



GONZAGA-IN-FLORENCE

Annual Security & Fire Safety Report

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A Publication of the Gonzaga-In-Florence Program

In compliance with the Clery Act

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Support provided Gonzaga University Campus Security & Public Safety Department
Spokane, Washington

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, staff, and faculty members through the Gonzaga website at: <https://www.gonzaga.edu/student-life/student-services/resolution-center/student-code-of-conduct>

DISCLAIMER: The Dean 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 Dean shall be final and binding, unless the situation is of so serious a nature that it is referred by the Gonzaga-In-Florence Dean to administrators on the main campus of Gonzaga University for resolution.

The Dean 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.

Report published October 2023 includes statistics for the calendar years 2020-2022.

GONZAGA-IN-FLORENCE SAFETY OVERVIEW

The Gonzaga-In-Florence (GIF) program has a rich history of more than 50 years. The present location of the main campus building 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 by the GIF program. The formalized contracts between the GIF program and the pensioni owners are such that the pensioni qualify as Clery reportable on-campus housing. All pensioni are within one mile of the administrative building. Students access their pensioni by key or key code, access varies by pensione. The GIF program does not have any noncampus property (officially recognized student groups with off-campus housing facilities). The GIF program also 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, nor does it have any written agreements between GIF and local law enforcement agencies. 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 doorperson for the administrative building is retained by the program for purposes of monitoring building access and checking doors in the evening. This doorperson has no arrest powers, nor do any other GIF personnel. The doorperson has no authority to enforce GIF policy, outside of the authority to restrict access into the building. Jurisdiction is limited only to the GIF campus building, and does not impact entrance to pensioni. The building is locked even during business hours, with monitored access via a keycard entrance system. All student entrances and exits are logged in a cloud-based software system. In the evening, access is granted via keypad and check-in procedure with the door person. Video surveillance is utilized during the day and at night.

GIF maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. GIF staff work quickly to address burned out lights, malfunctioning door locks or other physical conditions that impact security. Other members of the University community are helpful when they report equipment problems to GIF administrators. 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, faculty, staff, guests and other community members are encouraged to accurately and promptly report all crimes and public safety-related incidents to local law enforcement (and secondarily to GIF staff) in a timely manner, including when the victim elects to, or is unable to, make such a report.

Students who are experiencing an emergency should immediately contact the national emergency phone number: 112. There are a number of different types of police in Florence with different levels of authority that may respond to calls to 112. Firstly, there are the Carabinieri, the military police, who intervene at all levels in order to maintain public order. Their cars or vans (which are navy blue with a red stripe along the side) can be seen either stationed in the major squares, piazzas, or patrolling the streets at intervals, both day and night. Secondly, there are the State Police, Polizia di Stato. Like the Carabinieri they can be seen patrolling the city (in light blue and white cars) both day and night. Thirdly, there is the Vigili Urbani or Polizia Municipale, the traffic police, whose responsibility is limited to monitoring, driving and parking etc. and who frequently issue very hefty fines for driving and parking offences. And fourthly, there is la finanza, the fiscal police, who are called upon to intervene in all fiscal matters. Students should contact the national emergency number 112 if they need immediate assistance.

We highly encourage University community members to promptly and accurately report crimes to the local police in circumstances that a victim elects to or is unable to make the report. After calling the local emergency number, students should notify someone from GIF administration. If they are in their pensione, they should call the local emergency number and then immediately notify the front desk and someone from the GIF administration. They may also contact one of the Student Development staff if they need assistance interpreting or with follow-up. Contact numbers for GIF staff are listed in the Crime Reporting section below. When calling law enforcement, be prepared to provide the following information:

- Your name, phone number, and your exact location. Know the name of the building that you are in, as well as the street address or the closest cross streets.
- The nature of your emergency, including who, what, how, when, and where
- If the suspects have left the scene, give a complete description and direction of travel if possible. Give any vehicle information. Tell the operator if any weapons were seen or used
- For a fire, tell the operator if there is visible smoke or fire, what type of building it is and if there are injuries
- For a medical incident, give the age and condition of the victim, as well as what caused the situation (seizure, slip and fall, car accident, etc.)

NON-EMERGENCY 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. Confidential and non-confidential reports from all sources are evaluated to determine if issuing an emergency notification or timely warning to the community is

appropriate, and are used to formulate the required annual crime statistics. As long as the reporting procedures do not violate Title IX responsible employee requirements, a victim or witness of a crime can provide a voluntary, confidential report of a crime for inclusion in the Annual Security Report by contacting the GIF Dean (contact information listed below) or by contacting the Spokane campus Campus Security & Public Safety Department (CSPS) at 001-509-313-2222.

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.,
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Room 116
Cell +39 334 798 2573
Houston@gonzaga.edu

Frederica Dionisio
Assistant Director, Student Development
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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. Reporting timely information to the GIF staff members listed above assists in developing Emergency Notifications, Timely Warnings, and/or Crime Advisories regarding potential danger on campus. Reporting crimes also aids in the collection of crime statistics for this report.

A GIF administrator will evaluate all crime reports and make further inquiries if necessary, as well as determine if the incident requires a "Security Alert" to the community (see below). All reports are also evaluated for inclusion in the required yearly Clery crime statistics. This evaluation includes information received confidentially. While individuals may report crimes to other GU affiliates, including Title IX and the main campus Campus Security & Public Safety department, it is highly requested that crimes are

reported primarily to GIF staff who have a stronger capacity to assess for Timely Warning/Emergency Notification.

All reported crimes will be investigated by the University and may become a matter of public record. All GIF incident reports are forwarded to the Office of Student Affairs for review and referral to the CSPA or the Resolution Center for Student Conduct and Conflict for potential action, as appropriate. CSPA will investigate a report when it is deemed appropriate. If assistance is required from the Florence Police Department(s) or the Florence Fire Department, GIF staff will contact the appropriate unit. If a sexual assault or rape should occur, GIF staff will offer the victim a wide variety of services.

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

SEXUAL MISCONDUCT/HARRASSMENT RISK REDUCTION

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. Reports can also be made anonymously and non-anonymously through the Sexual Conduct, Intimate Partner Violence and Gender-Based Harassment Report Form on the Gonzaga University website: www.gonzaga.edu/sexualmisconductform. More information on University sexual misconduct policies and procedures, and a full list of resources available can be found on page 17.

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

WARNING SIGNS OF ABUSIVE BEHAVIOR:

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

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

SEXUAL ASSAULT RISK REDUCTION¹:

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

BEING A SAFE AND POSITIVE BYSTANDER:

1. Always take your personal safety into consideration before acting as a bystander.
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 local law enforcement at 112 if you feel you cannot safely intervene.

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.

BEHAVIORAL INTERVENTION TEAM

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

- Violent fantasy content in writings, social media posts, and viewing of materials
- Anger problems
- Making threats
- Boasting and practicing of fighting
- Unusual interest in police, military, terrorist activities and materials
- Isolation and/or social withdrawal
- Suicidal ideation
- Homicidal ideation

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

- Stalking
- Non-compliance and disciplinary problems
- Imitation of past murderers
- Interest in previous shooting situations
- Victim/martyr self-concept
- Strange or aberrant behavior
- Paranoia
- Violence and cruelty
- Inappropriate affect
- Acting out
- History of police contact
- Mental health history related to dangerousness
- Expressionless face/anhedonia
- Excessive use of alcohol/drugs

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

BIT Coordinator Email: BIT@gonzaga.edu

Behavioral Intervention Team Web Page & Reporting Form: <https://my.gonzaga.edu/campus-resources/campus-security-public-safety/crime-reporting/behavioral-intervention-team>

EMERGENCY RESPONSE AND NOTIFICATION PROCEDURES

Emergency notifications are to be issued in the case of an immediate threat to the health or safety of our community. Gonzaga will immediately notify the campus community upon confirmation of an emergency or dangerous situation. Gonzaga University may be notified of an actual or potential emergency impacting the University through several sources, including:

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

Notification may occur through the use of the building's public address system, email messaging, social media, texting or phone calling trees. The Dean 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, determining the content of the notification, 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) unless issuing a notification will, in the professional judgement of responsible authorities,

compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. Individuals can report emergencies occurring at GIF by calling the local authorities at 112, followed by the administrative staff listed on page 5. 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. Information, instructions, and the scope of the notification may change as the situation evolves.

