



# PACIFIC UNION COLLEGE

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## Title IX Policies and Procedures: Equal Opportunity, Harassment, Discrimination, and Sexual Misconduct

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For students, faculty, staff, and third party campus visitors.

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# Religious Exemptions

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Pacific Union College, a part of the Seventh-day Adventist system of higher education, is a religious institution of higher education that takes seriously anti-discrimination provisions under federal and state law. As such, the Institution is committed to providing a learning and living environment that promotes student safety, transparency, personal integrity, civility, and mutual respect. Pacific Union College is also exempted by the state from California Education Code 66270, to the extent the application of California Education Code 66270 is not consistent with the institution's religious tenets. Furthermore, while the College has in the past applied for and received a regulatory exemption under Title IX, 34 C.F.R. section 106.12 in the areas of marital and parental status of students in admissions, housing, and discipline, and in the areas of marital and parental status of employees in employment, housing, and discipline, the Title IX statutory exemption provided by Congress [see 20 U.S.C. section 1681(a)(3)], is self-executing. As a result, the College is entitled to that statutory exemption to the extent the application of Title IX is not consistent with the institution's religious tenets.

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*PUC exemptions from California Education Code 66270 and regulatory exemption under Title IX, 34 C.F.R. section 106.12.*

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The exemptions stated above allow the College to create and enforce policies consistent with its religious tenets, even when those tenets may conflict with California Education Code 66270 or Title IX. The exemptions may apply to, but are not limited to, College practices or policy requirements addressing student or employee conduct, employment, housing, admissions, marriage, sports participation, and facilities use. For more information, see the following:

- Pacific Union College Student Handbook  
[http://www.puc.edu/\\_data/assets/pdf\\_file/0019/13474/PUC-Stdnt-Hndbk.pdf](http://www.puc.edu/_data/assets/pdf_file/0019/13474/PUC-Stdnt-Hndbk.pdf)
- Pacific Union College Faculty Handbook  
[https://www.puc.edu/\\_data/assets/pdf\\_file/0010/139663/Faculty-Handbook-2017.pdf](https://www.puc.edu/_data/assets/pdf_file/0010/139663/Faculty-Handbook-2017.pdf)
- Pacific Union College Employee Handbook  
[https://www.puc.edu/\\_data/assets/pdf\\_file/0006/10968/PUC-StaffHandbook.pdf](https://www.puc.edu/_data/assets/pdf_file/0006/10968/PUC-StaffHandbook.pdf).

In some cases the College's religious tenets, policies, and practices on matters of sexual orientation, sexual conduct outside marriage, same-sex marriage, and gender identity and expression may conflict with interpretations of California Education Code 66270 and Title IX, and these exemptions allow the College to do so. For more information about the Seventh-day Adventist Church's position on matters involving marriage, sexual orientation, and gender identity and expression, see the Church's official statements at <http://www.adventist.org/en/information/official-statements/statements/>.

# Introduction

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Pacific Union College (PUC), a Seventh-day Adventist liberal arts college, is committed to maintaining a respectful learning, living, and working environment that is free of gender and sex discrimination, harassment, and misconduct. Acts of discrimination, harassment, and misconduct, regardless of the length of the relationship or gender of the individuals, are inconsistent with this commitment, strictly prohibited, and intolerable. Should issues arise, this policy outlines procedures designed to effectively address these issues in a timely manner, prevent recurrence, and support individuals affected. 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 considered an alternate or replacement for the criminal justice system. Rather, this policy provides methods for the campus community to work together in creating and maintaining a respectful learning, living, and working environment.

All members of the PUC community share in the responsibility to uphold this policy. This includes all college students, members of the Board of Trustees, administration, faculty, staff, other members of the College community, and to contractors, consultants, and vendors doing business or providing services to the College, and if found in violation of this policy, may be subject to disciplinary action.

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 based on 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).

# I – Policy

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Pacific Union College affirms its commitment to promote the goals of fairness and equity in all aspects of the education program. Members of the Pacific Union College community are entitled to a living, working, and educational environment free of discrimination, harassment, and sexual misconduct. As a Christian institution, it is expected that all students, faculty, staff, and guests conduct themselves in a Christlike manner with decency and respect.

