-worth and helplessness about your relationship;
4. Feeling isolated from family or friends because of your relationship;
5. Hiding bruises or other injuries from family or friends;
6. Being prevented from working, studying, going home, and/or using technology (including your cell phone);
7. Being monitored by your partner at home, work or school; and
8. Being forced to do things you don't want to do.

### **SEXUAL ASSAULT RISK REDUCTION<sup>1</sup>:**

1. Try not to leave your drink unattended.
2. Only drink from un-opened containers or from drinks you have watched being made and poured.
3. Avoid group drinks like punch bowls.
4. Cover your drink. It is easy to slip in a small pill even while you are holding your drink.
5. If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible.
6. If you suspect you have been drugged, go to a hospital and ask to be tested.
7. Keep track of how many drinks you have had.
8. Try to come and leave with a group of people you trust.
9. Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/ her number instead of giving out yours.

### **TRAVELING AROUND CAMPUS:**

1. Make sure your cell phone is easily accessible and fully charged.
2. Be familiar with where blue light phones are installed around campus.
3. Take major, public paths rather than less populated shortcuts.
4. Be alert and aware of your surroundings and avoid unnecessary distractions.
5. Travel in groups when possible.
6. If walking feels unsafe, call CSPA at 509-313-2222 for a security escort.

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<sup>1</sup> Provided by Rape, Abuse & Incest National Network (RAINN)

**BEING A SAFE BYSTANDER:**

1. Always take your personal safety into consideration before selecting a C.A.R.E. strategy.
2. Involve others, if possible.
3. Take note of your surroundings and notice potential issues in intervention.
4. Maintain a calm and collected tone of voice if intervening directly.
5. Call 911 or CSPA if you feel you cannot safely intervene.

## Section 2: Crime Reporting and Resources

### Emergency Reporting

In case of a fire, medical, or police emergency, or any situation that presents an immediate threat to life and property, 911 should be called immediately. After calling 911 and providing complete information, contact the CSPS Communications center at 509-313-2222 or at a blue light phone. CSPS officers work with emergency responders at the scene, provide assistance with directions, building entry, crowd control, etc. In order to most effectively handle emergency situations on campus it is vital that both 911 and CSPS are notified in a timely manner. Situations involving unusual or suspicious activity on campus should be reported directly to CSPS. We highly encourage University community members to promptly and accurately report crimes to both CSPS and SPD when the victim is unable to make the report.

#### WHEN CALLING 911:

Be prepared to give the following information:

- Your name, phone number, and your exact location. Know the name of the building that you are in, as well as the street address or the closest cross streets. The 911 operator and emergency responders may not be familiar with the campus
- The nature of your emergency, including who, what, how, when, and where
- For a police emergency, tell the 911 operator what the immediate level of threat is and whether suspects are still present. If the suspects have left the scene, give a complete description and direction of travel if possible. Give any vehicle information. Tell the operator if any weapons were seen or used
- For a fire, tell the operator if there is visible smoke or fire, what type of building it is and if there are injuries
- For a medical incident, give the age and condition of the victim, as well as what caused the situation (seizure, slip and fall, car accident, etc.)
- Tell the 911 operator that you will be notifying CSPS (then do so after hanging up)
- The 911 operators need specific information in a specific order. You can do the greatest good by following their lead and being calm, concise and complete

#### WHEN CALLING THE CSPS COMMUNICATIONS CENTER:

Be prepared to give the following information:

- Your name and location, as well as a call back number
- The nature of your situation, including who, what, how, when, and where
- For emergency situations, specify whether you have called 911, and the immediate level of threat
- Any other information that will assist CSPS personnel in responding to and handling the situation
- When reporting suspicious behavior, be prepared to describe observable, articulable and bias-free facts about the situation causing you suspicion

### Non-Emergency Crime Reporting

In addition to reporting emergencies to CSPS (after notifying 911), reports of crimes that are non-emergency in nature or delayed should also be reported to CSPS. At the time the crime is reported, a CSPS Officer will assist the reporting party in making a report with the Spokane Police Department (SPD) if requested. Filing a report with CSPS is not the same thing as filing a report with the SPD. In some cases, the reporting party has the option of requesting an SPD officer to respond. SPD's normal procedure for non-emergency or delayed crime reports is for the reporting party to call Crime Check 509-456- 2233, where a report is generally taken over the phone. An online service is available at: [www.spokanecounty.org/crimecheck](http://www.spokanecounty.org/crimecheck). Accurate and prompt reporting of all crimes to both CSPS and the SPD is strongly encouraged. As long as the reporting procedures do not violate Title IX responsible employee requirements, a victim or witness of a crime can provide a voluntary, confidential report of a crime for inclusion in the Annual Security Report by calling the Clery Compliance Coordinator at 509-313-2224.



**For students:** In addition to CSPS, professional staff members of Student Affairs listed below may be contacted to report offense for purposes of timely warning reports and the annual statistical disclosure, fires after the fact, or safety and security concerns.

**Assistant Director, Upper Div. & Off Campus**  
509-313-4881

**Assistant Director, Lower Div., Residence Halls/Suites**  
509-313-3387

**Residence Director, Coughlin Block**  
(Coughlin Hall)  
509-313-4160

**Residence Director, Southeast Block**  
(Catherine Monica Hall, Madonna Hall, Twohy Hall)  
509-313-4173

**Residence Director, East Central Block**  
(Alliance Hall, DeSmet Hall, Lincoln Hall, Marian Hall, Roncalli Hall, Welch Hall)  
509-313-4524

**Residence Director, Midwest Block**  
(Crimont Hall, Dooley Hall, Dussault Hall, Sharp Apartments)  
509-313-4648

**Residence Director, Northeast Block**  
(Chardin Hall, Corkery Apartments, Dillon Hall, Goller Hall, Off Campus properties)  
509-313-4112

**Residence Director, Northwest Block**  
(Kennedy Hall, Burch Apartments)  
509-313-5887

Professionals from the Student Affairs or CSPS staff are available to meet with a reporting party to explain resources and processes within the University, as well as the criminal justice system, and make referrals to appropriate assistance agencies. Incident reports are written for all crimes reported to CSPS. Reports made to Student Affairs professionals are forwarded to CSPS. Confidential and non-confidential reports from all sources are evaluated to determine if issuing an emergency notification or timely warning to the community is appropriate, and are used to formulate the required annual crime statistics.

Most crimes may be reported to Student Affairs professionals, as well as CSPS, on a confidential basis if the reporting party does not wish to pursue University disciplinary action or criminal charges, however, the University reserves the right in compelling situations to take reasonable action in response to any crime report. Students who have survived sexual assault can anonymously seek resources through the Lutheran Services 24-hour crisis line 509-624-7273.

Ordained religious professionals and professional mental health counselors employed by the University have a professional obligation to maintain confidentiality information disclosed during a counseling session. The University does not include statistical information about crimes from such sessions unless provided to the Clery Compliance Coordinator (509-313-2224) on a confidential and voluntary basis, withholding any personally identifying information. The University allows pastoral and professional counselors, if they deem appropriate, to advise clients of the options for reporting a criminal incident to the Clery Compliance Coordinator on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. There are no formal university policies that reinforce or directly encourages counselors to this option.

## **Reporting Harassment or Discrimination**

*This section contains select excerpts from Gonzaga's Harassment & Discrimination Policy and the Student Code of Conduct. To read the Harassment & Discrimination Policy in its entirety, please refer to the Policies and Procedures Manual located at <https://www.gonzaga.edu/about/offices-services/human-resources/equity-inclusion/title-ix> and specifically the [TIX Sexual Harassment policy](#).*

## **REPORTING:**

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

Gonzaga community members are encouraged to bring complaints or concerns about harassing behavior to the attention of the University. Contact information for relevant Departments is listed below:

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

The University's Bias Incident Assessment and Support (BIAS) Team was created to support people and groups who experience bias incidents, to monitor and report on those incidents, and to recommend educational initiatives to minimize bias. Bias incidents and hate crimes can be reported at [www.gonzaga.edu/reportbias](http://www.gonzaga.edu/reportbias).

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

## **FALSE REPORTS:**

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

## **CONFIDENTIALITY:**

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

## **STATEMENT AGAINST RETALIATION:**

Retaliation will not be tolerated against anyone who has reported perceived harassment or a concern about complaint alleging harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. Anyone found to have acted in a retaliatory manner will be subject to appropriate disciplinary action up to and including student expulsion or termination of employment.

## Section 3: The Clery Act

### About the Clery Act

The “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act” was originally enacted in 1990. It is commonly known as the Clery Act and has been amended several times since its inception. The two initial goals of this legislation were to disclose campus crime statistics on an annual basis and to provide timely warnings to the campus community about criminal activity. The most recent amendments added provisions related to fire safety awareness and missing students in campus residential facilities and also afforded additional rights to campus victims of sexual assault, domestic violence, dating violence, and stalking. Gonzaga University supports the goals of the Clery Act, and publishes this Annual Security Report in order to provide transparency in campus criminal activity, to foster community awareness and to increase knowledge of safety provisions. The report is prepared by the Clery Compliance Coordinator, in conjunction with the Director of CSPA and other campus partners.

The Clery Act requires annual reporting of the number of specified criminal offenses that occur on campus or surrounding campus and are reported to CSPA and/or local police. The list of Clery crimes and their definitions can be found on pages 18 through 19. 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. The Clery Act also requires the institution to maintain the Daily Crime and Fire Log previously mentioned.

The Director of CSPA or the Clery Compliance Coordinator evaluate incoming CSPA reports for inclusion in the Clery statistics. Additionally, the Resolution Center for Student Conduct and Conflict prepares an extract report of disciplinary referrals for violations of alcohol, drug, and weapon laws by students. SPD reports are collected on an annual basis by the Clery Compliance Coordinator and are evaluated for inclusion. An internal audit of incidents classified as Clery-reportable is conducted to test individual statistics against incidents. The University's Safety Program Manager and Plant Services Department contribute information for the fire safety disclosures. Fire statistics are provided by the CSPA Department.

The Clery Act also requires that this Annual Security Report includes a number of disclosure statements by the institution related to University 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. Information about the U.S. Department of Education's collection and publication of CSPA statistics, including definitions of crimes and other terms related to the Clery Act may be found at: <https://ope.ed.gov/campusafety>

#### CAMPUS SECURITY AUTHORITIES:

The Clery Act recognizes certain university officials and offices as “Campus Security Authorities” (CSAs). Under Federal Law CSAs are required to report a crime. The Act defines these individuals, among other individuals, as “An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. An official is defined as a person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.” These individuals are identified and trained by the Clery Compliance Coordinator on an annual basis. CSAs are trained either through an in-person training with testing or an online training with testing, depending on departmental preference. In the event that an identified CSA witnesses or is made aware of the occurrence of a Clery Act crime within Clery geography, they are required to immediately report the crime to CSPA. Reports may be made confidentially to protect the identity of the victim. For more information about CSAs and their responsibilities, refer to the CSA webpage at <https://my.gonzaga.edu/campus-resources/campus-security-public-safety/the-clery-act/campus-security-authorities>.

#### CLERY CRIME DEFINITIONS:

**Murder/Manslaughter** – The willful killing of one human being by another.

**Negligent Manslaughter** – The killing of another person through gross negligence.

**Sexual Assault** - Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. This includes Rape, Fondling, Incest, and Statutory Rape as defined by the Clery Act.

**Rape** – Penetration no matter how slight of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

**Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

**Incest** – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** – Non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Robbery** – Taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault** – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary** – Unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle Theft** – Theft or attempted theft of a motor vehicle.

**Arson** – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, or aircraft, or personal property of another, etc.

**Domestic Violence** – A felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Dating Violence** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

**Liquor Law Violations** - The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Drug Law Violations** - The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

**Weapons Law Violations** - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

**Hate Crime** – A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. Clery Act bias categories include race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability.

