Introduction and Scope of the Policy

Pacific Union College, a Seventh-day Adventist liberal arts college, is committed to maintaining a respectful learning and living environment that is free from sexual misconduct, domestic violence, dating violence and stalking. Acts of sexual misconduct, relationship violence and stalking in any form, regardless of the length of the relationship or gender of the individuals, are inconsistent with this commitment, strictly prohibited, and intolerable. Pacific Union College expects its students and employees to uphold biblical principles of morality and conduct. Nothing in this policy is intended or should be construed to waive or relinquish any constitutional or statutory rights PUC possesses as a nonprofit religious institution. Neither should this policy be construed to be a replacement or alternative for the criminal justice system.

This policy addresses PUC’s responsibilities regarding Title IX and the Violence Against Women Reauthorization Act of 2013; Sec 304. Title IX of the Educational Amendments of 1972 prohibits discrimination from educational programs and activities on the basis of sex (gender) in educational programs and activities that receive federal assistance. The Violence Against Women Reauthorization Act expects that colleges have procedures in place to respond to matters of sexual misconduct, domestic and dating violence and stalking (collectively, misconduct).

All members of the PUC community share in this responsibility to uphold this policy and, if found in violation of this policy, may be subject to disciplinary action. This includes all college students, faculty, and staff, other members of the College community, and to contractors, consultants, and vendors doing business or providing services to the College. This policy covers misconduct between a student and another College student, staff, or faculty regardless of whether the alleged misconduct occurred on- or off-campus or in online communications. In instances where misconduct is found to have occurred, the Title IX Coordinator will take appropriate steps to end such misconduct, prevent its recurrence, and remedy its effects.

Options for Assistance

- Sexual assault victims should go to a safe place.
- It is imperative that sexual assault victims receive immediate care at the nearest hospital emergency room. Call 911 for assistance and/or ambulance transport if sexual assault or attempted sexual assault occurs.
- Victims must not change clothing, shower, bathe, douche, eat, drink, or anything else that may jeopardize evidence of the rapist’s DNA on the victim’s body.
- Follow up by talking with a trusted individual about the incident and expressing emotions. This provides a major step toward recovery.

Sexual assaults may be reported to:

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<th>911</th>
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<td>PUC PUBLIC SAFETY</td>
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<td>(707) 965-7111</td>
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| ST. HELENA HOSPITAL EMERGENCY ROOM |
| (707) 963-6425 |

| PUC CAREER & COUNSELING CENTER |
| (707) 965-7080 |
| (707) 965-6789 (after hours) |

| PUC HEALTH SERVICES |
| (707) 965-6339 |
| (707) 965-6789 (after hours) |

| NAPA COUNTY SHERIFF’S OFFICE |
| (707) 253-4451 |

| NAPA VALLEY RAPE CRISIS CENTER 24-HOUR HOTLINE |
| (707) 258-8000 |

Sexual misconduct, domestic violence, dating violence and stalking may also be criminal. Complainants may wish to inform local law enforcement agencies immediately. Upon a complainant’s request, PUC will assist in making the connection between a complainant and an appropriate law enforcement agency. Napa County Sheriff is our local department and can be reached at (707) 253-4451. In the case of an emergency, call 911. Complainants also have the right to decline to notify law enforcement and campus authorities.

Title IX Coordinator and Designated College Officials

William Chunestudy is the Title IX Coordinator for Pacific Union College. Contact: (707) 965-6226, wchunestudy@puc.edu, Chan Shun Hall, office #106. Or, information can be sent directly to TitleIX@puc.edu. Online reports can be submitted by clicking on the following link: https://www.puc.edu/campus-services/student-services/sexual-misconduct-policy/title-ix-incident-reporting-form
ANY INQUIRIES REGARDING THIS POLICY OR SEX-BASED COMPLAINTS REGARDING STUDENTS, FACULTY, OR STAFF, INCLUDING SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING, SHOULD BE REFERRED TO THE DESIGNATED OFFICIALS AS FOLLOWS:

DEPUTY TITLE IX COORDINATORS

SEAN WESTENRIDER, DIRECTOR AND CHIEF OF PUBLIC SAFETY  
(707) 965-6551  
swestenrider@puc.edu

STACY NELSON, DIRECTOR OF HUMAN RESOURCES  
(707) 965-6221  
snelson@puc.edu

HOLLY JESKE, WELLNESS COORDINATOR  
(707) 965-6330  
hjeske@puc.edu

LUNELLE BERTRESS  
DEAN OF GRAF HALL, WOMEN’S RESIDENCE  
(707) 965-6522  
lbertress@puc.edu

BRITTANY BROWN, ATHLETICS DIRECTOR  
(707) 965-6349  
bjbrown@puc.edu

CRISTA PETERSON, INTERNATIONAL STUDENT ADVISOR  
(707) 965-7362  
cpeterson@puc.edu