All policies below are subject to resolution using the College’s Equity Resolution Process (ERP), and apply to behaviors that take place on campus and at PUC-sponsored events. They may also apply off-campus and to actions online when the Title IX Coordinator determines that the off-campus conduct affects a substantial PUC interest, involving a PUC student or employee. A substantial PUC interest is defined to include:

1. Any action that constitutes a criminal offense as defined by law, this includes, but is not limited to, single or repeat violations of any local, state, or federal law;
2. Any situation where it appears that the responding party may present a danger or threat to the health or safety of self or others;
3. Any situation that significantly impinges upon the rights, property, or achievements of self or others, or significantly breaches the peace and/or causes social disorder; and/or
4. Any situation that is detrimental to the educational interests of Pacific Union College.

Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc. occurring completely outside of the College’s control (e.g. not on College networks, websites or between College email accounts) will only be subject to this policy when those online behaviors can be shown to cause an on-campus disruption or, at the College’s discretion, when such behaviors constitute a violation of Seventh-day Adventist principles of Christian living. Off-campus discriminatory or harassing speech by employees may also be regulated by the College in such cases, subject to any additional requirements of the Student, Faculty, or Staff Handbooks.

## I.A. – Nondiscrimination Policy

Pacific Union College adheres to all federal and state civil rights laws prohibiting discrimination in private institutions of higher education. PUC will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, ethnicity, sex, gender, national origin, or any other protected classes.

This policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the campus community who acts to deny, deprive, or limit the educational, employment, residential, and/or social access, benefits, and/or opportunities of any member of the campus community, guest, or visitor on the basis of their actual or perceived membership in the protected classes listed above is in violation of PUC’s policy on nondiscrimination. When brought to the attention of the College, any such discrimination will be appropriately addressed and remedied by the College according to the Equity Resolution Process described below. Non-members of the campus community who engage in discriminatory actions within College programs or on College property are not under the jurisdiction of this policy, but can be subject to actions that limit their access and/or

involvement with PUC programs as the result of their misconduct. All vendors serving the PUC through third-party contracts are subject by those contracts to the policies and procedures or to these policies and procedures, to which their employer has agreed to be bound.

The following behaviors are prohibited as forms of discrimination when the act is based upon the reporting party's actual or perceived membership in a protected class:

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive, limit or deny other members of the community of educational or employment access, benefits or opportunities;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the college community, when related to the admission, initiation, joining, or any other group-affiliation activity;
  - Bullying, defined as repeated and/or severe, aggressive behavior which is likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally;
  - That is not speech or conduct otherwise protected by the 1<sup>st</sup> Amendment.
- Intimate Partner Violence, defined as violence or abuse between those in an intimate and/or romantic relationship to each other<sup>1</sup>;
- Stalking
  - Stalking 1: A course of conduct directed at a specific person on the basis of actual or perceived membership in a protected class that is unwelcome, AND would cause a reasonable person to feel fear;
  - Stalking 2: Repetitive and menacing pursuit, following, harassing and/or interfering with the peace and/or safety of another;

Any other College policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's sex or gender. Sanctions for the above-listed behaviors range from reprimand through expulsion (students) or termination of employment (employees).

## I.B. – Discriminatory Harassment Policy

Students, staff, administrators, and faculty are entitled to a working and educational environment free of discriminatory harassment. PUC's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under PUC's policy.

### I.B.1. – Discriminatory and Bias-Related Harassment

Harassment constitutes a form of discrimination that is prohibited by PUC policy as well as Federal and State law. PUC condemns and will not tolerate discriminatory harassment against any employee,

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<sup>1</sup> The California state legal definitions of domestic violence and dating violence may also be found by clicking [here](#).

student, visitor, or guest on the basis of any status protected by policy or law. PUC will remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. When harassment rises to the level of creating a hostile environment, PUC may also impose sanctions on the harasser through application of the Equity Resolution Process. PUC's harassment policy explicitly prohibits any form of harassment, defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any member or group of the community. A hostile environment may be created by harassing verbal, written, graphic, or physical conduct that is **severe or persistent**, such that it interferes with, limits, or denies the ability of an individual to participate in or benefit from educational programs or activities, or employment access, benefits, or opportunities.<sup>2</sup>

The College reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature not on the basis of a protected status. Addressing such behaviors may not result in the imposition of discipline under PUC policy, but will be addressed through respectful confrontation, remedial actions, education, and/or effective conflict resolution mechanisms. For assistance with conflict resolution, employees should contact the Director of Human Resources, Stacy Nelson (snelson@puc.edu) and students should contact the Dean of Students, J.R. Rogers (jrogers@puc.edu).