#### **WASHINGTON STATE CRIME DEFINITIONS<sup>2</sup>:**

**Sexual Assault** – Washington State does not have a definition for sexual assault. However, sexual misconduct is defined by the state as an egregious form of sex discrimination/sexual harassment. A number of acts may be regarded as sexual misconduct including, but not limited to, nonconsensual sexual contact (including sexual intercourse) and sexual exploitation. Sexual misconduct includes sexual assault and other sexual violence (WAC 504-26-221). A sex offense as defined in RCW 9.94A.030 as any violation of RCW 9A.44.096, or any violation of RCW 9.68A.090, or any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030.

**Domestic Violence** - (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member. "Family or household members" means spouses, domestic partners, former spouses, former domestic partners, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren (RCW 26.50.010).

**Dating Violence** – Washington State does not have a separate definition for dating violence. The definition of domestic violence is inclusive of persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship.

**Stalking** - A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime: (a) He or she intentionally and repeatedly harasses or repeatedly follows another person; and (b) The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and (c) The stalker either: (i) Intends to frighten, intimidate, or harass the person; or (ii) Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person (RCW 9A.46.110).

**Consent** - At the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact (RCW 9A.44.010).

#### **CLERY GEOGRAPHY DEFINITIONS:**

**On-Campus Non-Housing** – Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes and is frequently used by students, and supports institutional purposes.

**On Campus Housing** – Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

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<sup>2</sup> The state definitions are provided to the community for educational and awareness purposes; however, these definitions are not used for the purposes of reporting Clery Act statistics

**Public Property** – All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

**Non-Campus Property**– 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 of the institution.

**CLERY CAMPUS MAP:**

Below is the 2019 Clery Geography Map. The campus is generally within the area bounded by the Spokane River and Centennial Trail on the south, Hamilton St. on the east, Sinto Ave. on the north, and Ruby St. on the west. Privately owned, non-University property exists within this area. Most streets and alleys within the campus area (designated by yellow dashes) are controlled by the City of Spokane.





## Clery Act Statistics 2017-2019

CRIMINAL OFFENSES	2019				2018				2017			
	On-Campus		Non-Campus	Public	On Campus		Non-Campus	Public	On Campus		Non-Campus	Public
	Non-Housing	Housing			Non-Housing	Housing			Non-Housing	Housing		
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter: Negligent	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	10	0	0	0	0	0	0	0	2	0	0
Fondling	6	3	0	0	4	3	0	2	0	3	0	2
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	1	0	0	0	1	0	0	0	0
Aggravated Assault	1	0	0	1	0	0	0	0	3	0	0	2
Burglary (& Attempted Burglary)	2	3	0	0	1	8	0	0	4	7	0	0
Motor Vehicle Theft (& Attempted MVT)	4	0	0	1	4	0	0	2	3	0	0	5
Arson	2	0	0	0	0	0	0	0	1	1	0	1
<b>VAWA OFFENSES</b>												
Domestic Violence	0	0	0	0	0	0	0	0	2	1	0	0
Dating Violence	0	1	0	1	0	2	0	0	1	6	0	0
Stalking	4	2	0	0	4	1	0	0	1	0	0	0
<b>ARRESTS</b>												
Weapons Arrests	0	0	0	0	0	0	0	0	0	0	0	1
Drug Arrests	1	0	0	0	3	0	0	0	0	0	0	1
Alcohol Arrests	0	0	0	0	1	0	0	0	1	1	0	5
<b>CONDUCT REFERRALS</b>												
Disciplinary Referrals for Weapons	1	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals for Drugs	10	76	0	2	0	80	0	1	1	114	0	0
Disciplinary Referrals for Alcohol	24	719	0	1	20	483	0	9	16	610	0	4

Notes: Refer to page 20-21 for an explanation of geographical designations. Refer to pages 18-19 for Clery Crime definitions. There were no hate crimes meeting Clery criteria reported in 2019, 2018, and 2017.



## Section 4: Sexual Misconduct and Harassment Reporting, Policies and Procedures

### Confidential and Non-Confidential Resources and Reporting Options

What to Do If You Experience Sexual Harassment or Misconduct:

Any student who is affected by sexual misconduct or harassment is notified of their right and option to report to law enforcement and/or seek immediate medical assistance. The notification of law authorities is entirely optional and can always be declined. If the student chooses to notify law enforcement, the student has the option of being assisted by campus authorities in notifying law enforcement. The following table of resources is provided to guide students on their support options, both on and off campus, confidential and non-confidential:

	On Campus Resources & Support Options	Off Campus Resources & Support Options
Confidential	Health & Counseling Services Center 509-313-4052	Lutheran Community Services Northwest Sexual Assault Crisis Line 509-624-7273
	Sexual Misconduct, Intimate Partner Violence and Gender-Based Harassment Report Form <a href="http://www.gonzaga.edu/sexualmisconductform">www.gonzaga.edu/sexualmisconductform</a>	Lutheran Community Services Northwest Advocate Call/Text 509-342-8564 <a href="mailto:GUadvocate@LCSNW.org">GUadvocate@LCSNW.org</a> Can meet on or off campus
	Office of Mission and Ministry 509-313-4242 (Confidentiality limited to any priest serving as a sacramental confessor or any ordained religious serving in the sacred confidence role)	Sacred Heart Medical Center 509-474-3131
		Deaconess Hospital 509-458-5800
		Holy Family Hospital 509-482-0111
Non-Confidential	Campus Security & Public Safety Department 509-313-2222	Spokane Police Department Emergency: 911 Non-Emergency: 509-456-2233
	Center for Cura Personalis 509-313-2227	
	Title IX Office 509-313-6910	
	Student Affairs Office 509-313-4100	
	Human Resources 509-313-5996	
	Student Financial Services 509-313-6582	

## About Confidential Resources and Reporting Options

The University is committed to treating all individuals with dignity, care, and respect. A Complainant and a Respondent will both have equal access to support and counseling services through the University. If a student chooses not to utilize services within the University, there are a variety of external services available. Additional resources may be found in the Spokane community.

### HEALTH AND SAFETY:

The first priority for any individual who has been assaulted is to get to a safe place. An individual's physical well-being should be addressed as soon as possible, whether or not that individual wishes to make a report to the University or local law enforcement. CSPS can still provide its Safe Ride program or security escorts to students who choose not to file a report, but need quick access to safe transportation. The medical providers listed above 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. This evidence may assist in proving that the criminal offense occurred or may be helpful in obtaining a protection order.
2. STD and HIV testing (available through the Health & Counseling Services Center and off-campus providers)
3. Pregnancy testing (available through the Health & Counseling Services Center and off-campus providers)
4. Health care concerns related to the incident may be discussed with the hospital emergency staff, a personal physician or the Health & Counseling Services Center staff, who can also provide referrals to off-campus providers
5. The Health & Counseling Services Center can also advise an individual about the complaint processes under this policy.

### ADDITIONAL CONFIDENTIAL OPTIONS:

The University recognizes that not every individual will be prepared to make a formal report to the University or to local law enforcement. Individuals seeking to talk to someone about an incident of sexual harassment or misconduct in a confidential manner without making a report to the University or triggering any investigation or action by the University or the police can:

1. Speak to a medical professional or counselor at University Health and Counseling Services or at any of the medical facilities listed above.
2. Call LCS Northwest's SAFeT Response Center, which is the local sexual assault crisis center and crime victim service center. LCS Northwest's services are completely confidential and they do not exchange information or forward information to the university. LCS Northwest community-based victim advocates have privileged communication outlined by RCW 5.60.060 (7)(b). They can offer confidential support and crisis intervention immediately after an event occurs, or months or years later. They will support survivors in making legal and medical decisions and inform them of their rights and options (on and off campus), and connect them to additional resources and support in the community. These services can include assistance related to visa and immigration. LCS Northwest victim advocates are also trained and certified to provide psychoeducation on the effects of trauma, in a support group setting, or one-on-one with the student. LCS Northwest victim advocates can also assist with Crime Victims Compensation which may pay for hospital visits, follow-up appointments, and counseling, among other expenses. Gonzaga University has retained the contract services of a community-based victim advocate from LCS Northwest to confidentially support survivors of sexual assault and other crimes, such as bullying, stalking, harassment, physical assault, hazing, etc. Advocates can assist in the search of medical care and other community resources as the student's request. If students would like to discuss Title IX or reporting options, LCS Northwest community-based victim

advocates are trained in the Title IX and the reporting process on and off campus. If the student chooses to report the incident, the advocate can provide confidential support before, during, and after the report, and throughout the on or off campus legal process. It is important to note that talking with a victim advocate is not the same thing as making a report with the University. Community-based advocates are independent of the university and do not provide information disclosed to them to the University. LCS Northwest is also available by calling Campus Security and Public Safety at 509-313-2222 or ext. 2222 from a campus phone 24 hours a day.

3. Speak to any Priest serving as a sacramental confessor or any ordained religious serving in the sacred confidence role. Ordained counselors are employed by the Office of Mission and Ministry.
4. Both anonymous and non-anonymous complaints can be submitted to the University by using the Sexual Misconduct, Intimate Partner Violence and Gender-Based Harassment Report Form at [www.gonzaga.edu/sexualmisconductform](http://www.gonzaga.edu/sexualmisconductform). Anonymous reports or reports that do not include an identifiable complainant, respondent, specific date or date range, location or allegations of misconduct under the policy may limit the University's ability to respond.

## About Non-Confidential Resources and Reporting Options

The University encourages the prompt reporting of sexual harassment so that all involved parties can get the care and support they need, and so that our broader community can remain safe. There is no time limit for reporting an incident of sexual harassment. However, the University encourages reports be made as soon as possible after any incident.

If the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible. Members of the University community who believe they have experienced sexual harassment have the right to choose whether or not to report the incident to the University or law enforcement, and have the right to choose whether to engage with the University once the University receives a report. The information below is for individuals who wish to report incidents of sexual harassment.

An individual who has experienced sexual harassment may choose to report the incident to the University. Anyone wishing to make a report of sexual harassment may do so in person, by email, by regular mail, by phone, or electronically

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

### ON CAMPUS REPORTING OPTIONS:

1. To file an official complaint at the University regarding dating violence, domestic violence, sexual assault or stalking, the list of Title IX professional staff on page 28 can be contacted in person, via phone or email, or by emailing [titleix@gonzaga.edu](mailto:titleix@gonzaga.edu)
2. CSPS can be contacted 24/7 year-round in person or over the phone at 509-313-2222. A Complainant can request a CSPS Officer to respond and take a report or request to speak with Lutheran Services. There is no requirement that the Complainant file a Security incident report in order to speak with Lutheran Services. CSPS can connect students to other services, in addition to initiating an official report.
3. Complaints can be submitted to the University by using the Sexual Misconduct, Intimate Partner Violence and Gender-Based Harassment Report Form at [www.gonzaga.edu/sexualmisconductform](http://www.gonzaga.edu/sexualmisconductform).
4. Campus Partners at the Student Affairs Office (which includes Housing and Residence Life), the Center for Cura Personalis, and the Human Resources Department can all be contacted and can assist in initiating a formal complaint at the University level.

## REPORTING TO LAW ENFORCEMENT:

Community members have the option of filing an official report to the Spokane Police Department. Notifying the SPD will generally result in the Complainant, and in some cases the 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 will still receive a University response.

An act not criminally prosecuted may still violate University policy. To the extent permitted or required by law, the University will cooperate with outside investigators. However, outside law enforcement agencies do not respond to Title IX violations, and will only respond to allegations of criminal behavior. As a result, the University encourages reporting to both the University itself and to an outside law enforcement agency, if the alleged sexual misconduct may also be a crime.

The University process and the criminal justice process are two separate and independent courses of action. If a Complainant wishes to file a report with the SPD, a Gonzaga Student Affairs professional staff member, or Human Resources staff member is available to assist. The University will not file a police report about an incident or on behalf of a student unless compelling circumstances exist. The University's response to a report is not impacted by the Complainant's decision to file a criminal complaint, or by the outcome of the criminal investigation.