ABRAM FISHER, FACULTY, DEPARTMENT OF BUSINESS ADMINISTRATION & ECONOMICS  
(707) 965-6521  
afisher@puc.edu

JEAN BULLER, FACULTY, DEPARTMENT OF EDUCATION  
(707) 965-7266  
jbuller@puc.edu

PETER KATZ, FACULTY, DEPARTMENT OF ENGLISH  
(707) 965-6611  
pjkatz@puc.edu

RESIDENCE HALL DEANS  
ASK FOR DEAN ON DUTY  
(707) 965-6313

EXTERNAL INQUIRIES OR REPORTS CAN BE MADE AT ANY TIME TO:

OFFICE FOR CIVIL RIGHTS (OCR)  
U.S. DEPARTMENT OF EDUCATION  
400 MARYLAND AVENUE, SW  
WASHINGTON, DC 20202-1100  
CUSTOMER SERVICE HOTLINE #: (800) 421-3481  
FACSIMILE: (202) 453-6012  
TDD#: (877) 521-2172  
EMAIL: OCR@ed.gov  
WEB: http://www.ed.gov/ocr

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)  
CONTACT: http://www.eeoc.gov/contact/

Definitions and Examples

Consent can be communicated by word or action and must be mutually understandable. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent at one time does not imply consent to another time.

Effective Consent is informed and freely and actively given. It cannot result from force, threat, intimidation, coercion or incapacitation and cannot be given by minors, mentally disabled individuals, or individuals who are mentally or physically incapacitated (such as by alcohol or other drug use, etc.) – see Incapacitation.

Complainant refers to the individual who has been the recipient of a possible Sexual Harassment Policy violation.

Respondent refers to the individual who has been accused of violation of the Sexual Harassment Policy.

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion.

Hazing includes, but is not limited to, any act directed toward an individual, or any coercion or intimidation of an individual to act or to participate in something which a reasonable person would perceive is likely to cause physical or psychological injury.
and where such act is a condition of initiation into, admission into, continued membership in, or association with any group, whether that group is a formal or informal entity. For more information see California Penal Code, 245.6.

Hostile Environment/Discriminatory Harassment involves unwelcome verbal or physical conduct based on race, color, religion, national origin, sex, gender identity, sexual orientation, age, genetic information, veteran status, or disability, when:

- such conduct has the purpose or effect of unreasonably interfering with the individual’s work or educational performance,
- such conduct creates or has the intention of creating an intimidating, hostile, or offensive working and/or learning environment, or
- such conduct unreasonably interferes with or limits one’s ability to participate in or benefit from an educational program or activity.

Incapacitation is when an individual lacks the physical and/or mental ability to make informed, rational judgments (e.g., to understand “who, what, when, where, why, or how” of their sexual interactions) and thus cannot give effective consent to sexual activity.

Incapacitation may be temporary or permanent and result from mental disability as well as states including, but not limited to, sleep, unconsciousness, blackouts resulting in memory loss, etc. Incapacitation may also occur in persons who appear to be functional or coherent, but still may not be able to make a rational decision or give effective consent.

The impact of consuming alcohol or drugs will vary from person to person. Evaluating incapacitation due to the use of substances requires an assessment of each individual. Warning signs that a person may be approaching incapacitation include slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, emotional volatility, etc.

Because incapacitation may be difficult to discern, students are strongly encouraged to err on the side of caution; when in doubt, assume the other person is incapacitated and therefore unable to give effective consent. Being intoxicated or impaired by drugs and alcohol is never an excuse for sexual misconduct and does not diminish one’s responsibility to obtain informed and freely-given consent.

Non-Consensual Sexual Contact is any intentional sexual touching that is without consent and/or by force –

- however slight,
- with any object or body part,
- by a man or woman upon a man or woman.

Non-Consensual Sexual Penetration is any sexual intercourse that is without consent and/or by force –

- however slight,
- with any object or body part,
- by a man or woman upon a man or a woman.

Relationship Violence – Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on a 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.

Relationship Violence – Domestic violence is a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Sexual Assault/Sexual Violence is a particular type of sexual harassment that includes non-consensual sexual contact, non-consensual sexual intercourse, rape, or other physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. Sexual assault/sexual violence includes, but is not necessarily limited to, physical assaults of a sexual nature, such as rape, sexual assault, sexual battery, domestic violence, dating violence, stalking, or attempts to commit these acts.

Sex Discrimination occurs when a distinction is made in favor of, or against, a person on the basis of sex rather than on individual merit. In an educational setting, this occurs when a distinction is made on the basis of sex that deprives a person of the ability to participate in or benefit from the College’s education program or activities.

Sexual Exploitation occurs when a student/employee takes non-consensual or abusive sexual advantage of another.

