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# Harassment and Non-Discrimination Policy

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Gender-based Harassment & Discrimination

All other forms Harassment & Discrimination

**Effective:**

**Last Updated:** 10/30/2020

**Responsible University Office:** Human Resources, TIX Office

**Policy Contact:** *Director Human Resources, Client Services*

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## 1. Overview

### a. Philosophy

Gonzaga recognizes the inherent dignity of all individuals and promotes professional conduct for all people in its activities and programs and in the relationships it shares with students, faculty, staff and the public. Further, Gonzaga expects all community members to promote dignity and professionalism in their daily interactions with each other. Harassment, discrimination, and sexual misconduct will not be tolerated at Gonzaga. Such acts are counter to our mission, values, Student Code of Conduct and are against Gonzaga policy. Acts of harassment, discrimination, and/or sexual misconduct interfere with an individual's ability to benefit from the Gonzaga experience. Gonzaga is committed to taking all appropriate steps to eliminate harassment, discrimination, and sexual misconduct, prevent its recurrence and address its effects.

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

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

b. Notice of Non-Discrimination

**GONZAGA’S POLICY ON NON-DISCRIMINATION**

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

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

c. Scope of Policy

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

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

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

***This Policy and the procedures contained herein are separate and different from the procedures in [Gonzaga’s Title IX – Sexual Harassment Policy](#), which is a separate component of this Policy. This Policy applies only to conduct that falls outside of the scope of the [Title IX – Sexual Harassment Policy](#) and the procedures outlined therein. When the University receives any report of sexual harassment, gender-based harassment, gender discrimination, and/or sexual misconduct, it will determine whether the report falls within the scope of this Policy and the procedures outlined below, or whether it falls within the scope of Gonzaga’s Title IX – Sexual Harassment Policy and the procedures outlined therein. Such determinations will be made on a case-by-case basis and will take into account various factors, including, but not limited to, the nature of the report and the location of the alleged incident(s).***

d. Harassment and Discrimination Defined

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

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

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

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

e. Verbal and Other Expressive Behaviors in Instruction Settings

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

i. Definitions:

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

ii. Protected Expressive Behavior:

- Expressive behavior related to subject matter:
  - A faculty or academic staff member's selection of instructional materials shall not be the basis for discipline if the material selected is germane to the subject of the course. However, if the Faculty Harassment/Discrimination Committee finds, at a formal hearing, that the faculty or academic staff member's claim that the materials are germane to the subject of the course is unreasonable, it shall not be an acceptable defense to the use of such material.
  - A faculty or academic staff member's expressive behavior shall not be the basis for discipline if the behavior constitutes an opinion or statement germane to the subject matter of the course. However, if the Faculty Harassment/Discrimination Committee finds, at a formal hearing, that the faculty or academic staff member's claim that the expressive behavior is

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

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

f. Statement of Privacy and Confidentiality

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

- i. Privacy generally means information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those Gonzaga employees who "need to know" in order to assist in the active review, investigation or resolution of the report. While not bound by confidentiality, these individuals are required to be discreet and respect the privacy of all individuals involved in the process.
- ii. Confidentiality means information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual. These professionals include those licensed by the State as a medical professional, mental health clinician or clergy serving in their capacity as a sacramental confessor or any ordained religious serving in the sacred confidence role.

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

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

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

## **2. Specific Policies Associated with Harassment and Discrimination**

### a. Gender-based Harassment, Discrimination and Sexual Misconduct

***This Policy and the procedures contained herein are separate and different from the procedures in [Gonzaga's Title IX – Sexual Harassment Policy](#), which is a separate component of this Policy. This Policy applies only to conduct that falls outside of the scope of the [Title IX – Sexual Harassment Policy](#) and the procedures outlined therein. When the University receives any report of sexual harassment, gender-based harassment, gender discrimination, and/or sexual misconduct, it will determine whether the report falls within the scope of this Policy and the procedures outlined below, or whether it falls within the scope of [Gonzaga's Title IX – Sexual Harassment Policy](#) and the procedures outlined therein. Such determinations will be made on a case-by-case basis and will take into account various factors, including, but not limited to, the nature of the report and the location of the alleged incident(s).***