### I.B.2. – Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of California regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. PUC has adopted the following definition of sexual harassment, in order to address the special environment of an academic community, which consists not only of employer and employees, but of students as well.<sup>3</sup>

#### **Sexual harassment is:**

- Unwelcome;
- sexual, sex-based, and/or gender-based;
- verbal, written, online, and/or physical conduct.

Anyone experiencing sexual harassment in any PUC program is encouraged to report it immediately to the Title IX Coordinator, Deputy Coordinators, HR Director, or other PUC faculty and staff. Remedies, education, and/or training will be provided in response.

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<sup>2</sup> This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: Department Of Education Office For Civil Rights, Racial Incidents And Harassment Against Students At Educational Institutions Investigative Guidance. The document is available at:

<http://www.ed.gov/about/offices/list/ocr/docs/race394.html>.

<sup>3</sup> Also of relevance is the Office of Civil Rights 2001 statement on sexual harassment, "Revised Sexual Harassment Guidance: Harassment Of Students By School Employees, Other Students, Or Third Parties, Title IX," which can be found at: <http://www2.ed.gov/legislation/FedRegister/other/2001-1/011901b.html>, the April, 2011 Dear Colleague Letter on Campus Sexual Violence, which can be found at:

[http://www.whitehouse.gov/sites/default/files/dear\\_colleague\\_sexual\\_violence.pdf](http://www.whitehouse.gov/sites/default/files/dear_colleague_sexual_violence.pdf) and OCR's Questions and Answers on Title IX and Sexual Violence, which can be found at:

<http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>.



Sexual harassment may be disciplined when it takes the form of *quid pro quo* harassment, retaliatory harassment, and/or creates a hostile environment.

A **hostile environment** is created when sexual harassment is:

- sufficiently severe or pervasive; and
- objectively offensive, such that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the College's educational, employment, social, and/or residential programs.

**Quid Pro Quo sexual harassment** includes unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational development or performance.

### I.B.3. – Expectations with Respect to Consensual Relationships

Because there are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty and student, supervisor and employee), **PUC, as a matter of policy, prohibits romantic relationships between faculty/staff and students.** These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of this policy. PUC does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College; **however, for the personal protection of members of this community, romantic relationships in which power differentials are inherent (faculty-student, staff-student, and administrator-student) are forbidden.** This includes adjunct faculty and part-time employees. Employees in consensual, romantic relationships with a student prior to employment are exempted provided they have notified the Title IX Coordinator or HR Director (the HR Director is responsible for sharing that information with the Title IX Coordinator) once their employment begins and their position is not in a supervisory or evaluative role over the student.

In staffing situations, consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely<sup>4</sup> attention of their supervisor who will then report the relation to the Title IX Coordinator. On the recommendation of the Title IX Coordinator and HR Director, removal of the employee from the supervisory or evaluative responsibilities, or shifting a party out of being supervised or evaluated by someone with whom they have established a consensual relationship may occur. This includes RAs and students over whom they have direct responsibility. While no relationships are prohibited by this policy, failure to timely self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

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<sup>4</sup> The College recommends reporting a romantic or sexual relationship within a week.

## I.C. – Sexual Misconduct Policy

State law defines various violent and/or non-consensual sexual acts as crimes. While some of these acts may have parallels in criminal law, PUC has defined categories of sex discrimination as sexual misconduct, as stated below, for which action under this policy may be imposed; however, PUC will assist the reporting party with law enforcement reporting if so desired. Generally speaking, PUC considers Non-Consensual Sexual Intercourse violations to be the most serious of these offenses, and therefore, typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. However, PUC reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sexual misconduct or other sex/gender-based offenses, including intimate partner (dating and/or domestic) violence, non-consensual sexual contact, and/or stalking based on the facts and circumstances of the particular allegation. Acts of sexual misconduct may not be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved. Violations include:

- **sexual harassment;**
- **non-consensual sexual intercourse (NCSI);**
- **non-consensual sexual contact (NCSC);**
- **sexual exploitation<sup>5</sup>.**

This policy also covers non-consent based on **incapacitation**. A person cannot consent if s/he is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy. It is not an excuse that the responding party was intoxicated and, therefore, did not realize the incapacity of the reporting party. A person whose incapacity results from mental disability, involuntary physical restraint, and/or from the taking of incapacitating drugs is also covered by this policy.