The GIF officials will work in conjunction with Gonzaga officials on the main campus in Spokane to provide information to the larger Gonzaga community regarding an emergency. This may be done via Priority Mail email or by official University social media accounts. If it is appropriate to notify the local community of the emergency to the GIF program, this will be done in consultation with local emergency responders.

The GIF program reviews and tests its emergency response and evacuation procedures and system(s) on an annual basis. Tests may be announced or unannounced, and are designed to assess and evaluate the emergency plans and capabilities of the institution. 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. General information about emergency response and evacuation procedures for GIF is publicized within this report, in conjunction with a test that meets all of the requirements of the Higher Education Opportunity Act, as part of the institution's Clery Act compliance efforts.

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a Timely Warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

TIMELY WARNINGS AND SECURITY NOTICES

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. Timely Warnings are issued to inform the Florence community about Clery Act Crimes (pages 13-14) that present an immediate, serious, or ongoing threat to the community. Timely Warnings will be distributed as soon as pertinent information is available and in a manner that is timely and will withhold the names of victims as confidential or limit information that may jeopardize the safety of the victim or compromise law enforcement efforts and with the goal of aiding in the prevention of similar occurrences.

Timely warnings will include specific details on the type of crime(s), general location of the crime(s), and any relevant instructions or recommendations for promoting safety and reducing the risk of similar crimes from occurring. When conditions warrant it, the Dean or Assistant Director for Student Development (or their designee) will develop and issue a timely warning via a "Security Alert" to the GIF community. 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. The

university will issue Timely Warnings on a case-by-case basis considering the following criteria: (1) a Clery crime (page 13-14) has been reported; (2) the crime occurred within the University Clery geographical boundaries (on campus, within the GIF affiliated pensioni, and Clery reportable public property); and (3) there is a substantial risk to the safety of other members of the campus community because of this crime. A lower priority "Security Notice" may be issued for certain incidents or when trends or patterns of crime are seen, or pertaining to a crime that occurred outside of Clery geography (page 14-15) if it is a location used and frequented by the student population, but security notices are not required to be sent, and will be sent purely at the discretion of GIF staff as they deem necessary. The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

SAFETY PROGRAMS AND EDUCATION

The GIF Orientation program serves as the main program designed to inform students and employees about campus security procedures and practices. Orientation occurs once per semester and covers topics related to safety and security, as well as information provided by the American Consulate. All GIF students, including those who are not visiting from the Spokane campus, are required to participate in Orientation. The safety and security portion of this program provides students with instructions on what to do in the case of an emergency, instructions on how to travel safely, and information about foreign driver and pedestrian safety. Students are provided with an emergency card which includes personal information about themselves and the numbers of the school administration and other useful emergency contact information. Students are asked to carry this card along with their passport when they are traveling so they can contact Gonzaga-In-Florence and/or the nearest U.S. Embassy or consulate if they are not in Florence when a crisis occurs. Other programs related to security procedures and practices are implemented on an as-needed basis.

GIF Orientation also serves as the main program designed to inform students about the prevention of crimes. Instructions are provided on topics including: financial/credit card security, avoiding political demonstrations, common sense safety guidance, common sense drug and alcohol guidance including the influence of drugs and alcohol on the potential to become the victim of a crime, and sexual misconduct/assault prevention. In order to raise awareness about sexual misconduct abroad, all GIF students are additionally required to read mandatory content focusing on sexual violence and relationships abroad, and confirm with administration that they have read the material. The University prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as defined by the Clery Act. The definitions of dating violence, domestic violence, sexual assault, stalking and consent can be found in the "Definitions under Italian Law" section on page 20. Information on sexual assault risk reduction can be found on page 7.

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking. Ongoing prevention and awareness campaigns are developed and promoted by the Office of Health Promotion. Each year Gonzaga participates in both Domestic Violence Awareness Month (October) as well as Sexual Assault Awareness Month (April). These campaigns are intended to raise awareness and promote campus action. Campaigns may take place over social media, and through the established communication channels for the GIF program. Any questions regarding Gonzaga University's awareness and prevention programming around sexual misconduct, harassment and discrimination

issues can be directed to the Title IX Director at thomasc1@gonzaga.edu. Questions about GIF Orientation or mandatory safety programming can be directed at the GIF Dean. There are no crime prevention programs specifically targeting employees.

All Gonzaga University students are required to complete an online education course titled Zag Into Action. This program is designed to familiarize students to the Gonzaga University bystander intervention program, Zags Help Zags. The program is provided annually, yet students are only required to take the course prior to their first year. Additional Zags Help Zags trainings are offered throughout the year at the Spokane campus. Students are introduced to bystander intervention strategies and are given opportunities to think critically about the ways in which they might apply these strategies in person to promote well-being and prevent harm. This program encourages the campus community to look out for themselves and others. This program was launched fall 2018. Students who started Gonzaga University prior to 2018 starting received an in-person Zags Help Zags bystander intervention training during orientation weekend. Students studying at GIF who are not visiting from the Gonzaga Spokane campus did not receive these trainings. Information for how to safely act as a bystander can be found on page 6.

The daily “Ciao” newsletter is distributed via email around 10:00 am, Monday through Thursday. The Ciao can be used to provide 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) and 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.

DRUG AND ALCOHOL ABUSE RESOURCES AND EDUCATION PROGRAMS

Gonzaga encourages students who suspect they may have a problem associated with alcohol or other substance abuse to seek assistance through campus resources such as the Student Development Office, the Campus Health Center, and the Counseling Center. The GIF Dean can connect students to these resources. The University may refer students with problems beyond its means to outside rehabilitative or counseling services.

In compliance with the Drug Free Schools and Communities Act, Gonzaga publishes information regarding the University’s prevention programs related to drug and alcohol abuse prevention which include standards of conduct that prohibit the unlawful possession, use, and distribution of alcohol and illegal drugs on campus and at institution-associated activities; sanctions for violations of federal, state, and local laws and University policy; a description of health risks associated with alcohol and other drug use and abuse; and a description of available counseling, treatment, rehabilitation and/or re-entry programs for Gonzaga students and employees. For further information about the University’s compliance with the Drug-Free Schools and Campuses Regulations and the Higher Education Act, the University’s drug and alcohol policies, and programs specific to drug and alcohol abuse education, refer to the 2022 Drug Free Schools and Communities Act, which can be viewed in its entirety at <https://www.gonzaga.edu/about/our-campus-location/campus-safety/about-campus-security-public-safety/drug-free-schools-and-communities-act>.

THE CLERY ACT

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

The Clery Act requires annual reporting of the number of specified criminal offenses that occur on campus or surrounding campus and are reported to GIF administration, or Gonzaga Campus Security & Public Safety. The list of Clery crimes and their definitions can be found on pages 13-14. 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 a Daily Crime and Fire Log. These logs are maintained online at <https://www.gonzaga.edu/gonzaga-in-florence/about-us/daily-crime-log>.

The Clery Compliance Coordinator evaluates GIF reports for inclusion in the Clery statistics. Additionally, the Resolution Center for Student Conduct and Conflict prepares an extract report of disciplinary referrals for violations of alcohol, drug, and weapon laws by GIF students. Requests for crime statistics specific to the GIF Clery geography from local law enforcement in Florence are made on an annual basis. An internal audit of incidents classified as Clery-reportable is conducted to test individual statistics against incidents. Fire statistics and fire safety disclosures are provided by the GIF Dean.

The Clery Act also requires that this Annual Security Report includes a number of disclosure statements by the institution related to University policies and procedures. Specific provisions of this law stipulate that all students, staff, and faculty of an institution receive this report. In addition, the crime statistics are reported to the Department of Education. Information about the U.S. Department of Education’s collection and publication of CSPA statistics, including definitions of crimes and other terms related to the Clery Act may be found at: <https://ope.ed.gov/campusafety>.

CAMPUS SECURITY AUTHORITIES

The Clery Act recognizes certain university officials and offices as “Campus Security Authorities” (CSAs). Under Federal Law CSA’s are required to report a Clery crimes that occur within reportable geographical boundaries. 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.” 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 the GIF Dean, who then reports to CSPA. Reports may be made confidentially to protect the identity of the victim. For more information about CSAs and their responsibilities, refer to the CSA webpage at

CLERY CRIME DEFINITIONS

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

Manslaughter by Negligence – 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 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 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.