Examples of sexual exploitation and sexual misconduct include, but are not limited to the following:

- invasion of sexual privacy,
- prostituting another student,
- non-consensual video or audio-recording or broadcasting or sharing of sexual activity
- engaging in voyeurism,
- exposing one’s genitals in non-consensual circumstances; inducing another to expose their genitals,
• sexually-based stalking and/or bullying may also be forms of
sexual exploitation,
• use or display in the classroom or any facility of the College,
including electronic, of pornographic or sexually harassing
materials such as posters, photos, cartoons or graffiti without
pedagogical justification,
• sexual activity with someone whom one should know to
be – or based on the circumstances should reasonably have
known to be – mentally or physically incapacitated (by
alcohol or other drug ingestion, unconsciousness or blackout),
constitutes a violation of this policy,
• sexual activity with someone whose incapacity results from
mental disability, sleep, involuntary physical restraint, or
from the taking of drugs,
• sexual activity of any kind with anyone under the age of 18,
or
• knowingly having a sexually transmitted infection (including
HIV) and failing to inform a sexual partner prior to engaging
in sexual activity.

Sexual Harassment is unwelcome, sex or gender-based,
verbal or physical conduct that is
• sufficiently severe, pervasive, and objectively offensive that
it unreasonably interferes with, limits or deprives someone
of the ability to participate in or benefit from the College’s
education program and/or activities,
• potentially based on power differentials (quid pro quo),
• creates a hostile environment, or
• involves retaliation.

Examples of sexual harassment include, but are not necessarily
limited to, unwelcome sexual advances, repeated propositions
or requests for a sexual relationship to an individual who
has previously indicated that such conduct is unwelcome, or
sexual gestures, noises, remarks, jokes, questions, or comments
about a person’s gender, sexuality or sexual experience. Sexual
harassment may consist of repeated actions or may even arise
from a single incident if sufficiently extreme. The complainant
and the respondent may be of either gender and need not be of
different genders.

Sexual Misconduct is any sexual penetration, sexual contact,
sexual exploitation, or sexual harassment that occurs without
the effective consent of all individuals involved.

Sexual Penetration/Intercourse includes: vaginal or
anal penetration by a penis, object, tongue or finger, and
oral copulation (mouth to genital contact or genital to mouth
contact), no matter how slight the penetration or contact.

Stalking is defined as a pattern of repeated and unwanted
attention, harassment, contact, or any other course of conduct
directed at a specific person that would cause a reasonable
person to feel fear for his/her safety or safety of others or suffer
substantial emotional distress. Stalking is a crime and can be
dangerous. California Penal Code section 646.9, in part, states,
“Any person who willfully, maliciously, and repeatedly follows
or willfully and maliciously harasses another person and who
makes a credible threat with the intent to place that person in
reasonable fear for his or her safety, or the safety of his or her
immediate family, is guilty of the crime of stalking...” For more
information: https://www.victimsofcrime.org/our-programs/
stalking-resource-center/stalking-laws/criminal-stalking-laws-
by-state/california.

Reporting Policies and Procedures

Bystander Engagement/Intervention and Good Faith
Reports (Amnesty Protection): The welfare of students in
our community is of paramount importance. PUC wishes to
facilitate a safe and caring campus climate for all good faith
report of sexual misconduct, domestic and dating violence, and
stalking. The College believes that bystanders (peers nearby)
can play a key role in the prevention of misconduct. Thus, the
College encourages students to offer help to others in need.

In an effort to remove fears and obstacles to reporting, victims
or witnesses of misconduct, in the process of helping and
making a report, who voluntarily report their own lesser
violation of the Student Conduct Policies (such as alcohol
consumption, curfew violations, etc.) will not typically receive
disciplinary action related to the specific reported incident. To
foster healing and growth, complainants and witnesses making
good faith reports may be asked to engage in educational
opportunities.

Initiating a Complaint: Students, faculty or staff who
have a complaint against a student, faculty, staff member,
or other individual involving allegations of harassment and
discrimination, including but not limited to sexual misconduct,
unwelcomed sexual advances, requests for sexual favors, and
other verbal or physical conduct or communications constituting
sexual harassment, and discrimination or harassment based
upon one’s race, color, religion, national origin, age, genetic
information, veteran status, or disability in violation of this
policy should contact the Title IX Coordinator, a Deputy
Coordinator or any trusted PUC faculty or staff member.
In addition to contacting the Deputy Title IX Coordinator,
individuals who have experienced sexual misconduct or other
acts of relationship violence or sexual assault may contact the
proper law enforcement authorities such as the local police
department.
Investigation Procedures and Confidentiality

Pacific Union College is committed to investigating all possible violations of this policy about which the school knows or reasonably should know (also referred to in this policy as “alleged or suspected violations of this policy”), regardless of whether a complaint alleging a violation of this policy has been filed and regardless of where the alleged conduct occurred. The College’s ability to investigate in a particular situation, or the extent of the investigation in any given situation, may be affected by any number of factors, including whether the complainant is willing to file a complaint or to consent to an investigation, the location where the alleged conduct occurred, and the College’s access to information relevant to the alleged or suspected violation of this policy. The College is nonetheless committed to investigating all alleged and suspected violations of this policy to the fullest extent possible under the circumstances. At the same time, before a complainant reveals information (name of the accused, details, etc.), they should understand that only professional counselors, health service professionals, pastors and chaplains are able to retain confidentiality, and all other faculty and staff are required to notify the designated College officials.