## I.D. – Accommodation of Disabilities Policy

Pacific Union College is committed to full compliance with all applicable sections of the Americans With Disabilities Act of 1990 (ADA and ADAAA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

The Teaching and Learning Center (TLC) Director has been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws, including investigation of any allegation of noncompliance.

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<sup>5</sup> See Section [VII](#) for definitions.

Teaching and Learning Center  
(707) 965-7688  
tlc@puc.edu

### I.D.1. Students with Disabilities

PUC is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the College. All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the TLC Disabilities Coordinator ([tlc@puc.edu](mailto:tlc@puc.edu)) who coordinates services for students with disabilities. The Director of Disability Services reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate to the student's particular needs and academic programs.

### I.D.2. Employees with Disabilities

Pursuant to the ADA, PUC will provide reasonable accommodation(s) to all qualified employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive or would result in undue hardship. An employee with a disability is responsible for requesting an accommodation in writing to PUC's Human Resources (HR) Director and provide appropriate documentation. The HR Director will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

## II – Options for Assistance

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### II.A. – Title IX Office

Tanya Healy serves as the Title IX Coordinator and heads the Title IX team of Deputy Coordinators. The Title IX Coordinator is responsible for oversight and implementation of the policies and procedures herein; ensuring all members of the Title IX team are trained in issues specific to sex and gender harassment, discrimination, and sexual misconduct; and educating the PUC community on reporting procedures and requirements as well as issues of discrimination, harassment, and sexual misconduct.

The Title IX Coordinator acts with independence and authority free of conflicts of interest. Any concerns involving a conflict of interest by the Title IX Coordinator should be sent to [president@puc.edu](mailto:president@puc.edu). Any concerns regarding a potential conflict of interest with any other Title IX Team member should go to the Title IX Coordinator.

Any inquiries regarding policies or procedures, or sex/gender-based complaints regarding a PUC campus member, which include discrimination, harassment, and sexual misconduct, should be referred to a member of the Title IX Team below.

#### Title IX Coordinator

**Tanya Healy**

(707) 965-6226 (24 hours)

#### Title IX Deputy Coordinators

**Lunelle Bertresse**

Assistant Dean of Women

(707) 965-6522

[lbertress@puc.edu](mailto:lbertress@puc.edu)

**Jean Buller**

Professor of Education

(707) 965-7266

[jbuller@puc.edu](mailto:jbuller@puc.edu)

**Jaymie de la Torre**

Assistant for Visual Arts

(707) 965-6604

[jhdelatorre@puc.edu](mailto:jhdelatorre@puc.edu)

**Abram Fisher**

Associate Professor of Business Administration

(707) 965-6521

[ayfisher@puc.edu](mailto:ayfisher@puc.edu)

**Holly Jeske**

Wellness Coordinator

(707) 965-6330

[hjeske@puc.edu](mailto:hjeske@puc.edu)

**Peter Katz**

Assistant Professor of English

(707) 965-6611

[pjkatz@puc.edu](mailto:pjkatz@puc.edu)

<p><b>Stacy Nelson</b> Human Resources Director (707) 965-6221 snelson@puc.edu</p>	<p><b>Crista Peterson</b> International Student Advisor (707) 965-7362 <a href="mailto:cpeterson@puc.edu">cpeterson@puc.edu</a></p>
<p><b>Leah Turcotte</b> Athletics Trainer (707) 965-6652 lturcotte@puc.edu</p>	
<p>External inquiries or reports can be made at any time to:</p>	
<p><b>Office for Civil Rights (OCR)</b> 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: <a href="mailto:OCR@ed.gov">OCR@ed.gov</a> Web: <a href="http://www.ed.gov/ocr">http://www.ed.gov/ocr</a></p> <p><b>Equal Employment Opportunity Commission (EEOC)</b> Contact: <a href="http://www.eeoc.gov/contact/">http://www.eeoc.gov/contact/</a></p>	