On Campus Housing – Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. Includes buildings that are owned by a third party that has a written agreement with the institution to provide student housing.

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.

CLERY LOCATIONS

Gonzaga-In-Florence Building:

- Via Giorgio la Pira, 11/13, 50121 Firenze FI, Italy

On Campus Residential Buildings:

- Via Camillo Cavour, 85, 50121 Firenze FI, Italy
 - 85 Cavour 1 and 2
 - Hotel Giglio 2
- Via Camillo Cavour, 96, 50129 Firenze FI, Italy
 - Hotel Cordova
- Via Giorgio la Pira, 17, 50121 Firenze FI, Italy
 - Max & Silvia Student’s House
- Via dei Calzaiuoli, 2, 50122 Firenze FI, Italy
 - Residenza delle Arti*
- Via dei Banchi, 6, Firenze, FI, Italy
 - Palazzo Residenza Mondragone
- COVID ISOLATION HOUSING (only for students positive with COVID-19)
Via Cavour, 90, Firenze FI, Italy
 - Relais Dante e Beatrice

Public Property (sidewalk and streets directly outside of the pensioni):

- Via Giorgio La Pira
- Via Pier Antonio Micheli
- Via Camillo Cavour
- Via dei Banchi

* Residenza delle Arti (Via dei Calzaiuoli, 2, 50122 Firenze FI, Italy was not used for student housing in the year 2020 due to complications with COVID-19.

CLERY ACT STATISTICS 2020-2022

CRIMINAL OFFENSES	2022				2021				2020			
	On-Campus		Non-Campus	Public	On Campus		Non-Campus	Public	On Campus		Non-Campus	Public
	Non-Housing	Housing			Non-Housing	Housing			Non-Housing	Housing		
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary (& Attempted Burglary)	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft (& Attempted MVT)	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
VAWA OFFENSES												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
ARRESTS												
Weapons Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Drug Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Alcohol Arrests	0	0	0	0	0	0	0	0	0	0	0	0
CONDUCT REFERRALS												
Disciplinary Referrals for Weapons	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals for Drugs	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals for Alcohol	0	0	0	0	0	0	0	0	0	0	0	0

Notes: There were no hate crimes meeting Clery criteria reported in 2022, 2021, and 2020.

SEXUAL MISCONDUCT AND HARASSMENT REPORTING, POLICIES AND PROCEDURES

What To Do If You Experience Domestic Violence, Dating Violence, Sexual Assault, Or Stalking:

Any student who is affected by sexual misconduct or harassment is notified of their right and option to report to law enforcement and/or seek immediate medical assistance. The notification of law authorities is entirely optional and can always be declined. If the student chooses to notify law enforcement, the student has the option of being assisted by campus authorities (including the GIF Dean and GIF Assistant Director of Student Development) in notifying law enforcement. The University is committed to treating all individuals with dignity, care, and respect. A Complainant and a Respondent will both have equal access to support and counseling services through the University. If a student chooses not to utilize services within the University, there are a variety of external services available. The following table of resources is provided to guide students on their support options, both University and external, confidential and non-confidential. In most cases, emergency phone calls directed at CSPS (001-509-313-2222) will be routed to the Study Abroad staff member on call, who is trained to connect students with the appropriate offices or resources.

	University Resources & Support Options	Non-GU Resources & Support Options
Confidential	Gonzaga Spokane Health & Counseling Services Center 001-509-313-4052	Lutheran Community Services Northwest Sexual Assault Crisis Line 001-509-624-7273
	Sexual Misconduct, Intimate Partner Violence and Gender-Based Harassment Report Form www.gonzaga.edu/sexualmisconductform	Lutheran Community Services Northwest Advocate Call/Text 001-509-342-8564 GUadvocate@LCSNW.org
	Office of Mission and Ministry 001-509-313-4242 (Confidentiality limited to any priest serving as a sacramental confessor or any ordained religious serving in the sacred confidence role)	Local Ambulance 118 Santa Maria Nuova (Hospital) +39 055 69381
Non-Confidential	Gonzaga Spokane Campus Security & Public Safety Department 001-509-313-2222	Local Police Department 112
	Gonzaga Spokane Center for Cura Personalis 001-509-313-2227	Florence American Consulate 055-266-951
	Gonzaga Spokane Title IX Office 001-509-313-6910	
	Gonzaga Spokane Student Development Office 001-509-313-4100	
	Gonzaga Spokane Human Resources 001-509-313-5996	
	Gonzaga Spokane Student Financial Services 001-509-313-6582	
	GIF Dean 39-334-798-2573	

Health and Safety:

The first priority for any individual who has been assaulted is to get to a safe place. An individual's physical well-being should be addressed as soon as possible, whether or not that individual wishes to make a report to the University or local law enforcement. The Pronto Soccorso (ER) at the Santa Maria Nuova can be used for emergencies. Medical providers in Florence can facilitate and provide:

1. Emergency or follow-up medical services. The medical exam has two goals: first, to treat the full extent of any injury of physical trauma and to consider the possibilities of sexually transmitted disease or pregnancy; and second, to properly collect and preserve evidence as part of a "rape kit"/sexual assault examination for potential criminal prosecution (provided only by a trained provider in a hospital). **IMPORTANT:** do not shower, bathe, douche, brush your teeth, drink or change your clothing, as you may be destroying evidence. This evidence may assist in proving that the criminal offense occurred or may be helpful in obtaining a protection order.
2. STD/HIV testing, pharmaceuticals to prevent contraction
3. Pregnancy testing, pharmaceuticals to prevent pregnancy

Please note: GIF cannot guarantee students have access to certified forensic services with specialty in sexual assault response. Completing a forensic examination does not require an individual to subsequently file a police report.

Additional Confidential Options:

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

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

immigration. If students would like to discuss Title IX or reporting options, LCS Northwest community-based victim advocates are trained in the Title IX and the reporting process on and off campus. If the student chooses to report the incident, the advocate can provide confidential support before, during, and after the report, and throughout the on or off campus legal process. It is important to note that talking with a victim advocate is not the same thing as making a report with the University. Community-based advocates are independent of the university and do not provide information disclosed to them to the University. LCS Northwest is also available 24/7 by calling Campus Security and Public Safety at 001-509-313-2222.

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

About Non-Confidential Resources and Reporting Options:

The University encourages all Gonzaga community members to report information about any type of sexual misconduct or harassment of another person involving a current student, staff, or faculty member. An incident does not have to occur on campus to be reported to the University. Off campus conduct that adversely affects or has the potential to adversely affect the Gonzaga community also falls under this policy. The University will promptly investigate and respond to all reports of sexual misconduct and harassment.

When a student or employee reports that they have experienced sexual misconduct or harassment, the institution will provide a written explanation of their rights and options. The individuals will have the opportunity to ask questions, and will be provided written information with on- and off-campus resources concerning counseling, health, victim advocacy, legal assistance, and visa and immigration assistance. Information on how to access such services can be found on page 17. The University provides equal resources to both a Complainant and a Respondent in making decisions, obtaining information about their rights and options under this policy, and assisting either party in the event that a report of sexual misconduct or harassment is made.

A Complainant need not decide whether to request that the University pursue student conduct processes and/or sanctions at the time the report is made. Once the University is made aware of an incident, the option to request action within the Student Code of Conduct will remain open as long as the Complainant and the Respondent are students. If any party involved in a complaint is no longer affiliated with the University, the University will still seek to meet its Title IX obligation by taking steps to end the harassment, prevent its recurrence, and address its effects.

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

Non-Confidential University Reporting Options:

- 1.) To file an official complaint at the University regarding dating violence, domestic violence, sexual assault or stalking, the list of Title IX professional staff on pages 22 can be contacted via phone or email, or by emailing titleix@gonzaga.edu
- 2.) CSPA can be contacted 24/7 year-round over the phone at 001-509-313-2222. A Complainant can request that a CSPA Officer files an official report or request to speak with Lutheran Services. There is no requirement that the Complainant file a Security incident report in order to speak with Lutheran Services. CSPA can connect students to other services, in addition to initiating an official report.
- 3.) Complaints can be submitted to the University by using the Sexual Misconduct, Intimate Partner Violence and Gender-Based Harassment Report Form at www.gonzaga.edu/sexualmisconductform.
- 4.) Campus Partners at the Student Development Office (which includes Housing and Residence Life), the Center for Cura Personalis, and the Human Resources Department can all be contacted and can assist in initiating a formal complaint at the University level.