Reporting: If you have a complaint against a student, faculty, staff member or other individual involving a suspected violation of this policy or of retaliation, you should contact the Title IX Coordinator, any Deputy Coordinator or any trusted faculty or staff member. Or you may file an online report by clicking on the following link: https://www.puc.edu/campus-services/student-services/sexual-misconduct-policy/title-ix-incident-reporting-form. Faculty and staff are required to report any suspected violations of this policy. Although there is no specific time limit for reporting a suspected violation of this policy, a student or employee who believes that he or she has been subjected to conduct that violates this policy is encouraged to contact the Title IX Coordinator, any Deputy Coordinator or any trusted faculty or staff member. Any complaints against the Title IX Coordinator should be directed to the PUC President, Dr. Robert Cashman. (707) 965-6211, bcushman@puc.edu.

Bodily Harm: If the Deputy Title IX Coordinator receives a report of relationship violence or assault involving bodily harm, the local law enforcement agency with jurisdiction over the College will be contacted. The victim of sexual assault also may choose to file a criminal complaint against the alleged perpetrator. Any pending criminal investigation or criminal proceeding may have some impact on the timing of the College’s investigation, but the College will commence its own investigation as soon as is practicable under the circumstances. The College reserves the right to commence and/or complete its own investigation prior to the completion of any criminal investigation or criminal proceeding.

Investigation: The Deputy Title IX Coordinator will begin an investigation in partnership with trained investigators and other College officials, as deemed appropriate by the College. The investigation phase will be completed within sixty (60) days of the filing of a complaint or the date on which the College becomes aware of a suspected violation of this policy.

As part of the investigation, the Investigator(s) will seek separate interviews with the complainant, the respondent, and any witnesses to the greatest extent possible. To help ensure a prompt and thorough investigation, complainants are encouraged to provide as much of the following information as much as possible, including the following:

• the names of any witnesses, including phone numbers and email addresses, if possible.
• the name, department, and position of the person or persons allegedly causing the discrimination, harassment or retaliation,
• a description of any relevant incident(s), including the date(s), location(s), and the presence of any witnesses,
• the alleged effect of the incident(s) on the complainant’s academic standing, educational benefits or opportunities, position of employment, salary, employee benefits, promotional opportunities, or other terms or conditions of employment,
• the names of other students or employees who might have been subject to the same or similar discrimination, harassment or retaliation,
• any steps the complainant has taken to try and stop the discrimination, harassment, or retaliation, and
• any other information the complainant believes to be relevant to the alleged discrimination, harassment, or retaliation.

The respondent also is encouraged to provide as much information as possible in connection with the investigation.

Interim Protective Measures: The College reserves the right to suspend or place on immediate administrative leave any member of the campus community respondent of violating this policy, or to take any other interim measures the College deems appropriate, pending the outcome of an investigation and/or disciplinary proceedings. Such interim measures can include, but are not limited to, placing an employee on paid or unpaid administrative leave, removing a student from campus housing and/or current classes, modifying course schedules, and issuing a “no contact” order, among many other remedies.

Prohibition Against Retaliation: Retaliation exists when action is taken against a participant in the complaint process that adversely affects the individual’s employment or academic status and is motivated in whole or in part by the individual’s participation, or lack thereof, in the complaint process.

No individual involved in a complaint alleging a violation of this policy or participating in the investigation or resolution of such a complaint shall be subject to retaliation as a result of
such activity or participation. Any acts of retaliation, as defined in this policy, shall be grounds for disciplinary action, up to and including expulsion/dismissal for students and termination/dismissal for faculty and staff.

Confidentiality: To the extent permitted by law, the confidentiality of all parties involved in the resolution of alleged or suspected violations of this policy will be observed, provided that it does not interfere with the College’s ability to conduct an investigation and take any corrective action deemed appropriate. While confidentiality cannot be guaranteed, care will be taken to keep investigation discussions appropriately limited to protect the complainant’s identity when requested.

Grievance and Adjudication Procedures

Reported Complaint Resolution Process

Equity Resolution Process—All complaints will, in general, utilize the following steps. Sequence flexibility of steps may be necessary, depending on circumstances. These steps are subject to modification if needed.