## II.B. – Immediate Assistance for Sexual Assault

In cases of sexual assault, the following procedures are encouraged:

- Go to a safe place;
- Call someone trusted;
- Consider going to the nearest hospital emergency room;
  - A medical professional can perform an exam to check for physical injuries and disease, provide pregnancy information and prophylaxis (if necessary);
  - A certified sexual assault nurse examiner can collect evidence (best collected with 72 hours of the assault) should a decision to file a criminal complaint be made;
- Consider reporting to local law enforcement. If you wish to file a criminal complaint and prosecute, you should avoid changing clothes, showering, bathing, douching, eating, drinking, urinating, or defecating before arriving at the ER as it may jeopardize DNA evidence. Urine samples will be necessary to test for any date rape drugs. Take extra clothes with you, as clothing may be held as evidence.

Report any instance of sex or gender harassment, discrimination, or misconduct to campus personnel. Personnel are available 24 hours a day, seven days a week, to provide support, assistance, and resources as well as assist you in contacting other resources both on and off campus.

Sexual Assaults may be reported to:	
Local Law Enforcement	
911	
<p><b>Hospitals</b></p> <p><b>St. Helena Hospital Emergency Room</b> (707) 963-6425 10 Woodland Rd, St Helena, CA 94574</p> <p><b>Queen of the Valley Emergency Room</b> (707) 257-4038 1000 Trancas St, Napa, CA 94558</p>	<p><b>Hotlines</b></p> <p><b>Napa Valley Rape Crisis Center 24-Hour Hotline</b> (707) 258-8000</p> <p><b>NEWS: Domestic Violence &amp; Sexual Abuse Services</b> (707) 255-6397</p>
<p><b>PUC Public Safety</b> (707) 965-7111 (24 hours)</p>	<p><b>Title IX Coordinator</b> Tanya Healy (707) 965-6226 (24 hours)</p>
<p><b>PUC Health Services</b> (707) 965-6339 (707) 965-6789 (after hours)</p>	<p><b>PUC Career &amp; Counseling Center</b> (707) 965-7080 (707) 965-6789 (after hours)</p>

## II.C. – Ongoing Assistance

Ongoing support in the days and weeks following instances of discrimination, harassment, and/or sexual misconduct is available whether or not an official report is filed or an investigation is implemented. The College encourages the use of resources available, free of charge, at the **Career Counseling Center**, **Health Services**, and the **Title IX Office**.

## III – Reporting

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There is no time limitation on the filing of allegations. However, if the responding party is no longer subject to the PUC’s jurisdiction, the ability to investigate, respond, and provide remedies may be more limited. Reports of discrimination, harassment, and/or retaliation may be made using any of the following options:

1. Report directly to the Title IX Coordinator or Deputy Coordinators;
2. Report online, using the reporting form posted at [www.puc.edu/ixreportform](http://www.puc.edu/ixreportform);
3. Report on the Title IX section of the LiveSafe app;
4. Report to any faculty member or staff member—all faculty and staff are trained in appropriate reporting processes;
5. Report to PUC Public Safety, (707) 965-6551;
6. In the case of a medical emergency, please dial 911.

All reports are acted upon promptly while every effort is made by the College to preserve the privacy of reports. Such reports may also be anonymous. Anonymous reports will be investigated to determine if remedies can be provided. Additionally, because all employees (including adjunct faculty) of the College are designated as mandated reporters, they are required to share a report with the Title IX Coordinator promptly. Confidentiality and mandated reporting is addressed more specifically below. Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to [president@puc.edu](mailto:president@puc.edu).

### III.A. – Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a party bringing an allegation, or for assisting in providing information relevant to a claim of harassment is a serious violation of College policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. PUC is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation (see section [VII](#) for examples of retaliation).

### III.B. – Remedial Action and Interim Measures

Upon notice of alleged discrimination, PUC will implement initial remedial, responsive, and/or protective actions upon notice of alleged harassment, retaliation, and/or discrimination. Such actions could include, but are not limited to:

- no contact orders;
- providing counseling and/or medial services;
- academic support;

- living arrangement adjustments;
- transportation accommodations;
- visa and immigration assistance;
- student financial aid counseling;
- providing a campus escort;
- academic or work schedule and assignment accommodations;
- safety planning;
- referral to campus and community support resources.

