GONZAGA-IN-FLORENCE

SAFETY & SECURITY GUIDE

2018
A Publication of the Gonzaga-In-Florence Program

In compliance with federal law

Jason Houston, Ph.D.
Director,
Gonzaga-In-Florence

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

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

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


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

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

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

Publication date: Fall 2018
INTRODUCTION

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

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

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

http://www.poliziadistato.it

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

A door person is retained by the program for purposes of monitoring building access and checking doors in the evening. The building is locked even during business hours, with monitored access or access via keypad. In the evening, access is granted via keypad and check-in procedure with the doorperson. A night watch service patrols the building and areas adjacent during the night hours Monday through Thursday.

Video surveillance is utilized during the day and at night.

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

EMERGENCY REPORTING

Students who are experiencing an emergency should immediately contact the local emergency phone number(s): 112 or 113. There are a number of different types of police in Florence with different levels of authority. Students should contact the local emergency numbers if they need assistance. They may also contact one of the Student Development staff as well if they need assistance interpreting or with follow-up.
If students experience or witness an emergency situation in the GIF building or surrounding area, they should call the local emergency number and then immediately notify someone from the school administration. If they are in their pensioni, they should call the local emergency number and then immediately notify the front desk. The student should also immediately notify someone from the school administration.

**CRIME REPORTING**

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

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

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

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

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

Student Development Staff
Mozilo Center

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

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

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

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

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

KEEPING THE COMMUNITY INFORMED AND PROMOTING SAFETY

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

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

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

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

EMERGENCY RESPONSE AND NOTIFICATION PROCEDURES

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

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

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

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

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

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. GIF supports these goals. 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 CSPS 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 CSPS and/or local police. 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 CSPS or the Clery Compliance Coordinator evaluate incoming CSPS reports for inclusion in the Clery statistics. Additionally, the Office of Community Standards 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 CSPS 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 CSPS statistics, including definitions of crimes and other terms related to the Clery Act may be found at: https://ope.ed.gov/campussafety

CAMPUS SECURITY AUTHORITIES:
The Clery Act recognizes certain university officials and offices as “Campus Security Authorities” (CSAs). Under Federal Law CSA’s 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 CSPS. 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-safety/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.

**CLERY GEOGRAPHY DEFINITIONS:**

**On-Campus** – 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, including residence halls; and is frequently used by students, and supports institutional purposes.

**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** – 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.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder/Non-Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Manslaughter: Negligent</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rape</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Fondling</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Incest</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Statutory Rape</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Burglary (&amp; Attempted Burglary)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Motor Vehicle Theft (&amp; Attempted MVT)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Arson</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>VAWA OFFENSES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Dating Violence</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Stalking</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>ARRESTS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weapons Arrests</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Drug Arrests</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Alcohol Arrests</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>CONDUCT REFERRALS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disciplinary Referrals for Weapons</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Disciplinary Referrals for Drugs</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Disciplinary Referrals for Alcohol</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Refer to the “About the Clery Act” section for an explanation of geographical designations. Refer to the “About the Clery Act” section for Clery Crime definitions. There were no hate crimes meeting Clery criteria reported in 2017, 2016, and 2015.
SEXUAL MISCONDUCT AND HARASSMENT POLICY AND PROCEDURES

What to Do If You Experience Sexual Harassment or Misconduct:

Any student who is affected by sexual misconduct or harassment is encouraged to immediately notify law enforcement and/or seek immediate medical assistance. Campus Security and Public Safety, the Health Center, Lutheran Services 24hr Crisis Line (001-509-313-6119) or professional staff in the Gonzaga University Student Development Office can be contacted for assistance.