Reporting to Law Enforcement:

Community members have the option of filing an official report to the local police department in Florence. 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 police department, a Gonzaga Student Development professional staff member, or GIF 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.

DEFINITIONS UNDER ITALIAN LAW

Dating Violence – A formal definition of dating violence under Italian law was not found.

Domestic Violence – All acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.

Sexual Assault – Italy uses the term "sexual violence", which is: whoever, by force or by threat or abuse of authority, forces another person to commit or suffer sexual acts.

Stalking – The conduct of anyone who, with repeated acts, threatens or harasses another individual in such a way as to cause a persistent and serious state of anxiety or fear or a well-founded fear for their safety or for the safety of a next of kin or of a person linked by an affective relationship or to force the individual to change their life habits.

Consent – A formal definition of consent under Italian law was not found. Law enforcement in Florence do not recognize the University’s definition of consent.

INTRODUCTION TO UNIVERSITY POLICIES AND PROCEDURES

Policy, and the 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/resolution-center/student-code-of-conduct>.

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

Sexual misconduct and harassment will not be tolerated at Gonzaga University. The University prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as defined by the Clery Act. Such acts are counter to our mission, values, Student Code of Conduct, and University policy. Acts of sexual misconduct and harassment interfere with an individual’s ability to benefit from the Gonzaga experience. The University is committed to taking all appropriate steps to eliminate sexual misconduct and harassment, prevent its recurrence, and address its effects. Towards that end, Gonzaga issues this statement of policy to inform the campus community of programs to address domestic violence, dating violence, sexual assault and stalking, as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault or stalking.

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.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, (contact information below). Reports of all domestic violence, dating violence, sexual assault and stalking made to GIF administrators or Campus Security and Public Safety will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

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:

Christina Thomas, Interim Director of Sexual Harassment and Prevention and Title IX Coordinator
502 E. Boone Avenue
509-313-4104
thomasc1@gonzaga.edu

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

Heather Gores, Associate Athletic Director, Athletics Deputy Title IX Coordinator
502 E. Boone Avenue
Martin Centre, PV315
509-313-3599
gores@athletics.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 formal complaints 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 complaint under this policy.

Statement of Privacy and Confidentiality

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

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

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

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

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

Definitions, Examples and Prohibited Conduct

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

SEXUAL HARASSMENT

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

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

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

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

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

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

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

SPECIFIC EXAMPLES OF PROHIBITED CONDUCT

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

Sexual Assault:

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

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

Sexual Based Communication:

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

Sexual Exploitation:

Taking sexual advantage of another for the Respondent's advantage or benefit, or for the benefit or advantage of anyone other than the Reporting Party. Examples of sexual exploitation include creating images (including video or still photography) of another person of a sexual nature via web-cam, camera, Internet exposure, etc., without knowledge and consent of all persons; knowingly exposing a person who has not consented to the risk to Human Immunodeficiency Virus (HIV) or any other Sexually Transmitted Diseases (STD); inducing incapacitation for the purpose of making the other person vulnerable to sexual assault; and voyeurism.

Stalking:

Engaging in a course of conduct directed at a specific person which would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. Stalking includes cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact are used to pursue, harass or make unwelcome contact with another person.

Domestic Violence:

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

Dating Violence:

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

Prohibited Relationships

Romantic or sexual relationships between two members of the Gonzaga community when one person in that relationship has actual or apparent authority to supervise, evaluate, counsel, educate, employ or otherwise make decision(s) or recommendation(s) regarding the other person in respect to the other person's employment, education or instruction at Gonzaga, or as to his/her advancement, participation, benefits or privileges in the educational or employment context. Although relationships between "unequal" persons may not necessarily constitute sexual harassment, an inherent conflict of interest and may give rise to sexual harassment/discrimination, or allegations thereof. Refer to the Gonzaga Certain Relationships by Persons in Authority policy for more information.

DEFINITIONS OF CONSENT, COERCION & INCAPITATION**Consent:**

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

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

This definition of consent is primarily used as an elemental standard in conjunction with policies within investigations.

Coercion:

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

Incapacitation:

An individual who is incapacitated cannot consent to sexual activity. An individual is incapacitated if he/she is physically helpless, unconscious, or unaware, due to drug or alcohol consumption (voluntarily or involuntarily) or for some other reason. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, being unaware of circumstances or surroundings, or being unable to communicate for any reason.

Interim Measures to Protect Safety and Well-Being

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

CONTACT AND COMMUNICATION DIRECTIVES:

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

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

PROTECTIVE MEASURES:

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. The range of protective measures available to a victim alleging misconduct includes the following:

- Class or work schedule changes
- Housing changes
- No contact/communication directives
- Limiting access to certain Gonzaga facilities or activities
- Leave of Absence
- Campus Security escorts across campus
- Academic support services

- Other remedies which can be tailored to the involved parties to achieve the goals of this policy

EMOTIONAL SUPPORT:

Gonzaga provides counseling services through the Health and Counseling Center for students, or the Employee Assistance Plan (EAP) for staff and faculty. These resources also provide referrals to off campus agencies.

Emergency Removal of a Student

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

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

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

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

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

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

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

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

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

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

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

Mandatory Reporting

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

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

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

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

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

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

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

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

Written Rights and Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services (including counseling, health, mental health, victim advocacy, legal assistance, visa

and immigration assistance, student financial aid and other services) within the institution and in the community;

- a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures (including changes in academic, living, transportation and working situations); and
- an explanation of the procedures for institutional disciplinary action

The institution must make accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

Orders of Protection

GIF complies with Italian law in recognizing orders of protection by coordinating with the local law enforcement when necessary, but ultimately is not responsible for the enforcement of a court issued protective order. Any person who obtains an order of protection should provide a copy to GIF administration, CSPS and the Office of the Title IX Coordinator. A complainant may then meet with GIF/CSPS to discuss additional safety planning in order to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: walking escorts, changing classroom location or allowing a student to complete assignments from home, etc.) The University cannot apply for a legal order of protection, no contact order or restraining order on behalf of a victim.

PROCEDURES FOR THE RESOLUTION OF SEXUAL MISCONDUCT AND HARASSMENT REPORTS UNDER THE STUDENT CODE OF CONDUCT

OVERVIEW OF OPTIONS

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

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

Because allegations of sexual misconduct can sometimes raise challenging new issues not specifically addressed in Department of Education regulations or guidance, the University reserves discretion to take reasonable actions to address those issues in a manner consistent with the spirit of this Policy and

this process, while preserving fairness for both Parties and maintaining the integrity of the resolution process.

The university's disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the Complainant and Respondent. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within the timeframe specified in each policy the institution maintains. However, each procedure allows for extensions of timeframes for good cause with written notice to the Complainant and the Respondent of the delay and the reason for the delay. University officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

1. The Complainant and the Respondent will have timely notice for meetings at which the Complainant or Respondent or both, may be present;
2. The Complainant, the Respondent and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the Complainant or the Respondent;
4. The Complainant and the Respondent will have the same opportunities to have others present during any institutional disciplinary proceeding. The Complainant and the Respondent each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The University will not limit the choice of advisor or presence for either the Complainant or the Respondent in any meeting or institutional disciplinary proceeding. However, the role of the advisor is limited to providing advice/support/consultation to the Respondent/Complainant and conducting indirect questioning during the hearing.
5. The Complainant and the Respondent will be notified simultaneously, in writing, of the any initial, interim and final decision of any disciplinary proceeding; and
6. Where an appeal is permitted under the applicable policy, the Complainant and the Respondent will be notified simultaneously in writing, of the procedures for the Complainant and the Respondent to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the Complainant and the Respondent will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.