## Introduction to University Policies and Procedures

*This section contains select excerpts from Gonzaga's Harassment & Discrimination Policy, Title IX Sexual Harassment Policy, and the Student Code of Conduct. To read the Harassment & Discrimination Policy in its entirety, please refer to <https://www.gonzaga.edu/about/offices-services/human-resources/equity-inclusion/title-ix/harassment-discrimination-policy>. To read the Title IX Sexual Harassment Policy in its entirety, please refer to [TIX Sexual Harassment Policy webpage](#) and select "Title IX Sexual Harassment Policy". To read the Student Code of Conduct in its entirety, please refer to <https://www.gonzaga.edu/student-life/student-services/resolution-center/student-code-of-conduct>.*

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

Sexual misconduct and harassment will not be tolerated at Gonzaga University. The University prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as defined by the Clery Act. Such acts are counter to our mission, values, Student Code of Conduct, and University policy. Acts of sexual misconduct and harassment interfere with an individual's ability to benefit from the Gonzaga experience. The University is committed to taking all appropriate steps to eliminate sexual misconduct and harassment, prevent its recurrence, and address its effects.

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

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

## Role of the Title IX Coordinator

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

Stephanie Thomas, Director Sexual Harassment & Discrimination Prevention & Title IX Coordinator  
102 E. Boone Avenue  
509-313-6910  
[thomassn@gonzaga.edu](mailto:thomassn@gonzaga.edu)

The Title IX Director is assisted by the following Deputy Title IX Coordinators:

Christine Purviance, Deputy TIX Coordinator & Director Client Services, HR  
102 E. Boone Avenue  
509-313-5858  
[purviance@gonzaga.edu](mailto:purviance@gonzaga.edu)

Christina Thomas  
Title IX / EO Investigator  
729 E Boone Ave  
[thomasc1@gonzaga.edu](mailto:thomasc1@gonzaga.edu)  
(509) 313-4104

Heather Gores, Associate Athletic Director  
502 E. Boone Avenue  
Martin Centre, PV315  
509-313-3599  
[gores@athletics.gonzaga.edu](mailto:gores@athletics.gonzaga.edu)

Eric Baldwin, Deputy Title IX Coordinator  
502 E. Boone Avenue  
College Hall 120  
509-313-4135  
[baldwine@gonzaga.edu](mailto:baldwine@gonzaga.edu)

The Title IX Coordinators are knowledgeable and trained in the University's policies and procedures, state and federal laws that apply to matters of sexual misconduct and harassment, and the dynamics of sexual misconduct and harassment. All reports of misconduct will be investigated and managed by Title IX professional staff, or University Conduct Board members who have been trained annually on issues related to domestic violence, dating violence, sexual assault, stalking, and victimization, and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The Title IX Coordinators are level one certified through ATIXA. University Board Conduct members receive annual training through the Title IX office regarding relevant evidence, procedural results for conducting a proceeding, and avoiding actual and perceived conflicts of interest. The Title IX Coordinators are available to meet with any individual, either Complainant, Respondent, or third party, to discuss the options for resolution of a report under this policy.

## Statement of Privacy and Confidentiality

Every effort is made by the University to preserve the privacy of reports. The University will not share the identity of any individual who has made a report or complaint of harassment; any Complainant, any individual who has been reported to be the perpetrator of sexual harassment or retaliation, any Respondent, or any witness, except: as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

The University reserves the right to determine which University officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Information will be shared as necessary with Investigators, the Hearing Officer, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

The University may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

The institution will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)); and maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

## Definitions, Examples and Prohibited Conduct

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

### SEXUAL HARASSMENT

This Policy addresses the prohibition of "sexual harassment" as defined by Title IX. Under Title IX, sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the following:

- An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo);
- Unwelcome conduct determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to an education program or activity (i.e., hostile environment); or
- Sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

This Policy is specific to such sexual harassment that occurs against a person in the United States and within the University's education program or activity, which includes locations, events, or circumstances over which the University exercises substantial control over the accused harasser and the context in which the sexual harassment occurred. This includes off-campus conduct that effectively deprives someone of the University's educational program. This may also extend to online conduct when the Title IX Coordinators determine that the conduct affects a substantial University interest.

The University also prohibits sexual harassment outside the scope of Title IX, such as conduct that occurs during a study abroad program or conduct that occurs outside a University education program or activity, as discussed in its other policies, including but not limited to the Harassment and Non-Discrimination Policy, the Student Code of Conduct, and the Faculty Handbook.

Sexual harassment can take many forms, including (but not limited to) the following:

- 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 sexual harassment against Gonzaga community members of any sex, gender identity or sexual orientation.
- 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.

### **SPECIFIC EXAMPLES OF PROHIBITED CONDUCT**

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

#### **Sexual Assault:**

Related to Attempted or Actual Penetrations: Engaging, or attempting to engage in penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of that victim. Such sexual assault may also be nonforcible, but still prohibited, if it occurs with a person who is under the statutory age of consent or between persons who are related to each other within the degrees of marriage wherein prohibited by law.

Related to Fondling and Other Forms of Sexual Contact: The touching or attempted touching of the private body part of another person for the purpose of sexual gratification, forcibly and/or against that person's consent; or not forcibly or against the person's consent where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

#### **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.

#### **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. 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.

#### **Stalking:**

Engaging in a course of conduct directed at a specific person which would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. Stalking 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.

#### **Domestic Violence:**

Violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Washington State, or by any other person against an adult or a youth victim who is protected under Washington State Law.

**Dating Violence:**

Violence committed by a person who is or has been in a social relationship of a romantic nature with the victim; and where the existence of such a relationship shall be determined based on the consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship

**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.

## **DEFINITIONS OF CONSENT, COERCION & INCAPITATION**

**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 sexual harassment, discrimination, and/or sexual misconduct and does not diminish one's responsibility to obtain consent.

#### **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.

#### **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

### **Interim Measures to Protect Safety and Well-Being**

The University will provide interim support and reasonable protection against further acts of misconduct, harassment, or retaliation as needed, and will provide services and resources to provide a safe environment. The University will offer and implement appropriate and reasonable supportive measures to the Parties upon notice of alleged sexual harassment. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Parties to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all Parties or the University's educational environment, and/or deter sexual harassment. The Title IX Coordinators promptly make supportive measures available to the Parties upon receiving notice or a complaint. At the time that supportive measures are offered, the University will inform the Complainant, in writing, that they may file a Formal Complaint with the University either at that time or in the future, if they have not done so already. The Title IX Coordinators work with the Complainant to ensure that their wishes are considered with respect to the supportive measures that are planned and implemented. The University will maintain the privacy of the supportive measures, provided that privacy does not impair the University's ability to provide the supportive measures. The University will act to ensure as minimal an academic/occupational impact on the Parties as possible. The University will implement measures in a way that does not unreasonably burden the other Party. These actions may include, but are not limited to:

#### **CONTACT AND 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.

#### **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

#### **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.

### **Emergency Removal of a Student**

The University can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.

Where deemed necessary and appropriate, a risk analysis may be performed by the Title IX Coordinator(s) using standard objective violence risk assessment procedures. The Resolution Center for Student Conduct and Conflict or the University's Behavior Intervention Team (BIT) may also be consulted before suspension and/or removal.

In all cases in which an emergency removal is imposed, the student Respondent will be given notice of the action and the option to request to meet with the Title IX Coordinators or other University Administrator prior to such action/removal being imposed, or as soon thereafter as reasonably 12 possible, to show cause why the action/removal should not be implemented or should be modified ("the show cause meeting").

When a show cause meeting is not requested within five (5) business days, objections to emergency removal will be deemed waived.

A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator(s) determines it is equitable to do so.

This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator(s) for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator(s) has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion.

The University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator(s), these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator(s), alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the Respondent is an employee, existing provisions for interim action are applicable.

### **Mandatory Reporting**

All staff, faculty, and student workers, with the exception of the Confidential Resources listed above, are considered to be “Mandatory Reporters.” Mandatory Reporters must report actual or suspected sexual harassment to appropriate officials immediately.

Employees must also promptly share with the Title IX Coordinator(s) all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandatory Reporters, as those details must be shared with the Title IX Coordinator(s).

Generally, disclosures in climate surveys, human subjects research, or at events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported to the Coordinator(s) by Mandatory Reporters, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from the University.

Supportive measures may be offered as a result of such disclosures without formal University action.

Failure of a Mandatory Reporter, as described above in this section, to report an incident of sexual harassment or retaliation of which they become aware is a violation of University policy and can subject a Mandatory Reporter to disciplinary action for failure to comply.

When a Mandatory Reporter has engaged in harassment or other violations of this policy, they have a duty to report their own misconduct, though the University is technically not on notice when a harasser is also a Mandatory Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Mandatory Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

## **Procedures for the Resolution of Sexual Misconduct and Harassment Reports under the Office of Human Resources**

### **OVERVIEW OF OPTIONS**

The procedures below outline the process the University follows when it receives a complaint alleging a violation of this Policy by current students, faculty, staff members, and third parties who have a formal relationship with the University. Visitors to campus who are not participating in a University education program or activity over whom the University does not have substantial control but who are accused of sexual harassment are not subject to the process set forth in this Policy. The University’s Title IX Coordinator and Deputy Coordinators are responsible for handling reports alleging sexual harassment. The University may notify the employer of or organization associated with an accused Respondent who is not a student or employee of the University of the alleged violation.

The process described below is the University’s process to determine whether this Policy was violated. It is not a court system. As such, the University’s process does not use the same rules of procedure and evidence as those used by courts or law enforcement. A person who has experienced sexual harassment or any crime has the right to simultaneously file and pursue a criminal complaint with law enforcement and a complaint with the University if they choose, and to be assisted by the University in notifying law enforcement authorities if they choose, or to decline to notify such authorities. Parties may also have options to file civil actions in court.

Because allegations of sexual misconduct can sometimes raise challenging new issues not specifically addressed in Department of Education regulations or guidance, the University reserves discretion to take reasonable actions to address those issues in a manner consistent with the spirit of this Policy and this process, while preserving fairness for both Parties and maintaining the integrity of the resolution process.

### **COMPLAINT OF SEXUAL HARASSMENT**

Complaints of sexual harassment may be made by:

1) Submitting a complaint with, or giving verbal notice, to the Title IX Coordinator or Deputy Coordinators. Such a complaint may be made at any time (including during non-business hours) by telephone, email, or mail, listed for the Title IX Coordinator.

2) Submitting a complaint online, at: [https://cm.maxient.com/reportingform.php?GonzagaUniv&layout\\_id=3](https://cm.maxient.com/reportingform.php?GonzagaUniv&layout_id=3)

A Formal Complaint is a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the University investigate the allegation(s). If a complaint is submitted in a form that is not signed or does not request that the University investigate the allegation(s), the Title IX Coordinator will contact the Complainant to ensure that it is submitted correctly.

The Title IX Coordinator will respond by:

- Promptly contacting Complainant to discuss the availability of supportive measures;
- Consider complainant's wishes with respect to supportive measures;
- Inform Complainant of availability of supportive measures with or without filing a Formal Complaint; and
- Explain to complainant the Formal Grievance Process for filing a formal complaint.

The University uses the Formal Grievance Process<sup>1</sup> to determine whether or not the Policy has been violated. If so, the University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to sexual harassment, any potential recurrence, or effects. Under Washington State Law, the University 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 complaint, concern or report of harassment will not affect the reporting party's or Complainant's employment, grades, academic standing or work assignments.

## INITIAL INQUIRY

Following receipt of notice or a Formal Complaint of a violation of this Policy, the Title IX Coordinator engages in an initial inquiry, typically within one (1) to five (5) business days. The steps in an initial inquiry can include:

- The Title IX Coordinator seeking to determine if an individual providing notice of alleged sexual harassment wishes to make a Formal Complaint, and will assist them to do so, if desired.
  - The University will defer to the Complainant's wishes as to whether to pursue an investigation, but if the University determines that not pursuing an investigation would be deliberately indifferent (or that pursuing an investigation is necessary for community safety or similar reasons), the Title IX Coordinator may sign the complaint.
- If a Formal Complaint is received, the Title IX Coordinator assessing its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaching out to the Complainant to offer supportive measures.
- The Title IX Coordinator working with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator working with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.

#### Violence Risk Assessment:

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment should be conducted by the University Behavior Intervention Team of the initial assessment. A Violence Risk Assessment may help determine the following:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to impose transcript notation or communicate with a transfer University about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether notices to students and employees of crime or misconduct should be issued and/or trespass orders should be sought.