1. When a report is received by the Title IX Coordinator, the Title IX Coordinator will determine the steps to follow.

2. Initially, the Title IX Coordinator will attempt to determine the safety of all parties and take interim measures if necessary, including no-contact orders, suspension of respondent, class modification, living arrangements modification, etc.

3. If, determined by the Title IX Coordinator, an issue could be resolved via arbitration and/or conflict resolution, the Title IX Coordinator and one Title IX Deputy of the opposite sex will meet with all parties to discuss the issues and work toward resolution. This process is utilized for less severe actions. However, any act of sexual assault will not be resolved by arbitration or conflict resolution. Interim measures and sanctions may result from the arbitration process.

4. If, in the opinion of the Title IX Coordinator it is determined that the incident requires formal investigation, the Title IX Coordinator will designate two opposite sex trained investigators to thoroughly investigate through interview of both parties, witnesses, and examination of evidence.

5. Notification of the investigation will be provided to the complainant and respondent. Interim measures may be taken at this time.

6. Once the investigation is complete, the investigators will prepare a written report of their findings and conclusions, and will present it to the Title IX Coordinator.

7. If a hearing is warranted, the Title IX Coordinator will convene a three-person panel of Title IX trained PUC staff who will adjudicate the process and determine outcomes. The chair will be a voting member. Statements from the complainant and respondent, as well as from witnesses and all other evidence will be presented at the hearing. The Title IX Coordinator will appoint one of the panelists to serve as chair. Sanctions and interim/permanent measures may be a part of the adjudication process. The Title IX Coordinator will be a part of the proceedings, only for purposes of assuring that proper protocol and procedures are followed. The Title IX Coordinator will not otherwise participate in the investigation or initial hearing.

8. The standard for determining responsibility is “Preponderance of Evidence,” meaning that an event was more likely to have happened, than not.

9. Once a decision has been made, both parties will be informed of the decision, sanctions, and/or disciplinary action, if warranted.

10. Either Party has the right to appeal. The appeal will be presented directly to the Title IX Coordinator who will make the final determination. The decision will be final. Grounds for appeal will only be granted when information becomes available that was not available at the time of the original investigation.

11. Additional process details of PUC’s Equity Resolution Process (ERP), by contacting the Title IX Coordinator.

12. The Title IX Coordinator will work closely with the PUC Student Conduct Committee, PUC Grievance Committee and PUC HR Director, when appropriate.

This process may be changed for reasons including, but not limited to, the following:

• allegations of sexual assault will not be resolved by mediation,

• either the complainant or the respondent may request, at any time during the investigation, that the case be resolved through the hearing process, or

• the Associate Dean of Students, Deputy Title IX Coordinator, or Investigators determine the case is best resolved through the Sexual Misconduct Hearing Process.

Sexual Misconduct Hearing Process

The hearing process applies when either the complainant or the respondent requests, when investigators determine resolution is best served by a hearing, or in any matter when the College deems appropriate (e.g. termination, separation from the institution). The hearing process is outlined below:

• The hearing process will begin at the request of any party, complainant, respondent, or investigator.

• The Hearing Panel will be made up of three Deputy Coordinators selected by the Title IX Coordinator.

• The complaint and the respondent will both be requested to be present at the hearing to retell their version of the events in question. Accommodations may be made via telephone or videoconferencing to allow all parties to participate. The hearing will continue with or without the participation of all parties.

• The College will maintain documentation of all hearings or
other proceedings, which can take various forms (e.g., notes, written findings of fact, transcripts, no audio recordings unless College deems necessary).

- Within seven (7) days of the conclusion of the hearing, both the complainant and the respondent will be informed in writing by the Title IX Coordinator of the outcome of the hearing. The letter will state the ruling of “violation” or “no violation” of the policy and any corrective actions/remedies that will be put into place. This written notice will be issued concurrently to the complainant and to the respondent. The hearing process will not exceed 30 days in length.
- The College may disclose to the complainant information about any corrective actions/remedies taken that relate directly to the complainant (e.g., a “no contact” order). In no event will the complainant be required to abide by a nondisclosure agreement that would prevent disclosure of the outcome.
- If there is a finding of policy violation, appropriate, corrective action/remedies by the College will be taken to eliminate the policy violation, prevent the recurrence of the violation, and address the effects of the violation (in accordance with the Sexual Misconduct Appeal Process).