#### i. Purpose

- Define gender-based harassment and the forms of sexual misconduct which violate our community standards;
- Identify resources and support for all members of the Gonzaga community;
- Identify the Title IX Coordinator and the scope of his/her role;
- Provide information as to where an individual can obtain support or access resources in a confidential manner;
- Provide information as to how an individual can make a report on campus or off campus; and
- Provide information as to how a report against a Gonzaga community member will be investigated, evaluated and adjudicated.

When used in this policy:

- i. Reporting Party refers to the person who reports to Gonzaga gender-based harassment, discrimination, and/or sexual misconduct.
- ii. Complainant refers to one who has allegedly been the subject of gender-based harassment, discrimination, and/or sexual misconduct.
- iii. Respondent refers to the person(s) who is reported to have allegedly committed an act or acts of gender-based harassment, discrimination, and/or sexual misconduct.
- iv. Third party refers to any other participant in the process, including a witness to the alleged misconduct.

- v. Mandatory reporter refers to people who have regular contact with students and therefore are legally bound to report suspected or observed abuse. At Gonzaga all employees are mandatory reporters of alleged sexual harassment or discrimination, unless they are licensed by the State as a medical professional, mental health clinician, or clergy, serving in their capacity as a sacramental confessor or any ordained religious serving in the sacred confidence role.
- ii. Gender-based Harassment, Discrimination, and/or Sexual Misconduct Awareness and Education Programs

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

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

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

iii. Examples, Definitions, and Prohibited Conduct:

This policy addresses a broad spectrum of behavior, all of which falls under the broad definition of sexual harassment. Sexual harassment is objectionable verbal or physical conduct which is gender-based or sexual in nature. Unwelcome sexual advances, requests for sexual favors, sexually motivated physical or verbal conduct may be sexual harassment. Other behavior which is not sexual in nature but is motivated by a person's sex, gender identity, or sexual orientation may also be sexual harassment.

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

*The conduct described below may fall within the scope of this policy or Gonzaga's Title IX policy. When the University receives a report of sexual harassment, gender-based harassment, discrimination, or sexual misconduct, the University will determine whether the report falls within the scope of this policy and the procedures outlined below, or whether it falls within the scope of the [Title IX policy](#) and the procedures outlined therein.*

Gender-based/sexual harassment, discrimination or sexual misconduct can take many forms, including, but not limited to, the following:

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

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

- Demeaning sexist statements, humor or jokes about sex or gender-specific traits, crude sexual remarks, offensive stories, remarks of a sexual nature about a person's clothing or body, remarks about sexual activity or experiences, sexual innuendo or other suggestive comments, offensive notes, sexual propositions, or insults and threats, that an individual communicates are unwanted and unwelcome.
- Hazing as defined by Student Code of Conduct.
- Display or circulation of written materials or pictures degrading to an individual(s) or gender group.
- Engaging in demeaning verbal and other expressive behavior of a sexual or gendered nature in instructional settings.
- Inappropriate or unwelcome physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or brushing against an individual's body.
- Undue and unwanted attention, such as repeated inappropriate flirting, compliments about clothing or physical attributes, staring or making sexually oriented gestures.
- Pressuring an individual to become involved in sexual activity.
- Making a student's work or an employee's job more difficult because of that person's sex, gender identity or sexual orientation.
- Using a position of power and authority to: 1) threaten or punish, either directly or by implication, for refusing to tolerate harassment or submit to sexual activity or for reporting harassment; 2) promise rewards in return for sexual favors.
- Sexually assaulting an individual.