A Violence Risk Assessment assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

If a Violence Risk Assessment is required by the Title IX Coordinator, a Respondent's refusal to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

#### **DISMISSAL**

The University must dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1.) The conduct alleged in the Formal Complaint does not constitute sexual harassment as defined above, even if proved; and/or
- 2.) The conduct did not occur in an educational program or activity controlled by the University (including buildings or property controlled by recognized student organizations), and/or the University does not have control of the Respondent; and/or

- 3.) The conduct did not occur in the United States; and/or
- 4.) At the time of filing a Formal Complaint, a complainant is not participating in or attempting to participate in the education program or activity of the University.

The University may, in its sole discretion, dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- 1.) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- 2.) The Respondent is no longer enrolled in or employed by the University; or
- 3.) Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, the University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

#### **COUNTERCLAIMS:**

The University is obligated to ensure that the grievance process is not abused for retaliatory purposes. The University permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this Policy and/or other University policies.

Counterclaims determined to have been reported in good faith will be processed using the grievance process below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator and/or University.

#### **RIGHT TO AN ADVISOR:**

Each Party may have an Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. Advisors should not be confused with Navigators, who are trained University staff members available to provide general information to the Parties about the complaint resolution process. Navigators will not advocate on behalf of any Party or represent any Party.

The Advisor may be a friend, mentor, family member, attorney, or any other individual who was not involved in the conduct alleged in the Formal Complaint who a Party chooses to advise, support, and/or consult with them throughout the resolution process. The Parties may select whoever they wish to serve as their Advisor, as long as the Advisor is eligible and available.

The University will also offer to assign a trained Advisor for any Party if the Party so chooses, for the limited purpose of conducting questioning during the hearing described. Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

##### **Advisor's Role in Meetings and Interviews:**

Parties may be accompanied by their Advisor in all meetings and interviews at which the Party is entitled to be present, including intake and interviews.

##### **Advisor's Role in Hearings:**

Under U.S. Department of Education Title IX regulations a form of indirect questioning is permitted during the hearing but all questioning by the Parties must be conducted by the Parties' Advisors. 18 The Parties are not permitted to directly question each other or any witnesses. If a Party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any questioning of the other Party and witnesses.

At least 10 business days prior to a scheduled hearing, each Party should inform the University if it needs the University to appoint an Advisor for a hearing.

The University cannot assure that the Parties' Advisors will be of equal skill level or ability. This means, for example, that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the University is not obligated to provide an attorney. Similarly, even if both Parties hire attorneys to serve as their Advisors, one may have a higher level of skill and/or ability than the other.

A Party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor for purposes of cross examination. The Hearing Officer may also conduct questioning of the Parties and witnesses during the hearing.

#### **INFORMAL RESOLUTION OF FORMAL COMPLAINTS:**

The University may facilitate informal resolution of Formal Complaints if it obtains voluntary, written confirmation that all Parties wish to resolve the matter through informal resolution.

Prior to implementing Informal Resolution, the University will provide the parties with written notice of the reported allegations, the requirements of the informal resolution process, and any consequences from participating in the process, including information regarding any records that will be maintained or shared by the University.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

The University will not offer or facilitate an informal resolution process to resolve allegations that a University employee sexually harassed a student.

#### **FORMAL GRIEVANCE PROCESS:**

Written Notice of Investigation and Allegations:

The [Title IX] Coordinator will provide written notice of the investigation and allegations to the Respondent as part of the Formal Grievance Process to allow the Respondent to prepare for the interview and to identify and choose an Advisor to accompany them. A copy of this written notice will also be provided to the Complainant, along with advance notice of when the written notice will be delivered to the Respondent. The notice will contain the following:

- Notice of the grievance process, including any informal resolution process.
- Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.
  - Sufficient details include the identities of the Parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that informs the Parties that they may have an Advisor of their choice, who may be, but is not required to be, an attorney, and who may inspect and review evidence.
- A statement that informs the Parties that the University's Student Code of Conduct prohibits dishonesty, forgery or fraud, which includes knowingly making false statements or knowingly submitting false information during a grievance process.

Amendments and updates to the written notice may be made as the investigation progresses and more information becomes available.

The written notice will be delivered in person, by mail, or emailed to the Parties' University-issued email or designated accounts.

The Investigation Process and the Investigation Report:



The University will strive to conduct investigations in a thorough, impartial, prompt, and fair manner. Investigations may involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, if applicable. The Parties will have the opportunity to suggest witnesses and questions, provide evidence and expert witnesses, and fully review and respond to all evidence.

Although in-person interviews for Parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator determines that timeliness or efficiency dictate a need for remote interviewing. The University will take appropriate steps to reasonably ensure the security/privacy of remote interviews. Neither the Investigator nor any witness, Party or Advisor may record an interview, except by taking typed or handwritten notes, unless both the Investigator and witness consent to the recording.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator, though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

Within 15 business days of completing all information gathering during the investigation, the Investigator will also write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. If appropriate under the circumstances due to the nature of the allegations or investigation, this time frame may be extended by a reasonable amount of time. Written notice of such an extension will be provided to the Parties.

Prior to the conclusion of the investigation, the Investigator will provide the Parties and their respective Advisors (if so desired by the Parties) a secured electronic or hard copy of the draft investigation report and the opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the University does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each Party may meaningfully respond to the evidence. The Parties may choose to waive the full 10 calendar days.

The Investigator may choose to respond in writing in the investigation report to the Parties' submitted responses and/or to share the responses between the Parties for additional responses. The Investigator will incorporate relevant elements of the Parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report.

The final investigation report will be shared with all Parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days before a hearing. The Investigator will also provide the Parties with a file of any directly-related evidence that was not included in the report.

Prior to the conclusion of the investigation, the Investigator will provide the Parties and their respective Advisors (if so desired by the Parties) with a list of witnesses whose information will be used to render a finding.

## **THE HEARING**

If the Formal Complaint is not resolved through Informal Resolution, once the final investigation report is shared with the Parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing will not be held less than ten (10) calendar days from the conclusion of the investigation – when the final investigation report is transmitted to the parties and the Hearing Officer – unless all Parties and the Hearing Officer agree to an expedited timeline.

### **1.) The Hearing Officer:**

The University will select an appropriate Hearing Officer who will not have had any previous involvement with the investigation of the Formal Complaint at issue. The Hearing Officer will act as the decision-maker and reach a determination regarding responsibility as to the allegations presented by the Complainant. The Investigator(s) of the Formal Complaint at issue will not be allowed to serve as the Hearing Officer. Likewise, any individuals serving as Advisors for any Party involved in the Formal Complaint at issue may not be a



Hearing Officer for the hearing. The Hearing Officer selected may be an external third party who is not employed by with the University.

The Title IX Coordinator may not serve as a Hearing Officer in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, the Title IX Coordinator may designate another individual to fulfill this role.

## 2.) Evidentiary Considerations:

Any evidence that the Hearing Officer determines is relevant and credible may be considered.

The Hearing Officer will not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility, assuming the University uses a progressive discipline system. This information is only considered at the sanction stage of the process and is not shared until then.

The Parties may each submit a written impact statement prior to the hearing for consideration by the Hearing Officer. The Hearing Officer will consider this statement at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Hearing Officer renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

## 3.) Notice of Hearing:

No less than ten (10) business days prior to the hearing, the Title IX Coordinator will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings with sufficient time for the party to prepare to participate.

The notice may also contain, at the University's discretion:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Hearing Officer and Parties to see and hear a Party or witness answering questions.
- A list of all those who will attend the hearing, along with an invitation to object to any Hearing Officer on the basis of demonstrated bias.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any Party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the Party's or witness's testimony and any statements given prior to the hearing will not be considered by the Hearing Officer. For compelling reasons, the Title IX Coordinator may reschedule the hearing.
- Notification that the Parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The Party should notify the Title IX Coordinator at least ten (10) business days before the hearing if they do not have an Advisor, and the University will appoint one for the limited purpose of conducting questioning during the hearing.

- An invitation to each party to submit to an impact statement pre-hearing that the Hearing Officer will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Whether Parties can bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held within a reasonably prompt time frame.

If the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student alleged to have violated this Policy is not in good standing to graduate.

#### 4.) Alternative Hearing Participation Options:

If a Party or Parties prefer not to attend or cannot attend the hearing in person, the Party should request alternative arrangements from the Title IX Coordinator or the hearing facilitator at least five (5) business days prior to the hearing.

The Title IX Coordinator can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

#### 5.) Pre-Hearing Preparation:

The Title IX Coordinator or other designated hearing facilitator after any necessary consultation with the Parties or Investigator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator or have proffered a written statement or answered written questions, unless all Parties and the Hearing Officer agree to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the Parties and Hearing Officer do not assent to the admission of evidence newly offered at the hearing, the Hearing Officer may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The Parties will be given the name of the Hearing Officer in advance of the hearing. All objections to any Hearing Officer must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than five (5) business days following receipt of the Hearing Officer's name. A Hearing Officer will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Hearing Officer a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Hearing Officer who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Hearing Officer is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the Parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Hearing Officer at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Hearing Officer.

#### 6.) Pre-Hearing Meetings:

The Hearing Officer may convene a pre-hearing meeting(s) with the Parties and/or their Advisors to invite them to submit the questions or topics they (the Parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Hearing Officer can rule on their relevance ahead of time to avoid any improper evidentiary

introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing.

The Hearing Officer must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting. The Hearing Officer, only with full agreement of the Parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator in the investigation report or during the hearing.

At each pre-hearing meeting with a Party and their Advisor, the Hearing Officer will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator may be argued to be relevant.

The Hearing Officer may rule on these arguments pre-hearing and will exchange those rulings between the Parties prior to the hearing to assist in preparation for the hearing.

The pre-hearing meeting(s) will not be recorded.

#### 7.) Hearing Procedures:

At the hearing, the Hearing Officer has the authority to hear and make determinations on all allegations of sexual harassment.

Participants at the hearing will include the Hearing Officer, the hearing facilitator (if applicable), the Parties, Advisors to the Parties, any called witnesses, and anyone providing authorized accommodations or assistive services.

The Hearing Officer will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Hearing Officer and the Parties and will then be excused.

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the procedure will be to hear the allegations jointly, unless the University permits the investigation and/or hearings pertinent to each Respondent to be conducted separately because there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

##### a.) Testimony and Questioning

The Parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Hearing Officer. The Parties/witnesses will submit to questioning by the Hearing Officer, if applicable, and then by the Parties through their Advisors. This process is known as cross-examination.

All questions are subject to a relevance determination by the Hearing Officer. The Advisor, who will remain seated during questioning, will pose the proposed question orally, the proceeding will pause to allow the Hearing Officer to consider it (and state it if it has not been stated aloud), and the Hearing Officer will determine whether the question will be permitted, disallowed, or rephrased.

The Hearing Officer may invite explanations or persuasive statements regarding relevance with the Advisors, if the Hearing Officer so chooses. The Hearing Officer will then state their decision on the question for the record and advise the Party/witness to whom the question was directed, accordingly. The Hearing Officer will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Hearing Officer will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complaint's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. The Hearing Officer has the final determination of whether questions may be asked and whether they are relevant.

If a Party's Advisor of choice refuses to comply with the University's established rules of decorum as determined by the Hearing Officer for the hearing, the University may require the party to use a different

Advisor. If a University-provided Advisor refuses to comply with the rules of decorum, the University may provide that Party with a different Advisor to conduct cross-examination on behalf of that Party.

b.) Refusal to Submit a Cross-Examination

If a Party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Hearing Officer may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. However, the Hearing Officer may still consider available evidence to reach a determination.

The Hearing Officer may not draw any inference solely from a Party's or witness's absence from the hearing or refusal to answer cross-examination. However, if a Party or witness refuses to answer a Hearing Officer's questions, the Hearing Officer may rely on that Party or witness's statements.

c.) Recording Hearings

Hearings will be recorded by the University for purposes of review in the event of an appeal. The Parties may not record the proceedings and no other unauthorized recordings are permitted. The recording will be available to the Parties for inspection and review. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

8.) Decision-Making:

The Hearing Officer will determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. The preponderance of the evidence standard of proof is used.