<table>
<thead>
<tr>
<th>Emergency Response</th>
<th>Health and Safety</th>
<th>Spokane Campus Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical/Police</td>
<td>Santa Maria Nuova Hospital</td>
<td>Campus Security and Public Safety</td>
</tr>
<tr>
<td>112</td>
<td>+39 055 69381</td>
<td>001-509-313-2222</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lutheran Services 24hr Crisis Line</td>
</tr>
<tr>
<td></td>
<td></td>
<td>001-509-624-7273</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Health Center</td>
</tr>
<tr>
<td></td>
<td></td>
<td>001-509-313-4052</td>
</tr>
</tbody>
</table>

RESOURCES AND REPORTING OPTIONS:

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

<table>
<thead>
<tr>
<th>CONFIDENTIAL RESOURCES &amp; SUPPORT</th>
<th>NON-CONFIDENTIAL RESOURCES AND SUPPORT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health and Counseling Center</td>
<td>Campus Security &amp; Public Safety</td>
</tr>
<tr>
<td>001-509-313-4052</td>
<td>001-509-313-2222</td>
</tr>
<tr>
<td>Lutheran Services Crisis Line</td>
<td>Title IX Coordinator</td>
</tr>
<tr>
<td>001-509-624-7273</td>
<td>001-509-313-6910</td>
</tr>
<tr>
<td>Lutheran Services Advocate</td>
<td>Student Development Office</td>
</tr>
<tr>
<td>001-509-342-8564 (text OK)</td>
<td>001-509-313-4100</td>
</tr>
<tr>
<td>Lutheran Services Main Office</td>
<td>Human Resources Division</td>
</tr>
<tr>
<td>01-509-313-6119</td>
<td>001-509-313-5996</td>
</tr>
<tr>
<td>Any priest serving as sacramental confessor or any ordained religious person serving in the sacred confidence role</td>
<td></td>
</tr>
</tbody>
</table>
REPORTING SEXUAL MISCONDUCT TO LAW ENFORCEMENT:

Community members have the option of filing an official report to the local police. Notifying the police 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 local police, a Gonzaga Student Development 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.

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 warning 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:

1. Try not to leave your drink unattended.

---

1 Provided by Rape, Abuse & Incest National Network (RAINN)
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.

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 the police if you feel you cannot safely intervene.

REPORTING HARASSMENT OR DISCRIMINATION


REPORTING:
Call the police 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:

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. More information about the BIAS Team can be found at https://www.gonzaga.edu/about/diversity-equity-inclusion/bias-team.
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 the Student Development Division when appropriate, to respond to the incident, the needs of the Reporting Party and the welfare of the campus community. The 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.

UNIVERSITY POLICIES AND PROCEDURES FOR SEXUAL MISCONDUCT AND HARRASSMENT


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 prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as defined by the Clery Act.

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 Whaley, Title IX Director  
102 E. Boone Avenue  
509-313-6910  
whaleys@gonzaga.edu

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

Christine Purviance, Assistant Director  
102 E. Boone Avenue  
509-313-5858  
purviance@gonzaga.edu

Matt Nelson, EEO Lead Investigator  
502 E. Boone Avenue  
2nd Floor Crosby  
509-313-3998  
nelsonm4@gonzaga.edu

Heather Gores, Associate Athletic Director  
502 E. Boone Avenue  
Martin Centre, PV315  
509-313-3599  
gores@athletics.gonzaga.edu

Eric Baldwin, Deputy Title IX Coordinator  
502 E. Boone Avenue  
College Hall 120  
509-313-4135  
baldwine@gonzaga.edu

The Title IX Director and 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 Director and 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 Director and 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

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

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

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

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

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

All resolution proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, and University policy. No information shall be released from such proceedings except as required or permitted by law and University policy. Publicly available recordkeeping, include Clery Act reporting and disclosures, will not include personally identifying information, as defined in section 4002 (a)(20) of the Violence Against Women Act of 1994.

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

Sexual harassment is defined as any unwelcome sexual advance; request for sexual favors; or other verbal or physical conduct or communication of a sexual nature when:

1. Submission to such conduct is an explicit or implicit condition of employment or academic success; or
2. Submission to or rejection of such conduct is used as the basis for an employment or academic decision; or
3. Such conduct has the purpose of effect of –
   a. interfering with an individual’s work or academic performance; or
   b. creating an intimidating or hostile working or academic environment.
Sexual harassment may include sexual misconduct and sexual violence. A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical. Sexual misconduct and sexual violence can include, but is not limited to, sexual assault, domestic violence, dating violence, sexual exploitation, harassment, and stalking.