2) **Specific Examples of Prohibited Conduct:**

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

a) **"Sexual Assault":**

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

- **Related to Fondling and Other Forms of Sexual Contact:** The touching or attempted touching of the private body part of another person for the purpose of sexual gratification, forcibly and/or against that person's consent; or not forcibly or against the person's consent where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- b) **“Sexual-based Communication”:** Speaking to, or directing any kind of communication, words, or images of a sexual nature at another person which is not welcomed by the receiving party. If the communication is unwelcome, that is, if it occurs without the other person's consent or participation it may create a hostile learning and living environment. Sexual-based communication can include interactions in person, by phone, social media, electronic messages and photos and written words or images such as graffiti.
  - c) **“Sexual Exploitation”:** Taking sexual advantage of another for the Respondent's advantage or benefit, or for the benefit or advantage of anyone other than the Reporting Party, and that behavior does not otherwise constitute other forms of gender-based/sexual harassment, discrimination, and/or sexual misconduct described in this policy. Examples of sexual exploitation include creating images (including video or still photography) of another person of a sexual nature via web-cam, camera, Internet exposure, etc., without knowledge and consent of all persons; knowingly exposing a person who has not consented to the risk to Human Immunodeficiency Virus (HIV) or any other Sexually Transmitted Diseases (STD); inducing incapacitation for the purpose of making the other person vulnerable to sexual assault; and voyeurism.
  - d) **“Stalking”:** Engaging in a course of conduct directed at a specific person which would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. Stalking includes cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact are used to pursue, harass or make unwelcome contact with another person.
  - e) **“Domestic Violence”:** Violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Washington State, or by any other person against an adult or a youth victim who is protected under Washington State Law.
  - f) **“Dating Violence”:** Violence committed by a person who is or has been in a social relationship of a romantic nature with the victim; and where the existence of such a relationship shall be determined based on the consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - g) **“Prohibited Relationships”:** Romantic or sexual relationships between two members of the Gonzaga community when one person in that relationship has actual or apparent authority to supervise, evaluate, counsel, educate, employ or otherwise make decision(s) or recommendation(s) regarding the other person in



respect to the other person's employment, education or instruction at Gonzaga, or as to his/her advancement, participation, benefits or privileges in the educational or employment context. Although relationships between "unequal" persons may not necessarily constitute sexual harassment, an inherent conflict of interest and may give rise to sexual harassment/discrimination, or allegations thereof. Refer to the Gonzaga Certain Relationships by Persons in Authority policy for more information.

### 3) Definitions

1. **“Consent”**: Consent occurs when the parties exchange affirmative words, actions, or behavior indicating their agreement to freely participate in mutual sexual activity. Consent must be informed, knowing and voluntary, and freely and actively given. As a general rule, a person will be considered unable to give valid consent if she/he cannot appreciate the "who, what, when, where, why and how" of a sexual interaction. The following further clarifies the definition of consent:
  - Each participant in a sexual encounter is expected to obtain and give consent to each act of sexual activity.
  - If at any time it is reasonably apparent either party is hesitant, confused or unsure, both parties should stop and obtain mutual verbal consent before continuing such activity.
  - Consent may be withdrawn by either party at any time. Withdrawal of consent must also be outwardly demonstrated by words or actions which clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
  - Relying on non-verbal communication can lead to misunderstandings. Consent should not be inferred from silence, passivity, lack of resistance or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
  - Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity.
  - An individual who is physically incapacitated from alcohol or other drug consumption (voluntarily or involuntarily), or is unconscious, unaware or otherwise physically helpless is considered unable to give consent. For example, one who is asleep or passed out cannot give consent.
  - An individual in a blackout state may appear to act normally but may not have later recall of the events in question. The extent to which a person in this state affirmatively gives words or actions indicating a willingness to engage in sexual activity and the other person is unaware – or reasonably could not have known – of the alcohol consumption or blackout, must be evaluated in determining whether consent could be considered as having been given.
  - Alcohol and other drugs impair a person's decision-making capacity, awareness of the consequences and ability to make judgments, and can create an atmosphere of confusion over whether consent has been freely and clearly sought or given.
  - Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment, discrimination, and/or sexual misconduct and does not diminish one's responsibility to obtain consent.