When there is a finding of responsibility on one or more of the allegations, the Hearing Officer may then consider the previously submitted Party impact statements in determining appropriate sanction(s).

The Hearing Officer will ensure that each of the parties has an opportunity to review any impact statement submitted by the other Party(ies).

The Hearing Officer may consider the statements, but they are not binding. The Hearing Officer will determine the appropriate sanction(s), and in the process of doing so, may consult with other appropriate administrators.

9.) Written Determination:

After reaching a decision, the Hearing Officer will prepare a written determination which will include the following in a Written Determination:

- Identification of the allegations potentially constituting sexual harassment as defined in this Policy;
- Description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notification to parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, hearings held;
- Findings of facts supporting the determination
- Conclusions regarding the application of the University's policy to the facts;
- Statement of and rationale for the result as to each allegation, including a determination regarding responsibility, any sanctions [or recommendations for sanctions] to be imposed, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided; and
- The University's procedures and permissible bases for any appeal.

This statement must be submitted to the Title IX Coordinator within a reasonable time after deliberation, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the Parties.

The Written Determination will then be shared with the Parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official University records, or emailed to the Parties' University-issued email or otherwise approved account.

**SANCTIONS:**

The following are the usual sanctions that may be imposed upon students singly or in combination:

- Conduct Probation: A status for a specified period in which a student's conduct is under review. Violations of University expectations and policies while on Conduct Probation may result in suspension or expulsion.
- Housing Probation: A status for a specified period in which a student's on-campus housing status is under review. Violations of University expectations and policies while on Housing Probation may result in residential restrictions or removal.
- Policy Review: Written notification of policy reminders.
- Warning: Written notice to a student that their behavior is incongruent with University standards of conduct. Future misconduct may result in an elevated University response.
- Ban: Excluding a student from University premises or specific University facilities, events, or ceremonies.
- Educational Program or Workshop: Assignment to an educational program or participation in a workshop.
- Civic Service: Community service.
- Educational Project: Research project, reflection prompt, reading, or other assigned learning experience.
- Meetings: Scheduled meetings or other conversations
- Expulsion: Permanent separation of a student from the University
- Revocation of Admission and/or Degree: Revocation of admission to or a degree awarded from the University.
- Suspension: Separation of a student from the University for a specified period, with associated conditions for readmission.
- Withholding Degree: Withholding a degree pending completion of student conduct proceedings, including the completion of all sanctions imposed, if any. The University reserves the right to withhold a degree permanently.

The following are the usual sanctions that may be imposed upon faculty and staff singly or in combination:

- Informal discussions
- Education
- Verbal or written notice of expectations
- Leave of absence
- Transfer
- Demotion
- Resignation
- Dismissal

In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate, in its sole discretion.

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature of the conduct at issue;
- The impact of the conduct on the Complainant;
- The impact of the conduct on the community or the University;
- Prior misconduct by the Respondent, including the Respondent's disciplinary history;
- Whether, and to what extent, the Respondent has accepted responsibility for the conduct;

- The necessity of any specific action in order to eliminate the conduct, prevent its recurrence, and remedy its effects on the complainant or other University community members; and
- Any other mitigating, aggravating, or compelling circumstances

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

#### **APPEALS:**

Any Party may file a Request for Appeal, but it must be submitted in writing to the Title IX Coordinator within five (5) business days of the delivery of the Written Determination.

An appeal should be addressed to:

Title IX Coordinator

Contact: Stephanie Thomas

Location: Business Services Center, Office 101A, 102 E. Boone Ave.

Phone: 509.313.6910

Email: [thomassn@gonzaga.edu](mailto:thomassn@gonzaga.edu)

A single Appeal Decision-maker will handle the appeal. No Appeal Decision-maker will have been involved in the process previously. The University will notify the non-appealing Party in writing that an appeal has been filed.

#### **i.) Grounds for appeal**

An appeal must be in writing and specify the basis for appeal. The original finding is presumed to have been decided reasonably and appropriately by a preponderance of the evidence. The only grounds for appeal are as follows:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, investigator(s), or hearing officer had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, an appeal request will be denied and the Parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Hearing Officer will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given five (5), business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded to all Parties for review and comment.

A non-appealing Party may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy and either denied or approved. If approved, it will be forwarded to the Party who initially requested an appeal, the Investigator(s) and/or original Hearing Officer, as necessary, who will submit their responses in five (5), business days, which will be circulated for review and comment by all parties.

Neither Party may submit any new requests for appeal after this time period. All decisions will apply the preponderance of the evidence standard.

A Written Decision on Appeal will be sent to all parties simultaneously, which will include the decision on each approved ground and rationale for each decision. The Written Decision on Appeal may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' University-issued email or otherwise approved account.

## **ii.) Sanctions status during the appeal**

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

University may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

### **REMEDIES:**

In addition to any sanctions imposed, the Title IX Coordinator may implement additional remedies or actions with respect to the Parties and/or the University community that are intended to stop sexual harassment, remedy the effects and prevent reoccurrence.

These remedies/actions are designed to restore or preserve equal access to the University's education program or activity and may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the Parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies that may be provided by the University to the Respondent to ensure no effective denial of educational access.

The University will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the University's ability to provide these services.

### **RECORDKEEPING:**

The University will maintain for a period of at least seven years, records of:

- Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
- Any disciplinary sanctions imposed on the Respondent;
- Any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom;
- All materials used to train Title IX Coordinators, Investigators, Hearing Officer, and any person who facilitates an Informal Resolution process. The University will make these training materials publicly available on University's website; and



- Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
  - The basis for all conclusions that the response was not deliberately indifferent;
  - Any measures designed to restore or preserve equal access to the University's education program or activity; and
  - If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The University will also maintain any and all records in accordance with state and federal laws.

## Section 5: Additional University Policies and Procedures

*This section contains select excerpts from Gonzaga's Student Code of Conduct and Housing and Residence Life Policies. To read the Student Code of Conduct in its entirety, please refer to <https://www.gonzaga.edu/student-life/student-services/resolution-center/student-code-of-conduct>. To read the Housing and Residence Life Policies in their entirety, please refer to <https://www.gonzaga.edu/student-life/student-services/resolution-center/student-code-of-conduct/standards-of-conduct-and-policies/other-university-regulations/housing-and-residence-life-policies>.*

### Missing or Absent Student Policy

As adults, Gonzaga University students have the right to come and go as they please and to choose to let others know if they will be gone from campus. In virtually all cases of unexpected absence reported by friends or acquaintances the student returns or contacts someone within a short time. There may be cases when an unexpected absence is more serious and there is a concern the student is missing and his/ her safety is at risk.

Gonzaga University defines a "Missing Student" as "a person absent contrary to his/her usual pattern of behavior and unusual circumstances may have caused the absence, or known facts indicate his/her safety may be at risk. Such factors could include, but are not limited to: a report or suspicion of foul play; suicidal or self-destructive comments or behavior; alcohol or drug dependency; or association with persons who may endanger the student's welfare."

A report of a student being absent or missing under unusual or unexplained circumstances must be immediately directed to the CSPS Communications Center, 509-313-2222. This office is staffed 24 hours a day, 365 days a year. Reports may also be made to the Student Affairs office, College Hall 120, 509-313-4100. This office is open Monday-Friday 8:00 am until 5:00 pm. In addition, reports of missing persons may be made to following:

Area Coordinator, Upper Div. & Off Campus	509-313-4881
Area Coordinator, Lower Div., Residence Halls/Suites	509-313-3387
Residence Director, Coughlin Block	509-313-4160
Residence Director, Southeast Block	509-313-4173
Residence Director, East Central Block	509-313-4524
Residence Director, Midwest Block	509-313-4648
Residence Director, Northeast Block	509-313-4112
Residence Director, Northwest Block	509-313-5887

Anyone receiving a missing student report must immediately bring it to the attention of CSPS.

If the University is advised of the unusual or unexpected absence of a student, reasonable steps will be taken to gather information in order to locate the student or establish his or her well-being. CSPS is responsible for conducting an inquiry and making a determination the student is “missing.” As part of an inquiry, instructors, advisors, parents, friends, law enforcement officials, and others may be contacted. In addition, social media sites such as Facebook, Twitter, etc. may be accessed and activity on University-issued email accounts may be checked.

The Clery Act contains provisions specifically related to missing or absent students who reside in University residential facilities. The following policy and procedures apply only to those students.

Any student living in a University-owned, leased, managed, or operated residential facility may list a confidential contact person or persons to whom the University will notify within 24 hours of a determination by the CSPS Department that the student is missing. The confidential contact information will be maintained jointly by the CSPS Department and the Office of Housing and Residence Life. Students will be prompted to designate a confidential contact on the ZagLiving platform when submitting a housing application. This information is confidentially maintained, will be accessible only to authorized campus officials and will not be disclosed except to law enforcement personnel as part of a missing person’s investigation.

If a student is under 18 years of age and not emancipated (legally independent of his/her parents/guardians), the University will notify the student’s custodial parent or guardian in addition to any confidential contact person listed by the student.

Regardless of whether a residential student lists a confidential contact person, is above the age of 18 years, or is an emancipated minor, the CSPS Department will inform the SPD within 24 hours of the determination that a student is missing. When the CSPS Department notifies the SPD of the missing student report, SPD will become the lead agency on the investigation. CSPS will assist the SPD with continued inquiry within the campus community.

Nothing in this policy restricts Gonzaga University from making notifications earlier than noted above if deemed appropriate under the circumstances. Nor does this policy restrict Gonzaga University from contacting other individuals if deemed necessary to prevent harm to a student or others, necessary to the inquiry or investigation, or otherwise appropriate under the circumstances.

## Housing and Residence Life Policies – Selected Sections

The Policies and Expectations contained within this section apply to residents and guests of all buildings operated by the Office of Housing and Residence Life.

1. **Absences:** Prolonged and unannounced absences from your room may be investigated to assure either that you are safe or that you are in compliance with your residency requirement or rental agreement. This may involve room entry, contacting emergency contacts or roommates, or even reporting the situation to the local police department. Please see the section on "Missing Students."
2. **Entry, Search, and Confiscation:** The Entry, Search, and Confiscation Procedures contained within this section apply to residents and guests of all buildings operated by the Office of Housing and Residence Life.
  - a. Entry, University Official – Entry by a University Official may occur for a number of reasons. Examples include: (a) to insure that health and/or safety standards are being met, including safety inspections during vacation periods/Christmas break; (b) for purposes of repair, construction, or inventory; or (c) when there exists reasonable suspicion that a violation of University policy or law is being committed, or has been committed; and/or that a delay in such entry would endanger the health and safety of the resident, residential community or property, or result in the probable destruction of material relating to the violation. Where possible, notice of intent to enter a room or property will be given to the resident in advance. However, advance notice of room entry may not be practical when emergencies arise.
  - b. Entry and Search, University Official – The entering of a room and a subsequent search of that room may occur when there exists a reasonable suspicion that a violation of student conduct expectations is being committed, or has been committed, and/or the delay would endanger the

health and safety of the resident, residential community, and/or result in the probable destruction of material relating to the violation.