PUC will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest, or visitor upon a finding that they have engaged in harassing or discriminatory behavior or retaliation.

The College will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair the College's ability to provide the accommodations or protective measures. Procedures for handling reported incidents are fully described below.

### III.C. – Confidentiality and Reporting

All College employees (faculty, staff, administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate university officials – thereby offering options and advice without any obligation to inform an outside agency or campus official unless a reporting party has requested information to be shared. Other resources exist for reporting parties to report crimes and policy violations and these resources will take action when an incident is reported to them.

#### III.C.1. – Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- On-campus licensed professional counselors and staff at the Career and Counseling Center;
- On-campus health service providers and staff at Health Services;
- On-campus members of the clergy/chaplains working within the scope of their licensure or ordination (ordained ministers hired by PUC as faculty or non-chaplain staff are not confidential resources);
- Off-campus (non-employees):
  - Licensed professional counselors;
  - Local rape crisis counselors;
  - Domestic violence resources;
  - Local or state assistance agencies;

All of the above-listed individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. PUC campus counselors are available to help free of charge and



can be contacted at (707) 965-7080 or at (707) 965-6789 after business hours. However, PUC employees listed above will submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

### III.C.2. – Formal Reporting Options

All PUC employees have a duty to report, unless they fall under the “Confidential Reporting” section above. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared with the Title IX Coordinator. Employees must promptly share all details of the reports they receive. Generally, climate surveys, classroom writing assignments or discussions, human subjects research, or events such activities as marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the reporting party clearly indicates that they wish a report to be made. Remedial actions may result from such disclosures without formal College action.

If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law (Note: The College’s ability to remedy and respond to a reported incident may be limited if the reporting party does not want the institution to proceed with an investigation and/or the Equity Resolution Process.).

In cases indicating pattern, predation, threat, weapons, and/or violence, PUC will likely be unable to honor a request for confidentiality. In cases where the reporting party requests confidentiality and the circumstances allow the College to honor that request, the College will offer interim supports and remedies to the reporting party and the community, but will not otherwise pursue formal action. A reporting party has [the right](#), and can expect, to have allegations taken seriously by PUC when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including but not limited to: Student Life, PUC Public Safety, and the PUC Behavioral Intervention Team. Information will be shared only as necessary with investigators, witnesses, and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party’s rights and privacy. Additionally, reports can be made by victims and/or third parties using the online reporting form posted at [www.puc.edu/ixreportform](http://www.puc.edu/ixreportform) or the reporting hotline at (707) 965-6226. Note that these anonymous reports may prompt a need for the institution to investigate.

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sex/gender harassment or discrimination of which they become aware is a violation of PUC policy and can be subject to disciplinary action for failure to comply.

### III.C.3. – Federal Timely Warning Obligations

Parties reporting sexual misconduct should be aware that under the Clery Act, College administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The College will ensure that a victim’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

### III.C.4. – False Accusations

Deliberately false and/or malicious accusations under this policy, as opposed to allegations, which, even if erroneous, are made in good faith, are a serious offense, will be subject to appropriate disciplinary action, and will be investigated upon their own merits as harassment.

### III.C.5. – Amnesty for Reporting Party, Responding Party, and Witnesses

The College recognizes that individuals who have been engaging in sexual conduct outside of marriage, drinking alcohol, and/or using other drugs (whether such use is voluntary or involuntary) at the time that sex or gender discrimination or sexual misconduct occurs, may be hesitant to report such incidents due to fear of potential consequences for their conduct. Pacific Union College strongly encourages individuals to report any of the forms of discrimination or misconduct listed in this document to College officials. Individuals who report, in good faith, sex or gender discrimination or sexual misconduct that was directed at them, or another person, either as a reporting party, responding party or a third party witness, will not be subject to disciplinary action by the College for their own personal involvement in sexual activity, and/or consumption of alcohol or drugs at or near the time of the incident provided that any such violations did not and do not place the health or safety of any other person at risk.