2. **“Coercion”**: The use, attempted use or threat of force, immediate or future harm, or the use of physical, severe or pervasive emotional intimidation to cause another person to engage in or submit to certain activities. Coercion also includes administering a drug, intoxicant or similar substance which impairs the person’s ability to give consent.
3. **“Incapacitation”**: An individual who is incapacitated cannot consent to sexual activity. An individual is incapacitated if he/she is physically helpless, unconscious, or unaware, due to drug or alcohol consumption (voluntarily or involuntarily) or for some other reason. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, being unaware of circumstances or surroundings, or being unable to communicate for any reason.

iv. Retaliation

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

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

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

**When the University receives a report of sexual harassment, it will determine whether the report falls within the scope of this policy and the procedures outlined below, or whether it falls within the scope of another University policy and procedure, including but not limited to the University’s [Title IX – Sexual Harassment Policy](#), which is a separate component of this Policy. Such determinations will be made on a case-by-case basis and will take into account various factors, including, but not limited to, the nature of the report and the location of the alleged incident(s).**

Gonzaga’s Title IX Coordinator:

<p><b>Stephanie N. Thomas</b> Title IX Coordinator (509) 313-6910 thomassn@gonzaga.edu</p>
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Deputy Title IX Coordinators:

<p>Eric Baldwin          Dean of Student Well-Being and Healthy Living          College Hall 120          baldwine@gonzaga.edu          (509) 313-4135</p>	<p>Heather Gores          Associate Athletic Director          McCarthy Athletic Center, Office 315          gores@athletics.gonzaga.edu          (509) 313-3599</p>
<p>Chris Purviance          Assistant Director, Human Resources          Business Services Center, Office 009          102 E. Boone Ave.          purviance@gonzaga.edu          (509) 313-5858</p>	

vi. Campus and Community Resources

- Health and Safety

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

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

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

- Confidential Resources

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

## Campus and Local Resources for STUDENTS

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

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

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

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

## Campus and Local Resources for EMPLOYEES

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

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

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

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

#### vii. Reporting

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

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

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

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

- Coordination with Law Enforcement

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

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

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

- Amnesty

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

- False Reports

Submission of a complaint, concern or report of harassment will not affect the Reporting Party's or Complainant's employment, grades, academic standing or work assignments.

viii. Interim measures

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

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

The range of interim measures includes:

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

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

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

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

***The procedures for resolution outlined below apply only to reports of conduct that fall within the scope of this Policy. These procedures should not be confused with the procedures outlined in [Gonzaga's Title IX – Sexual](#)***

**Harassment Policy, which apply to reports of conduct that fall within the scope of that Policy and as defined under Title IX. The University's Title IX – Sexual Harassment Policy is a separate component of this Policy.**

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

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

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

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

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



b. Harassment and Discrimination of all Other Protected Categories

i. Purpose

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

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

ii. Harassment and Diversity Awareness and Education Programs

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

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

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

iii. Examples, Definitions, and Prohibited Conduct

- Definitions:
  - 1) Race, ethnicity, color: Being a member certain race or having personal characteristics associated with race (such as hair texture, skin color, complexion, or certain facial features).
  - 2) Religion, creed: people who belong to traditional, organized religions and also others who have sincerely held religious, ethical or moral beliefs.
  - 3) National origin: Being from a particular country or part of the world, having a particular ethnicity or accent or appearing to be of a certain ethnic background (even if they are not).
  - 4) Sex, gender: Being of a certain gender or sex or being connected with an organization or group which is generally associated with people of a certain sex.