- c. **Confiscation of Items** – Any item within a University residential facility which is prohibited or which reasonably indicates a violation of University policy is subject to removal and confiscation. This includes, but is not limited to, items within backpacks and storage containers not owned by the University. Removal of the item does not require express permission on the part of the room occupant(s). The University reserves the right to confiscate, retain, and dispose (at any time) of any and all illegal, dangerous, or prohibited items, regardless of value or ownership. Items confiscated under this policy are generally not available to be returned to a student. Residence and Security staff are not able to promise, guarantee or arrange for items to be returned. A written request must be made to the Student Affairs Office before the end of the current term for consideration of extraordinary situations.
3. **Fire Escapes:** Students are prohibited from loitering upon, or conducting any activity on or from, a fire escape or fire escape platform.
4. **Fire/Smoke Detection Equipment:** All University residences are equipped with fire and/or smoke detectors, many of which operate using batteries as a primary or back-up source of power. Students are required to maintain their fire/smoke detectors in working order. If a fire/ smoke detector (a) does not operate when tested, or (b) alerts the student to a failing battery, the student must promptly contact the Plant Services department (extension 5656) to make a maintenance request for the repair of the unit.
5. **Guests and Overnight Visitors:** The right of a student to live in reasonable privacy takes precedence over the right of his / her roommate to entertain a guest in the room, suite, or apartment – regardless of gender – at any time of the day or night. Additionally, the University provides and maintains its residences for the use of legitimate rent-paying students (and their spouses and dependents where applicable). As such the Housing and Residence Life Department has established the following policy regarding guests and overnight visitors.
  - a. Anyone visiting a student in their room, apartment, suite, or hall, or house is considered a "guest" of that student. As a "host" you are responsible for your guests' compliance with the Student Community Standards whether or not you are present in any situation where concern arises. This includes individual bedrooms, suites, apartments, houses and common areas within the residence halls. Additionally, students who have been found to frequent living areas will be presumed to be "guests" of the resident(s) unless there is a determination of forced entry. Guests can be any of the following, but not limited to the following:
    - Other residence hall students
    - Friends and acquaintances living off campus not associated with Gonzaga University
    - GU students who live off campus visiting residence halls
    - Family members
    - "Friends of friends" who accompany a guest into a residence hall, regardless of the relationship to the hosting student
  - b. Visitors to any residence hall must be escorted by a current resident of that hall while they are visiting, whether inside the room or in a common area. Visitors who are found to be without an escort may be required immediately to leave the building and/or campus.
  - c. All guests are all allowed until 2:00 am on any given night.
  - d. Only students registered with the Housing and Residence Life Office as actual residents of a space may live in that space. Please note the following examples of violations of this policy:
    - Residents who want to swap rooms without permission from the Housing and Residence Life
    - Non-students (including relatives) and students who have not made arrangements for residing in that space through the Housing and Residence Life Office
    - Friends or relatives who stay more than one night

- Off campus Gonzaga students who need a place to stay for a few days or weeks
  - A "significant other" who spends the night or multiple nights
  - e. In order to foster an atmosphere of study, security, and to provide a measure of privacy, visitation is limited in all residence halls, suites, apartments, and University managed off-campus apartments/houses. Parameters for visitation are: Seven days a week: 9:00 a.m. – 2:00 a.m.
  - f. Outside of the established visitation hours, it is expected that all group conversations, study sessions, and activities including both sexes move to a public area of their building. It is expected that only residents of the living unit will be in the living unit after hours and any quiet conversation, music or television in the living unit will be occurring behind closed bedroom doors in keeping with the Quiet Hours Policy.
6. **Windows/Window Screens:** Window screens are not to be loosened or removed under any condition. If your screen comes loose by itself, please place a work order to have it repaired. A missing screen at the year's end will be charged to the resident(s) in damage charges. Endangering the safety or property of others by dropping/throwing objects from windows, endangering oneself by sitting on the window ledge or by climbing in or out windows will result in disciplinary action. Banners, flags, posters, and other hangings are not allowed to be displayed outside of windows or from ledges.

## Student Code of Conduct –Selected Sections

### ALCOHOL POLICY

1. The use of alcoholic beverages on University property, at University events, and off-campus must be consistent with University policy and applicable law. In the case of branch campuses or programs, the 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.
  - A. A person must be 21 years of age to acquire, possess or consume any alcohol.
  - B. It is a violation for any person under the age of 21 years to purchase or attempt to purchase any alcohol.
  - C. It is a violation to sell, give, or otherwise supply alcohol to any person under the age of 21 years or permit any person under that age to consume alcohol on their premises or a premises under their control.
  - D. It is a violation to misrepresent age and to use false or forged documents (such as a driver's license from any state) to obtain alcohol.
  - E. It is a violation to consume alcoholic beverages when consumption leads to dangerous or disruptive behavior, over-intoxication, or public drunkenness.
2. The University reserves the right to confiscate, retain and dispose of/destroy any and all alcohol-related items regardless of value or ownership.
3. Spokane Campus: University owned, leased, or managed non-residential property and buildings
  - A. University regulations do not permit the possession or consumption of alcoholic beverages in common areas (both interior and exterior).
  - B. Only recognized student organizations may seek authorization for events with alcoholic beverages present. Authorization may be granted by submitting an Event Request form on Zagtivities. Request for such events does not guarantee permission will be granted. For information about recognized student organizations, please refer to the Center for Student Involvement.
  - C. Student organizations which violate University alcohol policies may be held accountable by processes outlined in Club Policies. In addition, individuals involved may be held accountable through the Student Code of Conduct.
4. Spokane Campus: University owned, leased or managed residential property and buildings

- A. The possession, consumption, use, display, sale, or distribution of alcohol, including alcohol paraphernalia and empty alcohol containers, is prohibited in all residential facilities, including interior and exterior common areas and grounds, balconies, patios, lounges, lobbies, and stairways except as provided in e. below.
- B. Games and other behaviors designed to facilitate, promote, or replicate competitive, excessive, accelerated, or abusive consumption of alcoholic beverages (e.g. "beer bongs", pong table set-ups, "shotgunning") are prohibited. Equipment, supplies, and paraphernalia designed for use in these games and other behaviors are also prohibited.
- C. Mass quantities of alcoholic beverages are prohibited. This includes, but is not limited to such things as kegs, multiples cases of beer, and stocked bars.
- D. Residents in rooms/suites/apartments are responsible for guest compliance with the alcohol policy. As such, residents may be held accountable for their actions and the actions of their guests, whether they are present or not at the time of the behavior and/or possessing or consuming alcoholic beverages personally.
- E. Alcohol consumption consistent with University policy and the concept of responsible and moderate use is permitted in a room/suite/apartment when 1) all assigned residents of the room/suite/apartment are at least 21 years of age, and 2) the room/suite/apartment is in a building/area designated for of-age students by Housing and Residence Life.

## DRUG POLICY

1. The use of drugs must be consistent with University policy and applicable state and federal law. The following prohibited conduct applies:
  - A. Possession, use, or consumption of drugs.
  - B. Possession, use, manufacture, or sale of drug paraphernalia.
  - C. Manufacture, sale, distribution, transfer, or possession with intent to manufacture, deliver, or sell drugs.
  - D. Unauthorized possession or misuse of prescription drugs or other products.
  - E. Being under the influence of drugs leading to an altered state or intoxication.
2. Definitions broadly include, without limitation, the following:
  - A. Consumption: Breathing, inhaling, ingesting, injecting, smoking, snorting, and/or swallowing.
  - B. Drugs: Any stimulant, intoxicant (other than alcohol), nervous system depressant, hallucinogen, or other chemical substance, compound or combination when used to induce an altered state, including any otherwise lawfully available product used for any purpose other than its intended use (e.g., the misuse of prescription drugs, over the counter drugs, or household products). The University classifies drugs into three categories:
    - 1) Marijuana: Cannabis or the psychoactive compounds found in marijuana and intended for human use or consumption, regardless of form. *Although Washington State Chapter 69.50 RCW allows persons over the age of 21 to possess small amounts of marijuana for personal use, Gonzaga University abides by federal law prohibiting the possession, use, consumption, purchase, manufacture, distribution, or sale of marijuana, regardless of age.*
    - 2) Drugs and/or controlled substances: Cocaine, heroin, LSD and other hallucinogens, barbiturates and other sedative-hypnotics, amphetamines, methamphetamines, MDMA (Ecstasy), PCP, and any drugs or substances listed on Federal or Washington State schedules of controlled substances.
    - 3) Misuse of prescription drugs or other products: Opiates/pain-killers (i.e. morphine, oxycodone), stimulants (i.e. Ritalin), sedative-hypnotics (i.e. barbiturates, anxiolytics), and other psychoactive drugs. This includes taking medication without a prescription, taking more than the prescribed dose of a medication, sharing with individuals not prescribed such medication, or using a prescription medication or other lawfully available product (over the

counter drugs, or household products) for a purpose or in a manner other than the intended use (i.e. to produce an altered state or intoxication).

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

*For further information about the University's compliance with the Drug-Free Schools and Campuses Regulations and the Higher Education Act, the University's drug and alcohol policies, and programs specific to drug and alcohol abuse education, refer to the Drug Free Schools and Communities Act Report, which can be viewed in its entirety at <https://www.gonzaga.edu/about/our-campus-location/campus-safety/about-campus-security-public-safety/drug-free-schools-and-communities-act>.*

## **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 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.

## **GUEST CONDUCT AND RESPONSIBILITY POLICY**

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.

## **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 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:

1. 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.
2. 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.
3. 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.
4. 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.
5. Encouraged or forced violation of any University rule, policy, or expectation 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).

#### **IDENTIFICATION CARD 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 their 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.

To learn more about the ZAGCARD, including information on how to manage lost or stolen ID cards, visit the ZAGCARD Terms and Conditions section of the Campus Card Services website.

#### **KEYS, PASS CARDS AND CODES POLICY**

Unauthorized possession, duplication or use of a key, pass card, or code to any University premises, is prohibited.

Loaning a key, pass card, or code to any other person for the purpose of entering a University premises without being accompanied by the legitimate key, pass card, or code holder is prohibited. This includes student identification cards equipped with proximity readers for building entry or other swipe-type cards and keypad codes.

#### **RESTRICTED AREA POLICY**

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

### **Student Code of Conduct Administrative Guidelines**

#### **1. Authority**

Student Affairs is responsible for the implementation and administration of the Student Code of Conduct. The determination as to which process will be utilized for the hearing and resolution of



allegations of misconduct shall be made by the Resolution Center. The University reserves the right to make any exceptions to written disciplinary procedures if deemed necessary.

**2. Preponderance of Evidence Standard**

The University uses a preponderance of evidence standard, also known as “more likely than not”. A determination of responsibility is based on a finding that the student more likely than not committed the act alleged.

**3. Terminating a Conduct Process**

If the conduct officer(s) administering a conduct process receives information that suggests another conduct process would be a more appropriate setting, or receives information that suggests an incident involves an alleged violation of the University's Harassment and Discrimination Policy, the conduct officer(s) will stop the meeting. The Resolution Center will:

- a. Schedule the appropriate conduct process, or
- b. Consult with the University's Title IX Coordinator to initiate the review and resolution procedures listed in the University's Harassment and Discrimination Policy.

**4. In Abstentia**

In the event that a student does not participate in a conduct proceeding, the conduct officer(s), in the exercise of their discretion, may adjudicate the matter in the absence of such student.

**5. Conduct Record**

The results of conduct processes are documented and this record may be used to establish a student's conduct history at the University.

**6. Role of an Advisor**

The role of an advisor is to provide support as a student represents themselves in the process. An advisor does not actively participate in any part of a Student Code of Conduct process. An advisor, may privately consult with and advise a student during the proceeding, but may not act as a representative of or spokesperson for a student; nor may an advisor provide any information on behalf of the student, examine a witness, or otherwise participate in a conduct proceeding. 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 student 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 conduct process, they may be dismissed. Dismissal of an advisor does not constitute grounds to postpone, suspend, or reschedule any conduct process.

## **INITIAL REVIEW OF A COMPLAINT**

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

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

A formal charge is warranted when the Resolution Center 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. The Resolution Center will notify the student who will be provided the opportunity to respond pursuant to one of the Student Conduct Resolution Processes. If information presented during a student conduct resolution process indicates a violation has occurred other than that charged, the conduct officer(s) may find the student responsible for that violation.

*NOTE: In matters covered under the University's Harassment and Discrimination Policy, the Resolution Center will consult with the Title IX Coordinator and the Review and Investigation procedures contained in that policy will supersede this section.*

## PROCEDURAL RIGHTS AND PROTECTIONS

During any conduct process, students will be provided the following:

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

## STUDENT CONDUCT RESOLUTION PROCESSES

### 1. Conduct Review

This process presents an opportunity for the involved student(s) and a conduct officer to discuss and resolve complaints.

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

### 2. Conduct Conference

This process presents an opportunity for the involved student(s) to discuss and resolve complaints. Conduct Conferences are ordinarily conducted by one or two staff members from the Resolution Center and/or their designee(s).