COMPLAINT OF SEXUAL HARASSMENT

Complaints of sexual harassment may be made by:

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

2) Submitting a complaint online, at:

https://cm.maxient.com/reportingform.php?GonzagaUniv&layout_id=3

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

The Title IX Coordinator will respond by:

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

The University uses the Formal Grievance Process to determine whether or not the Policy has been violated. If so, the University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to sexual harassment, any potential recurrence, or effects. Under Washington State Law, the University must, within forty-eight hours of receiving a report of alleged sexual assault of an individual under the age of eighteen (18), make a report or cause a report to be made to Child Protective Services or local law enforcement. An appropriate Gonzaga professional will notify the reporting party of Gonzaga's mandatory reporter requirements.

Coordination with Law Enforcement:

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

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

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

Gonzaga's response to a report is not impacted by the filing of a criminal complaint or by the outcome of the criminal investigation.

Amnesty:

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

False Reports:

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

INITIAL INQUIRY

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

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

Violence Risk Assessment:

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

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

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

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

DISMISSAL

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

- 1.) The conduct alleged in the Formal Complaint does not constitute sexual harassment as defined above, even if proved; and/or
- 2.) The conduct did not occur in an educational program or activity controlled by the University (including buildings or property controlled by recognized student organizations), and/or the University does not have control of the Respondent; and/or
- 3.) The conduct did not occur in the United States; and/or
- 4.) At the time of filing a Formal Complaint, a complainant is not participating in or attempting to participate in the education program or activity of the University.

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

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

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

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

COUNTERCLAIMS:

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

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

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

RIGHT TO AN ADVISOR:

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

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

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

Advisor's Role in Meetings and Interviews:

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

Advisor's Role in Hearings:

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

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

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

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

INFORMAL RESOLUTION OF FORMAL COMPLAINTS:

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

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

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

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

FORMAL GRIEVANCE PROCESS:

Written Notice of Investigation and Allegations:

The [Title IX] Coordinator will provide written notice of the investigation and allegations to the Respondent as part of the Formal Grievance Process to allow the Respondent to prepare for the

interview and to identify and choose an Advisor to accompany them. A copy of this written notice will also be provided to the Complainant, along with advance notice of when the written notice will be delivered to the Respondent. The notice will contain the following:

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

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

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

The Investigation Process and the Investigation Report:

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

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

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

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

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

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

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

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

THE HEARING

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

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

1.) The Hearing Officer:

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

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

2.) Evidentiary Considerations:

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

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

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

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

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

3.) Notice of Hearing:

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

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

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

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

- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Whether Parties can bring mobile phones/devices into the hearing.

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

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

4.) Alternative Hearing Participation Options:

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

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

5.) Pre-Hearing Preparation:

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

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

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

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

During the ten (10) business day period prior to the hearing, the Parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review

and comment can be shared with the Hearing Officer at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Hearing Officer.

6.) Pre-Hearing Meetings:

The Hearing Officer may convene a pre-hearing meeting(s) with the Parties and/or their Advisors to invite them to submit the questions or topics they (the Parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Hearing Officer can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing.

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

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

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

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

7.) Hearing Procedures:

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

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

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

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

a.) Testimony and Questioning

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

All questions are subject to a relevance determination by the Hearing Officer. The Advisor, who will remain seated during questioning, will pose the proposed question orally, the proceeding will pause to

allow the Hearing Officer to consider it (and state it if it has not been stated aloud), and the Hearing Officer will determine whether the question will be permitted, disallowed, or rephrased.

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

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

If a Party's Advisor of choice refuses to comply with the University's established rules of decorum as determined by the Hearing Officer for the hearing, the University may require the party to use a different Advisor. If a University-provided Advisor refuses to comply with the rules of decorum, the University may provide that Party with a different Advisor to conduct cross-examination on behalf of that Party.

b.) Refusal to Submit a Cross-Examination

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

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

c.) Recording Hearings

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

8.) Decision-Making:

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

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

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

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

9.) Written Determination:

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

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

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

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

SANCTIONS:

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

- **Conduct Probation:** A status for a specified period in which a student's conduct is under review. Violations of University expectations and policies while on Conduct Probation may result in suspension or expulsion.
- **Housing Probation:** A status for a specified period in which a student's on-campus housing status is under review. Violations of University expectations and policies while on Housing Probation may result in residential restrictions or removal.
- **Policy Review:** Written notification of policy reminders.
- **Warning:** Written notice to a student that their behavior is incongruent with University standards of conduct. Future misconduct may result in an elevated University response.
- **Ban:** Excluding a student from University premises or specific University facilities, events, or ceremonies.
- **Educational Program or Workshop:** Assignment to an educational program or participation in a workshop.
- **Civic Service:** Community service.

- Educational Project: Research project, reflection prompt, reading, or other assigned learning experience.
- Meetings: Scheduled meetings or other conversations
- Expulsion: Permanent separation of a student from the University
- Revocation of Admission and/or Degree: Revocation of admission to or a degree awarded from the University.
- Suspension: Separation of a student from the University for a specified period, with associated conditions for readmission.
- Withholding Degree: Withholding a degree pending completion of student conduct proceedings, including the completion of all sanctions imposed, if any. The University reserves the right to withhold a degree permanently.

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

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

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

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

- The nature of the conduct at issue;
- The impact of the conduct on the Complainant;
- The impact of the conduct on the community or the University;
- Prior misconduct by the Respondent, including the Respondent's disciplinary history;
- Whether, and to what extent, the Respondent has accepted responsibility for the conduct;
- The necessity of any specific action in order to eliminate the conduct, prevent its recurrence, and remedy its effects on the complainant or other University community members; and
- Any other mitigating, aggravating, or compelling circumstances

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

APPEALS:

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

An appeal should be addressed to:

Christina Thomas, Interim Director of Sexual Harassment and Prevention and Title IX Coordinator
502 E. Boone Avenue
509-313-4104
thomasc1@gonzaga.edu

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

i.) Grounds for appeal

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

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

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

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

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

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

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

ii.) Sanctions status during the appeal

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

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

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

REMEDIES:

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

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

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

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

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

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

RECORDKEEPING:

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

- Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
- Any disciplinary sanctions imposed on the Respondent;
- Any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
- Any appeal and the result therefrom;

- Any informal resolution and the result therefrom;
- All materials used to train Title IX Coordinators, Investigators, Hearing Officer, and any person who facilitates an Informal Resolution process. The University will make these training materials publicly available on University's website; and
- Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
 - The basis for all conclusions that the response was not deliberately indifferent;
 - Any measures designed to restore or preserve equal access to the University's education program or activity; and
 - If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

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

PROCEDURES FOR THE RESOLUTION OF SEXUAL MISCONDUCT AND HARASSMENT REPORTS FOR FACULTY AND STAFF UNDER THE GONZAGA UNIVERSITY POLICIES AND PROCEDURES MANUAL

This section contains select excerpts from the Gonzaga University Policies and Procedures Manual, referencing the disciplinary procedures for faculty and staff as related to cases of alleged dating violence, domestic violence, sexual assault or stalking. To read the manual in its entirety, please refer to <https://my.gonzaga.edu/faculty-staff-services/human-resources/policies-and-handbooks>.

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

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

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

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

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination on the basis of sex in any federally funded education program or activity. Depending on the circumstances, sexual harassment can be a form of discrimination prohibited by Title IX. Gonzaga University will not tolerate any sexual harassment or any retaliation against any individual making a report or participating in the investigation of such harassment.

Scope of Policy

This Policy applies to all members of the Gonzaga University community, including students, whether engaged in credit or non-credit bearing course work, faculty, staff, administrators, Board members, and other third parties, consultants, vendors who have a formal relationship with the University. The University has jurisdiction to take disciplinary action against a Respondent who is a current student or employee of the University, or a Respondent who was a former student or employee of the University at

the time of the alleged sexual harassment, as defined below. Each member of the University community is responsible for conducting themselves in accordance with this Policy and other University policies and procedures.

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

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

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

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

When the University receives a report of sexual harassment, gender-based harassment, discrimination, 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 another University policy and procedure, including but not limited to the University’s Harassment and NonDiscrimination Policy or the Student Code of Conduct. 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).

The University will not condone or tolerate any sexual harassment from any member of the University community. The University will respond according to the severity and pervasiveness of the offense and the threat it poses to the community. Individuals who are found responsible under this Policy may face disciplinary sanctions up to and including expulsion from the University for students, and/or termination of employment for University employees or faculty.