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

#### iv. Reporting Harassment or Discrimination

- Reporting

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

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

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

## Campus and Local Resources for STUDENTS

### Where to go for Hate / Bias Incidents and Support Services

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

Emergency Response	Health and Safety Resources in Spokane Community	Gonzaga Campus Assistance
911	Spokane Police Dept. – 509-456-2233 (non-emergency)	Campus Security & Public Safety -- 509-313-2222
	Sacred Heart Medical Center – 509-474-3131	Safe Transportation (Campus Public Safety – 509-313-2222
	Deaconess Hospital – 509-458-5800	Health Center & Counseling Center – 509-313-4052
	Holy Family Hospital – 509-482-0111	Center for Cura Personalis – 509-313-4009
	Spokane Crime Victim Service Center -- 866-751-7119	UMEC – 509-313-5836
	First Call for Help 509-838-4428	LGBTQ+ Resource Center –509-313-5847
		Office of Disability Access (Student Disability Resources) – 509-313-4134
		Chief Diversity Officer – 509-313-6550
		Title IX Coordinator –509-313-6910

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

## Campus and Local Resources for EMPLOYEES

Where to go for Hate / Bias Incidents and Support Services

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

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

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

- Coordination with Law Enforcement

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

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

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

- False Reports

Submission of a complaint, concern, or report of harassment will not affect the Reporting Party's or Complainant's employment, grades, academic standing, or work assignments.

v. Retaliation

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

vi. Procedures for Resolution of Harassment and Discrimination

- Overview of Options

Gonzaga is committed to providing all students, staff and faculty with a safe environment in which to live, learn and work. Consistent with this goal, Gonzaga will respond promptly and equitably when any incident of harassment or discrimination is alleged against an individual or Gonzaga becomes aware of the situation by other reliable means. The first priority is to ensure the safety of all members and then to offer support and services to members of the Gonzaga community. Gonzaga's response may take a number of forms within its discretion. Potential responses include offering reasonable protection and services to involved parties, conducting an inquiry or review, conducting an investigation, imposing corrective or restrictive measures, or conducting resolution processes.

- Review and Investigation

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

campus community. Gonzaga's overarching goal is to end any discrimination and harassment, to prevent its recurrence and to address its effects.

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

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

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

### **3. Harassment and Discrimination Complaint Procedures Specific to Staff (Non-Title IX)**

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

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

#### **a. Preliminary Inquiry and/or Investigation**

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

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

Investigator. If the Investigator determines that a reasonable basis exists for the allegations, the Investigator will meet with the respondent to explain the allegations and obtain a response.

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

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

#### **b. Intervention**

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

Intervention does not involve discipline, or require a specific finding that the harassment and discrimination policy has been violated. Each case will be evaluated on its own merits. Gonzaga will consider such factors as the seriousness of the allegations, the number of complainant(s) involved, the length of time the alleged conduct has occurred, and the effect of the alleged conduct on the complainant. If necessary, a more extensive inquiry may be undertaken to determine these factors.

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

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

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

#### **c. Administrative Action**

If the Office of Human Resources, or TIX Coordinator, determines by a preponderance of the evidence that a violation of policy occurred, then administrative action may be taken.

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

d. **Records**

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

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

e. **Grievance**

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

f. **Alternative Steps**

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

**Washington State Human Rights Commission**

Information and Complaints

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

**Washington State Human Rights Commission**

Spokane District Office

1330 N. Washington St., Suite 2460

Spokane, WA 99201

(509) 568-3196

**US Office of Civil Rights**

Seattle Office

U.S. Department of Education

915 Second Avenue, Room 3310

Seattle, WA 98174-1099

Telephone: (206) 607-1600

Facsimile: (206) 607-1601

<mailto:OCR.Seattle@ed.gov>

**E-mail:** Complainants may file a complaint, using the following e-mail address: [ocr@ed.gov](mailto:ocr@ed.gov).

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

**U.S. Department of Labor**

Office of Federal Contract Compliance Programs



1111 Third Ave., Suite 745  
Seattle, WA 98101  
(206) 398-8000

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