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

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

1. 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.

2. Display or circulation of written materials or pictures degrading to an individual(s) or gender group.

3. Inappropriate or unwelcome physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or brushing against an individual's body.

4. Undue and unwanted attention, such as repeated inappropriate flirting, compliments about clothing or physical attributes, staring, or making sexually oriented gestures.

5. Pressuring an individual to become involved in sexual activity.

6. Making a student's work or an employee's job more difficult because of that person's sex, gender identity, or sexual orientation.

7. Using a position of power and authority to:
   a. threaten or punish, either directly or by implication, for refusing to tolerate harassment or submit to sexual activity, or for reporting harassment;
   b. promise rewards in return for sexual favors.

8. Sexually assaulting an individual.

9. Engaging in demeaning verbal and other expressive behavior of a sexual or gendered nature in instructional settings.

Sexual misconduct and harassment can take many forms:

1. Sexual misconduct and harassment can occur between equals (e.g., student to student, employee to employee) or between persons of unequal power status (e.g., supervisor to subordinate, professor to student, coach to student-athlete).

2. Sexual misconduct and harassment can be committed by an individual or may be a result of the actions of an organization or group. It can be committed against an individual, an organization, or a group.

3. Sexual misconduct and harassment can be committed by an acquaintance, a stranger, or someone with whom the Complainant has an intimate or sexual relationship.

4. Sexual misconduct and harassment can occur by or against an individual of any gender. This policy prohibits sexual misconduct or harassment against Gonzaga community members of any gender, gender identity or sexual orientation.

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 — Having or attempting to have non-consensual vaginal, anal, or oral penetration, however slight, with any object or body part, with another person. This includes intercourse or attempted intercourse under circumstances including:

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

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

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

SEXUAL BASED COMMUNICATION

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

SEXUAL EXPLOITATION

Taking sexual advantage of another for the Respondent’s advantage or benefit, or for the benefit or advantage of anyone other than the Complainant, and that behavior does not otherwise constitute other forms of sexual misconduct or harassment described in this policy. Examples of sexual exploitation include creating images (including video or still photography) of another person of a sexual nature via web-cam, camera, Internet exposure, etc., without knowledge and consent of all persons; knowingly exposing a person who has not consented to the risk to HIV or any other Sexually Transmitted Disease (STD); inducing incapacitation for the purpose of making the other person vulnerable to sexual assault; and, voyeurism.

STALKING

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

DOMESTIC VIOLENCE

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

DATING VIOLENCE

A situation in which one partner in a dating relationship is physically, emotionally, or sexually abused by the other partner. A dating relationship means a social relationship of a romantic or sexual nature. Dating violence can occur between individuals who are separated following a dating relationship. Dating violence can occur between individuals of the same or opposite sex.
RETAILATION
Acts or attempts to seek retribution including, but not limited to, any form of intimidation, reprisal, harassment or intent to prevent participation in University proceedings under this policy. Retaliation may include continued abuse or violence, other harassment, and slander, and libel.

DEFINITIONS OF CONSENT, COERCION & INCAPITATION

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

1. Each participant in a sexual encounter is expected to obtain and give consent to each act of sexual activity.
2. If at any time it is reasonably apparent that either party is hesitant, confused or unsure, both parties should stop and obtain mutual consent before continuing such activity.
3. Consent may be withdrawn by either party at any time. Withdrawal of consent must also be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
4. 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.
5. Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity.
6. 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.
7. An alcoholic 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.
8. 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.
9. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct or harassment and does not diminish one’s responsibility to obtain consent.