**Sexual Misconduct Appeal Process**

Individuals have the right to appeal in writing a Sexual Misconduct Hearing Process decision to the Title IX Coordinator within (7) days of receipt of a written outcome from the Hearing Process Chair. The appeals process is outlined below:

- Either party may appeal the decision of the hearing in writing to the Title IX Coordinator within seven (7) days of receiving the written notice.
- Appeals must include relevant new information for consideration by the Appeals Committee. This would include information that was unavailable at the time of the decision or concerns about procedural errors. Disagreement with the findings of a hearing is not sufficient grounds for appeal.
- Additional written submissions from either party will be considered if the information was not available previously. The Title IX Coordinator will consider the appeal and make a final determination. The Title IX Coordinator may consult with all parties involved before making a final determination. The results of the appeal made by the Title IX Coordinator is final.
- Both parties will be informed in writing of the outcome of any appeal within fourteen (14) days of the date by which all requested information is received, unless the College determines that additional time is required.

**Rights of Complainant and Respondent Parties**

Complainant and respondent parties shall be provided with the following in connection with any hearing or other proceeding used to reach a decision regarding whether any violation of this policy has occurred.

**Rights of Complainant are**

- The right to investigation and appropriate resolution of all credible allegations of sexual misconduct or discrimination made in good faith to PUC officials;
- The right to be informed in advance of any public release of information regarding the incident;
- The right not to have any personally identifiable information released to the public, without their consent;
- The right to be treated with respect by College officials;
- The right to have College policies and procedures followed without material deviation;
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence;
- The right not to be discouraged by College officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities;
- The right to be informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police/sheriff, and the option to be assisted by campus authorities in notifying such authorities, if the reporting party so chooses. This also includes the right not to be pressured to report, as well;
- The right to have reports of sexual misconduct responded to promptly and with sensitivity by campus law enforcement and other campus officials;
- The right to be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services, both on campus and in the community;
- The right to a campus no-contact order (or a trespass order against a non-affiliated third party) when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the reporting party or others;
- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual misconduct incident, if so requested by the complainant and if such changes are reasonably available (no formal report, or investigation, campus or criminal, need occur before this option is available). Accommodations may include:
  - Change of an on-campus student’s housing to a different on-campus location;
  - Assistance from PUC support staff in completing the relocation;
  - Transportation accommodations;
  - Arranging to dissolve a housing contract and pro-rating a refund;
  - Exam (paper, assignment) rescheduling;
  - Taking an incomplete in a class;
  - Transferring class sections;
  - Temporary withdrawal;
  - Alternative course completion options.
- The right to have the College maintain such accommodations
for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the institution’s ability to provide the accommodations or protective measures;
• The right to be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report;
• The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
• The right to review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, at least 48 hours prior to any hearing;
• The right to be informed of the names of all witnesses who will be called to give testimony, at least two (2) days prior to the hearing, except in cases where a witness’s identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the complainant, which will always be revealed);
• The right not to have irrelevant prior sexual history admitted as evidence;
• The right to regular updates on the status of the investigation and/or resolution;
• The right to have reports heard by trained hearing and appeals officers.
• The right to a panel that is not single-sex in its composition, if a panel is used;
• The right to preservation of privacy, to the extent possible and permitted by law;
• The right to meetings, interviews and/or hearings that are closed to the public;
• The right to petition that any College representative in the process be recused on the basis of demonstrated bias and/or conflict of interest;
• The right to bring a victim advocate or non-participating advisor of the reporting party’s choosing to all phases of the investigation and resolution proceeding;
• The right to provide evidence by means other than being in the same room with the responding party;
• The right to have the college compel the participation of student, faculty and staff witnesses, and the opportunity (if desired) to ask questions, directly or indirectly, of all present witnesses, including the responding party, and the right to challenge documentary evidence;
• The right to have reports heard by hearing and appeals officers who have received (at least 8 hours of) annual training;
• The right to be present for all testimony given and evidence presented during any resolution-related hearing;
• The right to submit an impact statement in person or in writing to the hearing officers following determination of responsibility, but prior to sanctioning;
• The right to be promptly informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;
• The right to be informed in writing of when a decision by the College is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the College.

Rights of Respondent are
• The right to investigate and appropriate resolution of all credible reports of sexual misconduct and/or discrimination made in good faith to PUC administrators;
• The right to be informed in advance, when possible, of any public release of information regarding the report;
• The right to be treated with respect by College officials;
• The right to have College policies and procedures followed without material deviation;
• The right to be informed of and have access to campus resources for medical, health, mental health counseling, and advisory services;
• The right to timely written notice of all alleged violations, including the nature of the violation(s), the applicable policies and procedures and possible sanctions;
• The right to a hearing on the report, including timely notice of the hearing date, and adequate time for preparation;
• The right to review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, at least two (2) days prior to the hearing;
• The right to be informed of the names of all witnesses who will be called to give testimony, at least two (2) days prior to the hearing, except in cases where a witness’s identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the complainant, which will always be revealed);
• The right not to have irrelevant prior sexual history admitted as evidence in a campus resolution process;
• The right to have reports heard by hearing and appeals officers who have received (at least 8 hours of) annual training;
• The right to petition that any College representative be recused from the resolution process on the basis of demonstrated bias and/or conflict of interest;
• The right to a panel that is not single-sex in its composition, if a panel is used;
• The right to meetings, interviews and hearings that are closed to the public;
• The right to have the College compel the participation of student, faculty and staff witnesses, and the opportunity to ask questions, directly or indirectly, of all present witnesses, and the right to challenge documentary evidence;
• The right to have a non-participating advisor of their choice to accompany and assist in the campus resolution process;
• The right to a fundamentally fair resolution, as defined in these procedures;
• The right to submit an impact statement in person or in writing to the hearing officers board following any
determination of responsibility, but prior to sanctioning;
• The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
• The right to be promptly informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;
• The right to be informed in writing of when a decision of the College is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the [finding and] sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the College.