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

### 3. University Conduct Board

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

The conduct officers will hear and deliberate cases in panels of three with one conduct officer acting as chairperson of the 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.

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 Resolution Center. The Resolution Center, or UCB chair may modify or extend any time frames described in this Code for good cause.

NOTE: In matters covered under the University's Harassment and Discrimination Policy, the Title IX Coordinator may modify or extend any time frames described in this Code for good cause. Time frames for responding to reports of sexual misconduct or harassment contained that policy will supersede this section and the Resolution Center will consult with the Title IX Coordinator regarding the timing for any investigation and/or hearing.

#### 1. University Conduct Board Procedures

A. A respondent participating in a UCB hearing is entitled to the following:

- 1) Receive advance notice of date, time, and place of the 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 or period of time during which the misconduct is alleged to have occurred and the location where the misconduct is alleged to have occurred.

- 3) The student shall also be notified of the names of the conduct officers and any student wishing to challenge the participation of any conduct officer must notify the Resolution Center in writing within three days of the notice 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 Resolution Center will forward the information to the Associate Provost for Student Affairs who will determine whether the challenge has merit and reserves discretion to make changes in the panel composition.
- 4) Be given adequate time to prepare a case pursuant to the time frames articulated in this Code.
- 5) Be given an opportunity to review related documentation.

All students 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.

- 6) Have access to a trained University staff person to provide information in navigating the Student Code of Conduct system. Before any hearing takes place, each student shall have the opportunity to meet with a trained University staff person for the purpose of becoming informed about hearing processes and procedures.

- 7) Have an opportunity to present both written documentation and witnesses.

At least three days prior to a hearing, the students shall disclose to the Resolution Center the names and contact information of each person whom the disclosing student expects to call as a witness at the time of the hearing. At the same time, each student shall provide to the Resolution Center a list of all documents, statements, report and writings of any kind which the disclosing student intends to submit at the time of the hearing. The Resolution Center will provide all such information to the panel chair for review prior to distribution to all students and conduct officers. Information not disclosed in compliance with this paragraph will not be considered at any hearing. Witnesses, documents, statements, reports and writings submitted by disclosing students 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 conduct officers. The student wishing to present any witness is responsible for arranging for the attendance of such witness. The University will not compel the attendance of witnesses.

- 8) 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.

- 9) UCB meetings are audio recorded by the Resolution Center and no other electronic devices are allowed.

Audio recordings are maintained by the Resolution Center and are considered a part of the student's conduct record. The Resolution Center will exercise reasonable care to minimize technical issues; however, technical issues that result in no recording or an inaudible recording are not considered procedural defects for the purposes of the Appeals process. There shall be no recording of deliberations.

- 10) The panel chair shall open any hearing by reading the statement of charges.

A representative from the Resolution Center will present information related to the case which may include, but not be limited to, documents, investigative reports, or witnesses.

- 11) The respondent may present a response to the charges.

The response, if any, may include the introduction of available and relevant documents, physical evidence or through the in-person testimony of witnesses.

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

- 12) Conduct officers may direct reasonable questions to witnesses if present.

All witnesses shall affirm the truthfulness of their testimony. All witnesses shall be excluded from the hearing room except during their own testimony.

- 13) 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 their discretion.

- 14) Following the presentation of each students' evidence the panel chair may allow each student to present additional evidence in response.

After the presentation of evidence is complete the panel chair may allow the student to present a closing summation of their case.

- 15) Upon the completion by all students' of the presentation of their respective cases and information, the panel chair will declare the hearing "closed" and no further information will be received by the conduct officers.

- 16) Once the hearing is closed, the conduct officers will deliberate for the purpose of making a determination whether or not the student is responsible for the violation charged.

The determination shall be made by majority vote of the conduct officers, and shall be supported by a written statement of the rationale for the decision.

If no violation of any kind is determined, then the proceedings are at an end. If it is determined that a violation has occurred, then the conduct officers will continue its deliberations for the purpose of determining the appropriate conduct outcome, if any, to be levied.

- 17) 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.

- B. A complainant participating in a UCB hearing related to alleged violations of Gender-based Harassment, Discrimination, and Sexual Misconduct, or alleged crimes of violence is entitled to the following:

An identical right to be present at and to participate in all hearing processes as outlined in UCB Hearing Procedures.

- 1) The conduct officers 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 their sound discretion.
- 2) Opportunity to present any relevant information in the case against the accused student. This information may 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 conduct officers may direct reasonable questions to witnesses presented by the complainant.
- 3) 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 their decision. If a request to allow direct questioning is denied, the chair, at their 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 their 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.

- 4) In matters alleging a violation of the University's Harassment and Discrimination 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 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 respondent and complainant 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 assigning conduct outcomes.
- 5) Complainants 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.

## **CONDUCT OUTCOMES**

If it is determined that a student is responsible for a violation of a University standard of conduct, 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 Resolution Center and/or its designee(s) are not limited to the assignment of conduct outcomes listed in the Student Code of Conduct and the University reserves the right to impose additional and/or different conduct outcomes.

### **1. Administrative**

- A. Conduct Probation: A status for a specified period in which a student's conduct is under review. Violations of University expectations and policies while on Conduct Probation may result in suspension or expulsion.
  - 1) Fees or Fines: A monetary amount assessed to a student's account, not to exceed \$1,000.00.
  - 2) Housing Probation: A status for a specified period in which a student's on-campus housing status is under review. Violations of University expectations and policies while on Housing Probation may result in residential restrictions or removal.
  - 3) Policy Review: Written notification of policy reminders.
  - 4) Restitution: Financial payment to the University for amounts assessed or incurred as a result of a Student Code of Conduct violation. Restitution payments between individual students, groups, or other parties are not sanctioned, mandated or administered by the University.
  - 5) Warning: Written notice to a student that their behavior is incongruent with University standards of conduct. Future misconduct may result in an elevated University response.

### **2. Restrictions**

- A. Loss of Privilege: Denial of specific privileges for a designated period of time or exclusion of a student from events or ceremonies.
- B. Contact restriction: Communication or contact limitations or prohibition with another member(s) of the University community.
- C. Residence-related restrictions within University Housing: Restriction, relocation, or removal of a student from University housing.

- D. Ban: Excluding a student from University premises or specific University facilities, events, or ceremonies.

### **3. Developmental**

- A. Educational Program or Workshop: Assignment to an educational program or participation in a workshop
- B. Civic Service: Community service
- C. Educational Project: Research project, reflection prompt, reading, or other assigned learning experience
- D. Meetings: Scheduled meetings or other conversations

### **4. Status-based**

- A. Expulsion: Permanent separation of a student from the University
- B. Revocation of Admission and/or Degree: Revocation of admission to or a degree awarded from the University.
- C. Suspension: Separation of a student from the University for a specified period, with associated conditions for readmission.
- D. Withholding Degree: Withholding a degree pending completion of student conduct proceedings, including the completion of all sanctions imposed, if any. The University reserves the right to withhold a degree permanently.

## **ALTERNATIVE RESOLUTION PROCESSES**

Following receipt of a complaint or report, the Resolution Center may propose resolving allegations against a respondent through an Alternative Resolution Process. Examples of Alternative Resolution Processes include mediation, facilitated dialogue, conflict coaching, and restorative justice. Participation in an Alternative Resolution Process must be mutually agreed upon and voluntary for all parties and may or may not result in agreement or resolution.

If resolution is reached through an Alternative Resolution Process, the situation is considered resolved. Agreements are binding and not subject to appeal. Failure to abide by the agreement may result in disciplinary action.

If resolution is not achieved, allegations against the respondent will be resolved through one of the conduct processes listed in the Student Code of Conduct.

The nature of some conflicts, including those involving violence or sexual misconduct, are not appropriate or permitted through Alternative Resolution Processes. The use of Alternative Resolution Processes as an appropriate method of resolution is at the discretion of the Resolution Center, based on the facts and circumstances of the case.

## **APPEAL PROCEDURES**

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 Resolution Center for Student Conduct and Conflict 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 Resolution Center for Student Conduct and Conflict 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 Resolution Center for Student Conduct and Conflict.

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 Assistant Vice President/Dean of Well-Being and Healthy Living or their designee. Appeals of Conduct Conferences resulting in suspension are considered by the Assistant Vice President/Dean of Well-Being and Healthy Living, or their designee, 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 Resolution Center for Student Conduct and Conflict and/or its designee shall have the opportunity to provide a written response to the appeal request. The response may include information the Resolution Center for Student Conduct and Conflict 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.

### **1. Grounds for Appeal**

An appeal may be filed on one or both of the following grounds:

- A. Procedural Error: A procedural defect in published procedures and processes which more likely than not would have had a significant effect on the decision.
- B. New Information: The discovery of substantive new information that was unknown or unavailable to the student at the time of the conduct process that more likely than not would have had a significant effect on the decision.

Disagreeing with the severity of a conduct process outcome is not considered grounds for an appeal. The appeal must show that the assigned outcome(s) was unreasonably outside of the parameters of potential conduct outcomes and therefore a procedural error.

### **2. Appeal Actions**

- A. The appeals officer or UCAB may take the following actions:
- B. If the reviewer(s) determines that a procedural error occurred in the conduct process, the case may be remanded to the Resolution Center with specific instructions to correct the procedural error and/or reconsider the case.
- C. If the reviewer(s) determines that the request for Appeal includes new information, the case may be remanded to the Resolution Center for disposition.
- D. Uphold the original decision and outcome.

The appeals officer or UCAB determination shall be supported by a written statement of the rationale for the decision.

A notification of the decision regarding the appeal will be made to the party who filed the appeal and the non-appealing party in person or by phone, University e-mail, 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.



## Section 6: Fire Safety and Statistics

### Fire Statistics and Safety Education

The Campus Fire Safety Right-to-Know Act of 2007 defines a fire as “Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.” The act requires colleges and universities with student housing to disclose certain statistics, policies and information. Included in the requirements is a daily fire log. This log contains the following information about each reported fire on campus: nature of the fire, date and time the fire occurred, and the general location of the fire. The log is available for viewing in the lobby of Huetter Mansion during business hours.

Fires are further categorized in this report by cause: Unintentional (cooking, smoking materials, open flames, electrical, heating equipment, hazardous products, machinery/industrial, natural and other); Intentional (arson); and Undetermined. The required statistics to be reported on an annual basis are: number of fires and cause of each fire; number of deaths related to a fire; number of injuries related to a fire that resulted in treatment at a medical facility; and the value of property damage related to the fire.

Occupants of student residential facilities are provided with education and awareness regarding fire safety and evacuation procedures. For occupants of on-campus residence halls this can occur during on-going residence hall programs and during the initial residential hall safety talks that take place on an annual basis at the beginning of the school year. There was one fire evacuation drill held in each residential hall during the calendar year 2019. Occupants of GU owned, leased, managed, or operated apartments and rental houses can request specific programming for that living unit in addition to the general fire safety material provided them. Residence hall staff members, both student and professional, are provided with fire safety training. Other University staff members that work in the residence halls are provided with awareness and training of fire safety issues.

### Reporting Fires and Fire Safety Concerns

Fires should be reported to 911 and CSPA at the time they occur. Reports of fires after the fact should be called in to CSPA at 509-313-2222. In addition, reports of fires after the fact and fire safety concerns may also be made to the Student Affairs Contacts listed on page 16.

### Fire Alarms, Evacuation, Fire Safety Devices, and Flammable Materials

When a fire alarm sounds in a building the occupants of that building must immediately evacuate. If a building's fire alarm sounds call CSPA at 509-313-2222 after you evacuate. Entering or re-entering a building in which a fire alarm is sounding is prohibited unless authorized by a CSPA or Spokane Fire Department official. Failure to evacuate a building during a fire alarm, entering or re-entering a building during a fire alarm is a violation of the Uniform Fire Code. Tampering with, or the unauthorized use of fire safety equipment such as extinguishers, smoke and heat detectors, alarm pull stations, signage or emergency exits is prohibited. This includes activation of a false fire alarm and tampering with any equipment or fixtures used for the purpose of fire, health, or building safety.