The University community has a responsibility to maintain an environment free from sexual harassment. The University is committed to taking all appropriate steps to eliminate sexual harassment, prevent its recurrence and address its effects. The University is committed to fostering a climate free from sex and gender-based harassment, sexual assault, stalking, intimate partner violence and/or retaliation through clear and effective policies, coordinated education and prevention programs and prompt and equitable procedures for resolution that are accessible to all. The University encourages all members of the

University community to participate in the process of creating a safe, welcoming and respectful campus environment.

The University will not tolerate retaliation against an individual who makes a report of sexual harassment or participates in an investigation. Community members engaging in reprisals or retaliation related to a sexual harassment report will be subject to disciplinary action, whether such acts are implicit or explicit, or committed directly or indirectly.

Examples, Definitions and Prohibited Conduct

See the examples and definitions provided on page 23. 

Reporting Sexual Harassment to the University

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

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

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

a. Participant Roles as Discussed in this Policy

- A Complainant is an individual who is a victim of alleged sexual harassment and has chosen to participate in the complaint resolution process.
- A Respondent is an individual who has been reported to be the perpetrator of alleged sexual harassment.
- The Parties include the Complainant(s) and Respondent(s), collectively.
- A Navigator is a trained University staff member who is available to provide general information to the Parties about the complaint resolution process, such as information regarding procedures and timelines. The same Navigator will not provide information to both Parties. Navigators will not advocate on behalf of any Party or represent any Party and should not be confused with Advisors, described below.
- An Advisor is an individual chosen by a Party to accompany the Party to meetings related to the resolution process, advise the Party on that process, and conduct questioning during the hearing. The University will also offer to assign a trained Advisor for any Party if the Party so chooses, for the limited purpose of conducting questioning during the hearing. Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to the hearing.

- The Investigator is the individual(s) assigned by the University to gather facts about an alleged violation of this Policy, assess relevance and credibility, analyze the evidence, and compile the information into an investigation report and file of directly-related evidence.
- The Hearing Officer is the individual who has the decision-making authority, and sanctioning authority (including the authority to impose and/or recommend sanctions on students, refer adverse determinations regarding employees for sanctioning by appropriate 10 University officials, and take action to restore access to educational programs) within the University Formal Grievance Process, outlined below.

b. Privacy

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

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

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

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

c. Supportive Measures

The University will offer and implement appropriate and reasonable supportive measures to the Parties upon notice of alleged sexual harassment.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Parties to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all Parties or the University's educational environment, and/or deter sexual harassment.

The Title IX Coordinator promptly makes supportive measures available to the Parties upon receiving notice or a complaint. At the time that supportive measures are offered, the University will inform the Complainant, in writing, that they may file a Formal Complaint with the University either at that time or in the future, if they have not done so already.

The Title IX Coordinator works with the Complainant to ensure that their wishes are considered with respect to the supportive measures that are planned and implemented.

The University will maintain the privacy of the supportive measures, provided that privacy does not impair the University's ability to provide the supportive measures. The University will act to ensure as minimal an academic/occupational impact on the Parties as possible.

The University will implement measures in a way that does not unreasonably burden the other Party. These actions may include, but are not limited to:

- **Contact/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.
- Other actions deemed appropriate by the Title IX Coordinator.

d. Emergency Removal of Student Respondent

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

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

In all cases in which an emergency removal is imposed, the student Respondent will be given notice of the action and the option to request to meet with the Title IX Coordinator or other University Administrator prior to such action/removal being imposed, or as soon thereafter as reasonably 12

possible, to show cause why the action/removal should not be implemented or should be modified (“the show cause meeting”).

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

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

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

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

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

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

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

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

e. Mandatory Reporting

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

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

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

Generally, disclosures in climate surveys, human subjects research, or at events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported to the Coordinator by

Mandatory Reporters, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from the University.

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

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

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

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

Resolution Process for a Complaint of Sexual Harassment

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

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

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

a. Complaint of Sexual Harassment

Complaints of sexual harassment may be made by:

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

2) Submitting a complaint online, at: <https://cm.maxient.com/reportingform.php?GonzagaUniv>

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

The Title IX Coordinator will respond by:

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

The University uses the Formal Grievance Process to determine whether or not the Policy has been violated. If so, the University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to sexual harassment, any potential recurrence, or effects.

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

Coordination with Law Enforcement

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

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

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

Gonzaga's response to a report is not impacted by the filing of a criminal complaint or by the outcome of the criminal investigation.

Amnesty

It is Gonzaga's goal that all individuals report all incidents of sexual misconduct so that those affected can receive the support and resources needed. Therefore, violations of Gonzaga's alcohol and drug policies by a reporting party or a Complainant may be exempt from disciplinary action in situations

where gender- based harassment, discrimination, and/or sexual misconduct also occurs. However, Gonzaga may initiate an educational discussion about the use of alcohol or drugs and their impact.

False Reports

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

b. Initial Inquiry

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

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

Violence Risk Assessment

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

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

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

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

c. Dismissal

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

- 1) The conduct alleged in the Formal Complaint does not constitute sexual harassment as defined above, even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by the University (including buildings or property controlled by recognized student organizations), and/or the University does not have control of the Respondent; and/or
- 3) The conduct did not occur in the United States; and/or
- 4) At the time of filing a Formal Complaint, a complainant is not participating in or attempting to participate in the education program or activity of the University.

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

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

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

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

d. Counterclaims

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

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

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

e. Right to an Advisor

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

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

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

i. Advisor's Role in Meetings and Interviews

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

ii. Advisor's Role in Hearings

Under U.S. Department of Education Title IX regulations a form of indirect questioning is permitted during the hearing but all questioning by the Parties must be conducted by the Parties' Advisors.

The Parties are not permitted to directly question each other or any witnesses. If a Party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any questioning of the other Party and witnesses.

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

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

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

f. Informal Resolution of Formal Complaints

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

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

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

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

g. Formal Grievance Process

i. Written Notice of Investigation and Allegations

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

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

ii. The Investigation Process and the Investigation Report

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

opportunity to suggest witnesses and questions, provide evidence and expert witnesses, and fully review and respond to all evidence.

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

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

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

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

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

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

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

iii. The Hearing

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

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

1. The Hearing Officer

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

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

2. Evidentiary Considerations

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

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

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

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

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

3. Notice of Hearing

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

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

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

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Hearing Officer and Parties to see and hear a Party or witness answering questions.
- A list of all those who will attend the hearing, along with an invitation to object to any Hearing Officer on the basis of demonstrated bias.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any Party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the Party's or witness's testimony and any statements given prior to the hearing will not be considered by the Hearing Officer. For compelling reasons, the Title IX Coordinator may reschedule the hearing.
- Notification that the Parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The Party should notify the Title IX Coordinator at least ten (10) business days before the hearing if they do not have an Advisor, and the University will appoint one for the limited purpose of conducting questioning during the hearing.
- An invitation to each party to submit to an impact statement pre-hearing that the Hearing Officer will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Whether Parties can bring mobile phones/devices into the hearing.

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

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

4. Alternative Hearing Participation Options

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

The Title IX Coordinator can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who

cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Hearing Officer know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

5. Pre-Hearing Preparation

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

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

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

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

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

6. Pre-Hearing Meetings

The Hearing Officer may convene a pre-hearing meeting(s) with the Parties and/or their Advisors to invite them to submit the questions or topics they (the Parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Hearing Officer can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. The Hearing Officer must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Hearing Officer, only with full agreement of the Parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator in the investigation report or during the hearing.

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

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

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

7. Hearing Procedures

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

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

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

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

a. Testimony and Questioning

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

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

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

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

If a Party's Advisor of choice refuses to comply with the University's established rules of decorum as determined by the Hearing Officer for the hearing, the University may require the party to use a different Advisor. If a University-provided Advisor refuses to comply with the rules of decorum, the University may provide that Party with a different Advisor to conduct cross-examination on behalf of that Party.

b. Refusal to Submit to Cross-Examination

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

*Modification is effective as of August 24, 2021. It replaces a provision in prior versions of this Policy that prohibited reliance on such statements. That provision was based on a regulatory requirement of the U.S. Department of Education that has since been vacated by a federal court and that is no longer enforced by the Office for Civil Rights. See Suzanne B. Goldberg, Acting Assistant Secretary for Civil Rights, U.S. Department of Education, "Letter to Students, Educators, and other Stakeholders re Victim Rights Law Center et al. v. Cardona," p.1 (August 24, 2021).