Sanctions/Discipline/Corrective Action. Any violation of this policy involving students or faculty and staff of the College is subject to the Policy and Procedures as stated in this document. The College will take reasonable steps to prevent the recurrence of any sexual misconduct, relationship violence, or stalking and to remedy the effects on the complainant (and others, if appropriate).

Examples of the range of potential sanctions/corrective actions that may be imposed with respect to students may be found in the Student Handbook and any related policies set forth in the College’s catalog or Student Life Agreement. Comparable information with respect to employees can be found in the Faculty Handbook and in the Human Resources documents of the College. The College also may take any other corrective action that it deems appropriate under the circumstances.

Alcohol or Drugs. Use of alcohol or drugs will never function as a defense for any behavior that violates this policy.

Students who are found to have violated this policy will be subject to disciplinary action up to and including expulsion or dismissal and with the additional provisions set forth in the “Rights” section of this policy.

Faculty and staff (employees) who are found to have violated this policy will be subject to disciplinary action up to and including discharge or termination and with the additional provisions set forth in the “Rights” section of this policy.

Guests and other third parties who are found to have violated this policy will be subject to corrective action deemed appropriate by the College, which may include removal from the campus(es) and termination of any applicable contractual or other arrangements.

When disciplinary action is unable to be pursued by the College in response to an alleged violation of this policy because a complainant insists on confidentiality, or for some other reason, steps to limit the effects of such conduct and to prevent its recurrence will be pursued by the College.

Prevention, Education, and Training Programs

Pacific Union College has several available avenues for education and prevention of sexual misconduct, relationship violence, and stalking for the campus community.

Bystander Intervention
• Neighborhood Watch emphasis at Family Orientation and New Student Orientation
• Awareness via Public Safety website, emails, and presentations
• NotAlone.gov

Awareness and Education
• Freshmen Orientation training and awareness presentations
• Marketing and communication reminders: Announce, Big Screen, posters, bookmarks, etc.
• For Her Series including positive, healthy behaviors/presentations
• For Him Series including positive, healthy behaviors/presentations
• Speakers at Colloquy, Residence Hall meetings, and all College vespers program
• Career and Counseling Center series/film on Relationship Violence
• Personal Counseling
• Fall Revival, Weeks of Prayer, Vespers
• Relationship Series

Student Preventive Education
Campus-wide education, prevention, awareness, risk-reduction and empowerment

Campus Clarity, Think About It, online education for students Wellness programming and self-defense training

Video Presented or Available as Resources
• A Cup of Tea
• Sexual Assault Information, It’s On Us

Employee Training
• Colloquium required sexual harassment training and Title IX awareness
• LawRoom
## On-going Assistance: On-Campus