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

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

After a report is made, the University will provide written notification to students and employees about existing services available, both on campus and in the community, as well as information about options for academic, living, transportation, and employment changes, or other protective measures. 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 determine the necessity and scope of any interim measures pending the completion of the complaint process. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The University will take immediate and responsive action to enforce a previously implemented interim measure. Interim measures are not appealable. The University will maintain as confidential any accommodations or protective measures provided to the Complainant and Respondent, to the extent that maintaining confidentiality will not impair the ability of the institution to provide accommodations or protective measures. The range of interim measures includes:

CONTACT AND COMMUNICATION DIRECTIVES:

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

In some cases, an individual may wish to consider a protection/anti-harassment order issued by the local police. This is a civil proceeding independent of the University. If a court order is issued the University will, to the extent possible, assist the protected person in benefitting from the restrictions imposed by the court and will also facilitate on campus compliance with the order. The court enforces the order through law enforcement. The University does not enforce the order but does enforce its own rules. It is important to note that a civil “no contact” order could prevent the University from conducting a hearing in which students subject to the order are entitled to be present and provide information. A student can return to the court to request modification of the order for the purpose of facilitating attendance at a University hearing.

ACADEMIC, EMPLOYMENT, OR LIVING ARRANGEMENTS:

A Complainant or Respondent may request, or the University may impose, even if not requested, a change in academic, employment, or living situation after a report of sexual misconduct or harassment. Upon request the Title IX Coordinator will inform the Complainant or Respondent of the options and is obligated to accommodate the requested changes if they are reasonably available. The Title IX Coordinator will work with GIF staff to determine and facilitate appropriate accommodations. Interim changes may include:

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

EMOTIONAL SUPPORT:

The University will assist in providing counseling services through the Health and Counseling Services Center or will assist in providing a referral to off campus agencies in Florence. Counseling and emotional support is available to any University member.
PROCEDURES FOR THE RESOLUTION OF SEXUAL MISCONDUCT AND HARASSMENT REPORTS UNDER THE STUDENT CODE OF CONDUCT

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

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

REVIEW AND INVESTIGATION
The University will review and respond to all reports of sexual discrimination, misconduct, and harassment. In every case, the University will make an immediate assessment of any risk of harm to individuals or the campus community and will take appropriate steps to address any risks. Following this initial review, the University may take steps to investigate or otherwise determine what occurred. The University will take all reasonable steps to investigate and respond to the report consistent with the Complainant’s request; however, circumstances may exist when the University chooses to move forward with an investigation and/or resolution under either the student conduct or employee disciplinary system, or take other appropriate measures without the Complainant’s consent. The University will investigate the report in a thorough and equitable manner to all parties involved.

These investigative steps may include interim measures intended to provide for the safety of individuals and the campus community. The University’s overarching goal is to end any misconduct, to prevent its recurrence, and to address its effects.

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

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

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

STUDENT CODE OF CONDUCT REPORTS
Reports of student to student or student to faculty/staff sexual misconduct or harassment will be adjudicated under the Student Code of Conduct.

After a Complainant has submitted a report alleging misconduct, a trained staff member from the Student Development Division will meet with the Complainant. The purpose of meeting is to assure that all University
services and resources are made available to the Complainant. The Respondent will also be afforded the opportunity to meet with a Student Development staff person for the same general purposes.

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

UNIVERSITY CONDUCT BOARD HEARINGS:

Complainant participation in hearings related to alleged violations of Gender-based Harassment, Discrimination, and Sexual Misconduct, or alleged crimes of violence:

7. Complainants have an identical right to be present at and to participate in all hearing processes as outlined in Hearing Procedures.

8. The panel chair may allow the contesting parties to be screened from the vision of one another during the hearing, may make arrangements for attendance by video conference, or make other appropriate accommodations, all within their sound discretion.

9. The Complainant will have the opportunity to present any relevant information in the case against the accused party. 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 UCB members may direct reasonable questions to witnesses presented by the Complainant.

10. 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.

11. 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 hearing panel chair. Where a Respondent and Complainant have a prior intimate or sexual relationship this information may be relevant to determine responsibility, however, the mere fact of a current or previous consensual intimate or sexual relationship between the two parties does not itself imply consent or preclude a finding of responsibility for sexual misconduct. Any prior sexual conduct of the Complainant unrelated to the Respondent is not relevant and shall not be considered. The prior unrelated sexual misconduct of the Respondent may be relevant to the issue of appropriateness of sanction.