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

c. Recording Hearings

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

8. Decision-Making

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

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

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

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

9. Written Determination

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

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

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

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

iv. Sanctions

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

- **Conduct Probation:** A status for a specified period in which a student's conduct is under review. Violations of University expectations and policies while on Conduct Probation may result in suspension or expulsion.
- **Housing Probation:** A status for a specified period in which a student's on-campus housing status is under review. Violations of University expectations and policies while on Housing Probation may result in residential restrictions or removal.
- **Policy Review:** Written notification of policy reminders.
- **Warning:** Written notice to a student that their behavior is incongruent with University standards of conduct. Future misconduct may result in an elevated University response.
- **Ban:** Excluding a student from University premises or specific University facilities, events, or ceremonies.

- Educational Program or Workshop: Assignment to an educational program or participation in a workshop.
- Civic Service: Community service.
- Educational Project: Research project, reflection prompt, reading, or other assigned learning experience.
- Meetings: Scheduled meetings or other conversations
- Expulsion: Permanent separation of a student from the University
- Revocation of Admission and/or Degree: Revocation of admission to or a degree awarded from the University.
- Suspension: Separation of a student from the University for a specified period, with associated conditions for readmission.
- Withholding Degree: Withholding a degree pending completion of student conduct proceedings, including the completion of all sanctions imposed, if any. The University reserves the right to withhold a degree permanently.

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

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

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

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

- The nature of the conduct at issue;
- The impact of the conduct on the Complainant;
- The impact of the conduct on the community or the University;
- Prior misconduct by the Respondent, including the Respondent's disciplinary history;
- Whether, and to what extent, the Respondent has accepted responsibility for the conduct;
- The necessity of any specific action in order to eliminate the conduct, prevent its recurrence, and remedy its effects on the complainant or other University community members; and
- Any other mitigating, aggravating, or compelling circumstances.

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

h. Appeals

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

An appeal should be addressed to:

Title IX Coordinator

Contact: Title IX Coordinator

Location: College Hall, 250

Phone: 509.313.4104

Email: thomasc1@gonzaga.edu

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

i. Grounds for Appeal

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

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

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

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

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

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

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

ii. Sanctions Status

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

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

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

i. Remedies

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

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

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

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

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

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

j. Recordkeeping

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

- Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
- Any disciplinary sanctions imposed on the Respondent;

- Any remedies provided to the Complainant designed to restore or preserve equal access to the University’s education program or activity;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom;
- All materials used to train Title IX Coordinators, Investigators, Hearing Officer, and any person who facilitates an Informal Resolution process. The University will make these training materials publicly available on University’s website; and
- Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
 - The basis for all conclusions that the response was not deliberately indifferent;
 - Any measures designed to restore or preserve equal access to the University’s education program or activity; and
 - If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

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

ADDITIONAL UNIVERSITY POLICIES AND PROCEDURES

Missing or Absent Student Policy

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

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

A report of a student being absent or missing under unusual or unexplained circumstances must be immediately directed to the CSPA Communications Center, 001-509-313-2222. This office is staffed 24 hours a day, 365 days a year. In addition, reports of missing persons must be made to one of the following:

Jason Houston, Ph.D.,
 Dean, 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

Anyone receiving a missing student report must immediately bring it to the attention of one of the individuals listed above.

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

When GIF/CSPS staff receive a report of a student who is determined to have been missing for 24 hours, then within the next 24 hours, GIF/CSPS will:

1. Notify the individual identified by the student to be contacted in such circumstances.
2. Notify a parent or guardian if the student is less than 18 years old and is not emancipated and any other designated contact person.
3. 3. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, GIF administrators will notify appropriate law enforcement officials in Florence. When this occurs, the local law enforcement will become the lead agency on the investigation. The GIF will assist with continued inquiry within the campus community.

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

Any student living in a University-owned, leased, managed, or operated residential facility may list a confidential contact person or persons to whom the University will notify within 24 hours of a determination by the GIF Dean’s determination that the student is missing. Students who choose to live in a university designated pensione will be provided the option to elect a confidential contact specific to missing person scenarios prior to the beginning of the semester. The confidential contact information will be maintained jointly by GIF Administration and the Center for Global Engagement. This information is confidentially maintained, will be accessible only to authorized campus officials and will not be disclosed except to law enforcement personnel as part of a missing person’s investigation.

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

Hazing Policy

Traditions provide reminders and context of Gonzaga University’s past and hopes for the future. Such rituals are to always be deeply rooted in mutual respect and dignity, and not through activities that harm or humiliate. Gonzaga University strictly prohibits hazing.

- A. Hazing Defined
 - a. The Revised Code of the State of Washington (RCW, Section 288.10.900) defines hazing as any act committed as part of a person’s recruitment, initiation, pledging, admission into, or affiliation with a student organization, athletic team, or living group, or any

pastime or amusement engaged in with respect to such an organization, athletic team, or living group that causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student or other person attending a public or private institution of higher education or other postsecondary educational institution in this state, including causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm, regardless of the person's willingness to participate. "Hazing" does not include customary athletic events or other similar contests or competitions.

- B. Hazing includes, but is not limited to, the following actions and situations, if they happen for the purpose defined in Section (A.a.) of this policy:
- a. Acts that cause, or are likely to cause, bodily danger or physical harm, such as beating, bondage, branding, calisthenics (e.g., wall-sits, sit-ups, push-ups, and/or other forms of forced physical activity), exposure to the elements, kicking, paddling, pushing, shoving, striking, tackling, throwing items at or on individuals, whipping, and/or forced, excessive, or coerced consumption of food, alcohol, cannabis, drugs, or any other substance.
 - b. Acts that cause, or are likely to cause, psychological or emotional harm, such as exclusion from social contact, isolation, kidnapping or abandonment, line-ups or berating, sleep deprivation, and/or food deprivation.
 - c. Activities that a reasonable person would view to be frightening, humiliating, intimidating, or deceptive (including deception intended to convince the individual of impending pain, injury, or non-initiation) such as: blindfolding; having individuals yell when entering or departing a physical structure or in the presence of designated individuals; having individuals use designated entrances or exits and/or not permitting them to enter general use facilities or spaces; intentionally creating labor or clean-up work; not allowing individuals to wear certain garments or accessories; promoting servitude; requiring individuals to complete personal errands; requiring individuals to wear apparel that is conspicuous, lewd, or uncomfortable; and/or requiring individuals to wear scant clothing or to be nude.
 - d. Participation in any act of a sexual or lewd nature.
 - e. Activities that endanger or have the potential to endanger the academic performance or personal life of an individual such as: not allowing adequate time for or interfering with academics, employment, or other personal obligations.
 - f. Any destruction or removal of public or private property.
 - g. Activities that violate federal, state, or local laws.
 - h. Activities that violate University policies.
- C. Definitions (For the purposes of this policy, the following definitions exist):
- a. Athletic Team: A group of students who are associated with each other through an organized athletic team. Teams include intercollegiate teams and intramural teams and may be organized by the Athletic Department or Student Affairs.
 - b. Employee: A person who is receiving wages from the University and is in a position with direct contact with students in a supervisory role or position of authority. "Employee" includes student employees. "Employee" does not include persons employed as medical staff with an affiliated organization, entity, or extension of Gonzaga University, unless the employee has a supervisory role or position of authority over students. "Employee" does not include confidential employees such as Lutheran Social Services Advocate, SAfeT, priests serving as a sacramental confessor, any ordained religious serving in a sacred confidence role.