<table>
<thead>
<tr>
<th><strong>PUBLIC SAFETY</strong></th>
<th><strong>CAMPUS EMERGENCY</strong></th>
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<tbody>
<tr>
<td>Sean Westenrider, Director</td>
<td>(707) 965-7111</td>
</tr>
<tr>
<td><strong>RESIDENCE HALL DEANS</strong></td>
<td><strong>HEALTH SERVICES</strong></td>
</tr>
<tr>
<td><em>Counseling Center</em></td>
<td>Sandy Sargent, Director</td>
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<tr>
<td>Michael Jefferson</td>
<td>(Mental health counselors/psychologists/staff)</td>
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<tr>
<td><strong>DAYTIME:</strong> (707) 965-7080</td>
<td><strong>DAYTIME:</strong> (707) 965-6339, <strong>EMERGENCY:</strong> (707) 965-6789</td>
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<tr>
<td><strong>AFTER HOURS:</strong> (707) 965-6789</td>
<td><strong>EMAIL:</strong> <a href="mailto:healthservices@puc.edu">healthservices@puc.edu</a></td>
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<tr>
<td><strong>MENTAL HEALTH COUNSELING</strong></td>
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<tr>
<td><strong>NAPA COUNTY MENTAL HEALTH</strong></td>
<td>Napa County Mental Health</td>
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<tr>
<td>(707) 253-4711</td>
<td>(707) 965-6313</td>
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<tr>
<td><strong>VICTIM ADVOCACY</strong></td>
<td><strong>LEGAL ASSISTANCE</strong></td>
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<tr>
<td><strong>SEXUAL ASSAULT VICTIM SERVICES</strong></td>
<td><strong>LEGAL AID OF NAPA VALLEY</strong></td>
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<tr>
<td>(707) 944-1234</td>
<td>(707) 259-0579</td>
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<tr>
<td><strong>DISABILITY SERVICES</strong></td>
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<td><strong>LEGAL SERVICES</strong></td>
<td><strong>LOCAL RAPE CRISIS CENTERS</strong></td>
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<tr>
<td><strong>DISABILITY SERVICES &amp; LEGAL CENTER</strong></td>
<td><strong>NAPA COUNTY CRISIS</strong></td>
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<tr>
<td><a href="http://www.napa.networkofcare.org">www.napa.networkofcare.org</a></td>
<td>(707) 253-4711</td>
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<td><strong>CAMPUS EMERGENCY</strong></td>
<td><strong>SEXUAL ASSAULT CRISIS LINE</strong></td>
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<tr>
<td>(707) 965-7111</td>
<td>(707) 255-6397</td>
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<tr>
<td><strong>MEN’S RESIDENCES</strong></td>
<td><strong>NAPA VALLEY RAPE CRISIS CENTER</strong></td>
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<tr>
<td>Grainger Hall</td>
<td>24-HOUR HOTLINE</td>
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<tr>
<td>(707) 965-7418</td>
<td>(707) 258-8000</td>
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<tr>
<td>Juan Hidalgo</td>
<td><strong>NAPA COUNTY VICTIM SERVICES</strong></td>
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<tr>
<td>Assistant Dean of Men</td>
<td>(707) 299-1414</td>
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<tr>
<td><strong>NEWTON HALL</strong></td>
<td><strong>ST. HELENA HOSPITAL</strong></td>
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<tr>
<td>(707) 965-6487</td>
<td>Emergency Room</td>
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<tr>
<td>Hernan Granados</td>
<td>(707) 963-6425</td>
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<tr>
<td>Associate Dean of Men</td>
<td><strong>LEGAL ASSISTANCE</strong></td>
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<td><strong>NICHOL HALL</strong></td>
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<td>(707) 965-6101</td>
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<tr>
<td>Jim Boyd</td>
<td><strong>DISABILITY SERVICES</strong></td>
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<td><strong>WOMEN’S RESIDENCES</strong></td>
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<td><strong>ANDRE HALL</strong></td>
<td><strong>LOCAL RAPE CRISIS CENTERS</strong></td>
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<td>(707) 965-7481</td>
<td><strong>NAPA COUNTY CRISIS</strong></td>
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<tr>
<td>Gena Philpott</td>
<td>(707) 253-4711</td>
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<tr>
<td>Interim Dean of Women</td>
<td><strong>SEXUAL ASSAULT CRISIS LINE</strong></td>
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<tr>
<td><strong>GRAF HALL</strong></td>
<td>(707) 255-6397</td>
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<tr>
<td>(707) 965-6520</td>
<td><strong>NAPA VALLEY RAPE CRISIS CENTER</strong></td>
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<tr>
<td>Lunelle Bertresse</td>
<td>24-HOUR HOTLINE</td>
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<tr>
<td>Assistant Dean of Women</td>
<td>(707) 258-8000</td>
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<td><strong>MCREYNOLDS HALL</strong></td>
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<tr>
<td>(707) 965-6149</td>
<td>(707) 299-1414</td>
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<tr>
<td>Kristi Horn</td>
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<td><strong>WINNING HALL</strong></td>
<td>(707) 963-6425</td>
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<tr>
<td>(707) 965-6285</td>
<td><strong>COUNSELING CENTER</strong></td>
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<tr>
<td>Rebecca Seibert</td>
<td><strong>STAFF</strong></td>
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<td><strong>ACADEMIC ADMINISTRATION</strong></td>
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<td>Nancy LeCourt</td>
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<tr>
<td>Vice President for Academic Administration</td>
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<tr>
<td>Judy Cushman</td>
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<tr>
<td><strong>CHAPLAIN’S OFFICE</strong></td>
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<tr>
<td>Jonathan Henderson, Chaplain</td>
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<td>(707) 965-7191</td>
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<tr>
<td><strong>CRISTA PETERSON</strong></td>
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<tr>
<td>Deputy Title IX Coordinator</td>
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*Confidentiality Policy*

Faculty and staff are required to report any suspected violations of this policy. Health Services, Counseling Center and Chaplains are exempt from this requirement and would only disclose information with a student’s consent.

PUC reserves the right to make changes and updates to this policy when required. For the full version of PUC’s Title IX, Non-discrimination Policy, please contact the Title IX Coordinator.