Gas or charcoal barbecue grills are prohibited in and around residence halls, including decks and patios of University owned apartment buildings, with the exception of University provided barbecues at individual residence halls and apartment facilities. Electrical BBQs/grills are permitted so long as they do not generate an open flame. The use of equipment that produces, contains, or conducts a continuous open flame—such as candles, potpourri burners, incense, sterno cans, or other combustibles—is prohibited. Examples of flammable items or materials which are specifically prohibited from any University property include, but are not limited to: gasoline containers (full or empty); gas-operated camping equipment (e.g., Coleman stoves); engines or engine parts; propane tanks; and liquid oxygen containers. Other examples of commonly utilized flammable materials that are considered dangerous and therefore prohibited include: chemical compounds and components, open-coil burners; open-coil space heaters; and candles. In addition, natural Christmas trees are prohibited. Fire pits and campfires are prohibited in and on the property of all Gonzaga-owned, leased, managed, or operated residential facilities without pre-approval by the Residence Director. Halogen lamps are not allowed in Gonzaga University residence halls, apartments and properties. There is extreme hazard and fire danger associated with the high temperatures at which halogen lamps burn (750-1100 degrees

Fahrenheit). These high temperatures can ignite bedding, paper, posters, curtains, etc., when they come in contact with the bulb.

Smoking of any kind is prohibited inside residence hall facilities, including stairwells, balconies, and any grounds area closer than 25 feet from the structure. Evidence of smoking, including presence of residual odor, will be responded to as a violation of this policy. Fire safety systems are regularly serviced by both University personnel and an outside fire protection company. Improvements in the systems may be made by the University in the future as determined by need. Fire safety systems are upgraded and replaced as necessary. There are no current plans for future improvements for fire safety systems.

## **Fire Alarm and Safety Devices Policy**

Tampering with, or the unauthorized use of, fire safety equipment including but not limited to 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.

Failure to evacuate a building during a fire alarm, or entering or re-entering a building during a fire alarm is prohibited unless authorized by an official of the Spokane Fire Department, Campus Security & Public Safety, or other University Official.

# Fire Systems and Statistics

## FIRE SAFETY SYSTEMS – ON CAMPUS RESIDENCE HALLS

Building	Smoke Detectors (Central)	Central Reporting	Smoke Detectors (Battery)	Thermal Detectors	Pull Stations	Sprinkler System
Alliance (629 E. Boone)	X	X	X	X	X	X
Burch Apts. (224 E. Sharp)		X	X	X	X	X
Catherine/Monica (902 N. Cincinnati)	X	X	X	X	X	X
Chardin (703 E. Sharp)	X	X	X	X	X	X
Corkery Apts (601 E. Sharp)		X	X	X	X	X
Coughlin Hall (816 N. Cincinnati)	X	X	X	X	X	X
Crimont (1321 N. Standard)	X	X	X	X	X	X
Cushing (604 E. Sharp)	X	X	X	X	X	X
DeSmet (1102 N. Standard)	X	X	X	X	X	X
Dillon (604 E. Sharp)	X	X	X	X	X	X
Dooley (318 E. Sharp)	X	X	X	X	X	X
Dussault Suites (118 E. DeSmet)		X	X	X	X	X
Goller (630 E. Sharp)	X	X	X	X	X	X
Kennedy Apts. (121 E. Boone)		X	X	X	X	X
Lincoln (701 E. Boone)	X	X	X	X	X	X
Madonna (1020 N. Cincinnati)	X	X	X	X	X	X
Marian Hall (1015 E. Boone)	X	X	X	X	X	X
Roncalli (711 E Boone)	X	X	X	X	X	X
Sharp Apt./House (418 E Sharp)		X	X	X	X	X
Twohy Hall (801 E. Boone)	X	X	X	X	X	X

Catherine/Monica, Coughlin, DeSmet, Kennedy, & Madonna are equipped w/ paging systems. Coughlin, Dillon & Goller have HVAC shutdown. Coughlin, Kennedy, & Madonna have elevator capture.

## FIRE SAFETY SYSTEMS – OFF CAMPUS STUDENT HOUSES AND APARTMENTS

Building	Wireless Local-Only Fire Alarm	Battery Smoke Detectors
207 E. Sinto (Sinto Apts)	X	X
209 E. Sinto (Sinto Apts)	X	X
211 E. Sinto (Sinto Apts)	X	X
502 E. Sinto	X	X
511 E. Sinto	X	X
511.5 E. Sinto	X	X
514 E. Sinto	X	X
514.5 E. Sinto	X	X
518 E. Mission	X	X
518 ½ E. Mission	X	X
527 E. Sharp	X	X
702 E. Sinto	X	X
720 E. Sinto (Lamplighter)	X	X
723 E. Sharp	X	X
814 E. Sharp (Ritter)	X	X
1001 E. Boone	X	X
1007 E. Boone	X	X

## FIRE STATISTICS 2019 – RESIDENCE HALLS AND APARTMENTS

Building Name or Address	Total Fires in Building	Fire Number	Cause of Fire	Injuries	Deaths	Property Damage Value
Alliance	0	0	0	0	0	0
Burch Apts.	0	0	0	0	0	0
Catherine/Monica	0	0	0	0	0	0
Chardin	0	0	0	0	0	0
Corkery Apts	0	0	0	0	0	0
Coughlin Hall	0	0	0	0	0	0
Crimont	0	0	0	0	0	0
Cushing	0	0	0	0	0	0
DeSmet	0	0	0	0	0	0
Dillon	0	0	0	0	0	0
Dooley	0	0	0	0	0	0
Dussault Apts.	0	0	0	0	0	0
Goller	0	0	0	0	0	0
Kennedy	0	0	0	0	0	0
Lincoln	0	0	0	0	0	0
Madonna	0	0	0	0	0	0
Marian Hall	0	0	0	0	0	0
Roncalli	0	0	0	0	0	0
Sharp House/Apts.	0	0	0	0	0	0
Twohy	0	0	0	0	0	0

UC = Unintentional - Cooking    UO = Unintentional - Other    AR = Arson

## FIRE STATISTICS 2019 – UNIVERSITY OWNED, LEASED, MANAGED, OR OPERATED HOUSES/APARTMENTS

Building Address	Total Fires in Building	Fire Number	Cause of Fire	Injuries	Deaths	Property Damage Value
207 E. Sinto	0	0	0	0	0	0
209 E. Sinto	0	0	0	0	0	0
211 E. Sinto	0	0	0	0	0	0
502 E. Sinto	0	0	0	0	0	0
511 E. Sinto	0	0	0	0	0	0
511.5 E. Sinto	0	0	0	0	0	0
514 E. Sinto	0	0	0	0	0	0
514.5 E. Sinto	0	0	0	0	0	0
518 E. Mission	0	0	0	0	0	0
518 ½ E. Mission	0	0	0	0	0	0

527 E. Sharp	0	0	0	0	0	0
702 E. Sinto	0	0	0	0	0	0
720 E. Sinto	0	0	0	0	0	0
723 E. Sharp	0	0	0	0	0	0
814 E. Sharp	0	0	0	0	0	0
1001 E. Boone	0	0	0	0	0	0
1007 E. Boone	0	0	0	0	0	0

UC = Unintentional - Cooking    UO = Unintentional - Other    AR = Arson

## FIRE STATISTICS 2018 – RESIDENCE HALLS AND APARTMENTS

Building Name or Address	Total Fires in Building	Fire Number	Cause of Fire	Injuries	Deaths	Property Damage Value
Alliance	0	0	0	0	0	0
Burch Apts.	0	0	0	0	0	0
Catherine/Monica	0	0	0	0	0	0
Chardin	0	0	0	0	0	0
Corkery Apts	1	1	UO	0	0	\$10,000 – \$24,999
Coughlin Hall	0	0	0	0	0	0
Crimont	0	0	0	0	0	0
Cushing	0	0	0	0	0	0
DeSmet	0	0	0	0	0	0
Dillon	0	0	0	0	0	0
Dooley	0	0	0	0	0	0
Dussault Apts.	0	0	0	0	0	0
Goller	0	0	0	0	0	0
Kennedy	0	0	0	0	0	0
Lincoln	0	0	0	0	0	0
Madonna	0	0	0	0	0	0
Marian Hall	0	0	0	0	0	0
River Inn	0	0	0	0	0	0
Roncalli	0	0	0	0	0	0
Sharp House/Apts.	0	0	0	0	0	0
Twohy	0	0	0	0	0	0
Welch	0	0	0	0	0	0

UC = Unintentional - Cooking    UO = Unintentional - Other    AR = Arson

# **FIRE STATISTICS 2018 – UNIVERSITY OWNED, LEASED, MANAGED, OR OPERATED HOUSES/APARTMENTS**

Building Address	Total Fires in Building	Fire Number	Cause of Fire	Injuries	Deaths	Property Damage Value
207 E. Sinto	0	0	0	0	0	0
209 E. Sinto	0	0	0	0	0	0
211 E. Sinto	0	0	0	0	0	0
502 E. Sinto	0	0	0	0	0	0
511 E. Sinto	0	0	0	0	0	0
511.5 E. Sinto	0	0	0	0	0	0
514 E. Sinto	0	0	0	0	0	0
514.5 E. Sinto	0	0	0	0	0	0
518 E. Mission	0	0	0	0	0	0
518 ½ E. Mission	0	0	0	0	0	0
527 E. Sharp	0	0	0	0	0	0
702 E. Sinto	0	0	0	0	0	0
720 E. Sinto	0	0	0	0	0	0
723 E. Sharp	0	0	0	0	0	0
814 E. Sharp	0	0	0	0	0	0
1001 E. Boone	0	0	0	0	0	0
1007 E. Boone	0	0	0	0	0	0

UC = Unintentional - Cooking    UO = Unintentional - Other    AR = Arson



## FIRE STATISTICS 2017 – RESIDENCE HALLS AND APARTMENTS

Building Name or Address	Total Fires in Building	Fire Number	Cause of Fire	Injuries	Deaths	Property Damage Value
Alliance	0	0	0	0	0	0
Burch Apts.	0	0	0	0	0	0
Catherine/Monica	1	1	AR	0	0	\$0-\$99
Chardin	0	0	0	0	0	0
Corkery Apts	0	0	0	0	0	0
Coughlin Hall	0	0	0	0	0	0
Crimont	0	0	0	0	0	0
Cushing	0	0	0	0	0	0
DeSmet	0	0	0	0	0	0
Dillon	0	0	0	0	0	0
Dooley	0	0	0	0	0	0
Dussault Apts	0	0	0	0	0	0
Goller	0	0	0	0	0	0
Kennedy	0	0	0	0	0	0
Lincoln	0	0	0	0	0	0
Madonna	0	0	0	0	0	0
Marian Hall	0	0	0	0	0	0
River Inn	0	0	0	0	0	0
Roncalli	0	0	0	0	0	0
Sharp House/Apts.	0	0	0	0	0	0
Twohy	0	0	0	0	0	0
Welch	0	0	0	0	0	0

UC = Unintentional - Cooking UO = Unintentional - Other

# **FIRE STATISTICS 2017 – UNIVERSITY OWNED, LEASED, MANAGED, OR OPERATED HOUSES/APARTMENTS**

Building Address	Total Fires in Building	Fire Number	Cause of Fire	Injuries	Deaths	Property Damage Value
207 E Sinto	0	0	0	0	0	0
209 E Sinto	0	0	0	0	0	0
211 E Sinto	0	0	0	0	0	0
502 E Sinto	0	0	0	0	0	0
511 E Sinto	0	0	0	0	0	0
511.5 E Sinto	0	0	0	0	0	0
514 E Sinto	0	0	0	0	0	0
514.5 E Sinto	0	0	0	0	0	0
518 E. Mission	0	0	0	0	0	0
518.5 E Mission	0	0	0	0	0	0
527 E Sharp	0	0	0	0	0	0
702 E Sinto	0	0	0	0	0	0
720 E Sinto	0	0	0	0	0	0
723 E Sharp	0	0	0	0	0	0
814 E. Sharp	0	0	0	0	0	0
1001 E Boone	0	0	0	0	0	0
1007 E Boone	0	0	0	0	0	0
1320 N Dakota	0	0	0	0	0	0