- c. Living Group: A group of students living in university owned, leased, or managed residential property or building in which an application or selection process for membership is required. Examples include Logan House and Living Learning Communities (LLC).
 - d. Organization: A group of students who are associated with each other and who have registered with the University as an organization through Student Affairs policies for recognized organizations. "Organizations" may also be groups who are recognized by an academic unit or University department.
 - e. Volunteer: A person who provides or offers to provide services without payment for a university sponsored activity or program.
- D. Prohibited Conduct (The following behaviors constitute examples of violations of this policy):
- a. Purposefully, knowingly, recklessly, or negligently hazing any person.
 - b. Involvement in the planning of and/or being present during the commissioning of hazing.
 - c. Implying that a person will be shunned, removed, or unable to join, participate, or maintain affiliation or membership in any organization, athletic team, or living group for failing or refusing to partake in or submit to any form of hazing activity.
 - d. Failure to intervene, prevent, or stop hazing if the individual has prior knowledge of a planned hazing activity.
 - e. Knowingly making a false accusation of hazing.
 - f. Failure to report information about suspected violations of this policy if required to do so as described in Section (F) of this policy.
 - g. Failure to cooperate in an investigation or Student Conduct Resolution Process, as defined in the Abuse of the Student Code of Conduct System section of the Student Code of Conduct.
- E. Jurisdiction
- a. This policy applies to behavior that occurs on or off-campus and includes University sponsored, or approved and non-University events, activities, and programs, as well as non-University events.
- F. Duty to Report
- a. If, as a result of observations or information received in the course of employment or volunteer service, any employee, including a student employee, or volunteer at a public or private institution of higher education has reasonable cause to believe that hazing has occurred, the employee or volunteer shall report the incident, or cause a report to be made, to the Resolution Center for Student Conduct and Conflict. The employee or volunteer shall make the report at the first opportunity to do so.
 - b. A person who witnesses hazing or has reasonable cause to believe hazing has occurred or will occur and makes a report in good faith may not be sanctioned for the violation of hazing unless the person is engaged in the planning, directing, participating, or the act of hazing reported.
 - c. Nothing in this section shall preclude a person from independently reporting hazing or suspected hazing activity to law enforcement.

GONZAGA IN FLORENCE 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. Students are Italian laws on the possession, use and ale of illegal drugs, not those of the United States, but are still subject to the GU Code of Conduct. 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 (including potential expulsion from the program) and/or referral to law enforcement officials.

ALCOHOL IN FLORENCE

Many students studying in Florence may find they can legally drink in bars, pubs and restaurants for the first time. GU advises students to be especially careful if they should decide to go out for a night of drinking. GU promotes responsible decision making; if students choose to drink while in Florence they must do so legally and responsibly. If they do not, they could face university sanctions including probation and expulsion from the program. These policies and rules reflect not only respect for the community of Florence, but a concern for the health and safety of the campus community and apply to university faculty, students, staff, visitors, and guests.

Listed below are Italian laws regarding the consumption of alcohol and the possible consequences of violations:

- Article 689 of the Italian Criminal Code states that sale and distribution of alcoholic drinks and beverages by the manager of a bar/cafeteria or food and beverage shop, in a public place or in place open to the public, is prohibited to individuals under 18-years-old and those who are mentally ill or have a clear mental deficiency caused by any other illness
- Article 688 of the Italian Criminal Code prohibits, in a public place or in a place open to the public, clear drunkenness that could cause a danger to society at large
- Article 690 of the Italian Criminal Code prohibits, in a public place or in a place open to the public, the serving of alcoholic beverages to an individual that cause the individual to become intoxicated. Article 690 also prohibits, in a public place or in a place open to the public, the serving of alcoholic beverages to an individual who is already clearly intoxicated

Students are subject to the laws listed above, not those of the United States, but are still subject to the GU Code of Conduct. Students found in violation of local liquor laws (including illegal possession, use, sale of alcohol, as well as violation of local underage drinking law) will also be referred to the student conduct process by way of Spokane Campus Resolution Center for Student Conduct and Conflict. Violations of these expectations may result in sanctions from the Resolution Center for Student Conduct and Conflict, in addition to potential expulsion from the program.

FIRE STATISTICS AND SAFETY EDUCATION

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

the fire. The log is available for viewing online at <https://www.gonzaga.edu/gonzaga-in-florence/about-us/daily-crime-log>.

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

Reporting Fires and Fire Safety Concerns:

Fires should be reported to the local fire department at 115 and to the GIF Dean at the time they occur. Reports of fires after the fact should be called in to CSPS for addition to the fire log. In addition, reports of fires after the fact and fire safety concerns may also be made to the Student Development Contacts listed on page 5.

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

Fire evacuation drills are not held in the pensioni. There were zero (0) fire drills conducted in 2022. Occupants of the pensioni can request specific programming for that living unit from GIF administrators, in addition to the general fire safety material provided them.

When a fire alarm sounds or a resident becomes aware of a fire in a building the occupants of that building must immediately evacuate. Entering or re-entering a building in which a fire alarm is sounding is prohibited unless authorized by a fire department official. Tampering with, or the unauthorized use of fire safety equipment such as extinguishers, smoke and heat detectors, alarm pull stations, signage or emergency exits is prohibited. This includes activation of a false fire alarm and tampering with any equipment or fixtures used for the purpose of fire, health, or building safety.

General Student Housing and GIF Facility Evacuation Procedures:

- In the event of a fire, the University expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is present) as they leave.
- Once safely outside a building, it is appropriate to contact the fire department at 115 and then to the GIF Dean.
- Students and/or staff are informed where to relocate to by staff if circumstance warrants at the time of the alarm.
- Each community member's only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm (if present) as they exit. At no time should the closing of doors or the activation of the alarm delay the exit from the building.

The use of equipment that produces, contains, or conducts a continuous open flame—such as candles, potpourri burners, incense, sterno cans, or other combustibles—is prohibited within the pensioni. Examples of flammable items or materials which are specifically prohibited from any University property include, but are not limited to: gasoline containers (full or empty); gas-operated camping equipment

(e.g., Coleman stoves); engines or engine parts; propane tanks; and liquid oxygen containers. Other examples of commonly utilized flammable materials that are considered dangerous and therefore prohibited include: chemical compounds and components, open-coil burners; open-coil space heaters; and candles. In addition, natural Christmas trees are prohibited.

Smoking of any kind is prohibited inside the pensioni, including stairwells and balconies. Evidence of smoking, including presence of residual odor, will be responded to as a violation of this policy. Improvements in the systems may be made by the University or pensioni owners in the future as determined by need. Fire safety systems are upgraded and replaced as necessary, there are no current plans for future improvement at this time.

Fire Systems:

Building	Smoke Detectors (Central)	Audible Alarm System	Smoke Detectors (Battery)	Fire Extinguishers	Pull-Station	Sprinkler System
85 Cavour (Via Cavour, 85)	X	X		X		
Hotel Cordova (Via Cavour, 96)	X	X				
Hotel Nazionale/Holiday Rooms (Via Nazionale, 22)				X		
Max and Silvia's Student House (Via G. La Pira, 17)			X	X		
Residenza Palazzo Mondragone (Via dei Banchi 6)			x			
Relais Dante e Beatrice (Via Cavour, 90)				X		

Fire Statistics 2022:

Building	Total Fires in Building	Fire Number	Cause of Fire	Injuries	Deaths	Property Damage Value
85 Cavour & Hotel Giglio (Via Cavour, 85)	0	0	0	0	0	0
Hotel Cordova (Via Cavour, 96)	0	0	0	0	0	0
Residenza delle Arti (Via dei Calzaiuoli, 2)	0	0	0	0	0	0
Max and Silvia's Student House (Via G. La Pira, 17)	0	0	0	0	0	0
Residenza Palazzo Mondragone (Via dei Banchi 6)	0	0	0	0	0	0
Relais Dante e Beatrice (Via Cavour, 90)	0	0	0	0	0	0

Fire Statistics 2021:

Building	Total Fires in Building	Fire Number	Cause of Fire	Injuries	Deaths	Property Damage Value
85 Cavour & Hotel Giglio (Via Cavour, 85)	0	0	0	0	0	0
Hotel Cordova (Via Cavour, 96)	0	0	0	0	0	0
Residenza delle Arti (Via dei Calzaiuoli, 2)	0	0	0	0	0	0
Max and Silvia's Student House (Via G. La Pira, 17)	0	0	0	0	0	0
Residenza Palazzo Mondragone (Via dei Banchi 6)	0	0	0	0	0	0

Fire Statistics 2020:

Building	Total Fires in Building	Fire Number	Cause of Fire	Injuries	Deaths	Property Damage Value
85 Cavour & Hotel Giglio (Via Cavour, 85)	0	0	0	0	0	0
Hotel Cordova (Via Cavour, 96)	0	0	0	0	0	0
Hotel Nazionale/Holiday Rooms (Via Nazionale, 22)	0	0	0	0	0	0
Max and Silvia's Student House (Via G. La Pira, 17)	0	0	0	0	0	0