12. Complainants will also be simultaneously 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. Following an appeal, the Complainant and Respondent will also receive simultaneous notification of any change to the result of a proceeding and when such results become final.

Upon written request, the university will disclose to the Complainant of a crime of violence or non-forcible sex offense the report on the results of a university disciplinary proceeding against the Respondent. If the Complainant is deceased as a result of such crime or offense, the next of kin of such Complainant will be treated as the Complainant if so requested.

Additional University Policies and Procedures

This section contains select excerpts from Gonzaga’s Student Code of Conduct. To read the Student Code of Conduct in its entirety, please refer to https://www.gonzaga.edu/student-life/student-services/community-standards/student-code-of-conduct.
**GIF DRUG POLICY**

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

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

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

**DRUG-FREE SCHOOLS AND CAMPUSES REGULATIONS**

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

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

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

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

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

**UNIVERSITY STANDARDS OF CONDUCT**

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

**Prohibited Conduct**

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

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

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

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

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

5. Disorderly, lewd or indecent conduct.

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


8. Violation of the University's Alcohol Policy.

9. Violation of the University's Harassment and Discrimination Policy, which includes gender-based harassment and discrimination, sexual misconduct, and harassment and discrimination of all other protected categories.

10. Theft, damage, or vandalism of property.

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

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

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

14. Violation of the University's Drug Policy.

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

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

17. Violation of any University policy.
STUDENT CODE OF CONDUCT ADMINISTRATION

STUDENT CONDUCT PROCESSES

Overview of the Student Conduct Process

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

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

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

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

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

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

Initial Review

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

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

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

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

STUDENT CONDUCT PROCESS DESCRIPTIONS

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

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

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

Conduct Conference process

Student Conduct Conference: This process presents an opportunity for the involved party or parties and a conduct officer(s) assigned by the Office of Community Standards to discuss and resolve complaints of a more serious nature.

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

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

University Conduct Board process

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

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

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

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

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

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

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

A hearing for the purpose of determining whether or not a policy has been violated by the Respondent as alleged shall be conducted within forty-five days of the receipt of a complaint by the DOCS. The DOCS, the UCB chair or the Title IX Coordinator may modify or extend any time frames described in this Code for good cause.

NOTE: In matters covered under the University’s Sexual Misconduct and Harassment Policy, the time frames for responding to reports of sexual misconduct or harassment contained that policy will supersede this section and the DOCS will consult with the Title IX Coordinator regarding the timing for any investigation and/or hearing.
In the event that a student does not attend a properly noticed and scheduled hearing, the hearing panel chair, in the exercise of his or her discretion, may proceed with the hearing in the absence of such student.

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

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

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

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

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

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

The Complainant and the Respondent may not directly question one another unless granted permission to do so by the panel chair. If a request to allow direct questioning between the parties is made, the panel chair shall enter into the record a written finding in support of his or her decision. If a request to allow direct questioning is denied, the chair, at his or her discretion, may allow the parties to pose additional questions or inquire further into specific matters by submitting these questions/requests in writing to the chair. The chair may then, at his or her discretion, pose the submitted questions to the other party. If necessary, a brief break may be granted to allow both parties an opportunity to prepare and submit such questions/requests. The chair is empowered to disallow or reframe any questions that are irrelevant, redundant, or otherwise inadmissible.

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

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

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

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

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

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

CONDUCT OUTCOMES

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

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

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

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

APPEALS

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

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

Appeals of Conduct Reviews and Conduct Conferences are considered by the Dean of Well-Being and Healthy Living or his/her designee.

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

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

Appeal processes are "document only" procedures and no students or support persons are present when an appeal is being considered. The appeals officer or UCAB will consider information reviewed at the original conduct meeting or hearing, information submitted by the parties within the five-day appeal and response periods referenced above, and the findings of the conduct officer or UCB hearing panel. The UCAB panel will also consider the audio record of the UCB hearing. The bases upon which an appeal may be considered are limited to the following:

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

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

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

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

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