To foster healing and growth, PUC may initiate educational opportunities about the use of alcohol or drugs and their impact. Amnesty recipients will be asked to sign a statement indicating their awareness of the College's policy regarding sexual activity outside marriage, and/or the consumption of alcohol and drugs. Amnesty applies only to the personal use of alcohol or drugs and sexual conduct outside of marriage and does not extend to other potential violations of the Student Code of Conduct or other College policies. For example, if the responding party provided alcohol or drugs to the reporting party as a means of facilitating the alleged violation, the responding party may face additional action.

Abuse of amnesty requests can result in a decision not to extend amnesty to the same person repeatedly. Abuse of this policy may result in the appropriate disciplinary action.

### III.C.6. – Parental Notification (allegations involving dependent students)

The College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. PUC may also notify parents/guardians of non-dependent students who are under age 18 of alcohol and/or drug policy violations. Where a student is non-dependent, the College will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The College also reserves the right to designate which officials have a need to know about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

### III.C.7 – Federal Statistical Reporting Obligations

Certain campus officials – those deemed campus security authorities - have a duty to report sexual assault, domestic violence, dating violence, and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to PUC's Department of Public Safety regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student affairs/student conduct, PUC Public Safety, local police, coaches, athletic directors, residence

life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

(PUC reserves the right to modify the above policy when necessary.)

## IV – Equity Resolution Process

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The Equity Resolution Process (ERP) contains the procedure for allegations of sex- or gender-based harassment and discrimination, sexual misconduct, and other forms of discrimination.

PUC will respond to any formal or informal allegation or notice of violation of the policies on equal opportunity, harassment, and discrimination that is received by the Title IX Coordinator or a member of the administration, faculty, or staff.

The procedures described below apply to all allegations of harassment or discrimination on the basis of protected class involving students, staff, or faculty members. These procedures may also be used to address collateral misconduct occurring in conjunction with harassing or discriminatory conduct (e.g.: vandalism, physical abuse of another, etc.). All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the respective student, faculty, and staff handbooks.

### IV.A. – Equity Resolution Process Overview

Upon notice to the Title IX Coordinator, this resolution process involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If so, the College will initiate a confidential investigation that is thorough, reliable, impartial, prompt, and fair. The investigation and the subsequent resolution process determines whether the discrimination policy has been violated—the finding recommendations in investigations and final panel determinations will be based on a preponderance of evidence. If so, the College will promptly implement effective remedies designed to end the discrimination, prevent its recurrence, and address its effects.

### IV.B. – Disabilities Accommodation in the Equity Resolution Process

Pacific Union College is committed to providing qualified students, employees, or others with disabilities with reasonable accommodations and support needed to ensure equal access to the Equity Resolution Process at PUC. Anyone needing such accommodations or support should contact the Director of Disability Services at the TLC, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation.

### IV.C. – Equity Resolution Process

Allegations under the policy on nondiscrimination are resolved using the ERP. Members of the ERP pool are announced in an annual distribution of this policy to campus, prospective students, their parents, and prospective employees. Members of the ERP pool (Deputy Title IX Coordinators) are trained in all aspects of the resolution process, and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- To provide sensitive intake for and initial advice pertaining to allegations;

- To serve in a mediation or restorative justice role in conflict resolution;
- To act as process advisors to those involved in the Equity Resolution Process;
- To serve on hearing panels for allegations;
- To serve on an appeals panel.

ERP pool members also recommend proactive policies, and serve in an educative role for the community. The Title IX Coordinator, in consultation with the President, approves ERP pool applicants, which report to the Title IX Coordinator. ERP pool members will receive training annually, organized by the Title IX Coordinator, including a review of College policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to members of the community, protect safety, and promote accountability. This training will include, but is not limited to: how to appropriately remedy, investigate, render findings, and determine appropriate sanctions in reference to all forms of harassment and discrimination allegations; the College’s discrimination and harassment policies and procedures (including sexual misconduct); confidentiality and privacy; and applicable laws, regulations and federal regulatory guidance. All ERP pool members are required to attend training offered throughout each year.

ERP pool members are appointed to annual terms; however, the College does not impose term limits. Appointments to the pool should be made with attention to representation of groups protected by the harassment and non-discrimination policy. Individuals who are interested in serving in the pool are encouraged to contact the Title IX Coordinator. (No member of the pool may be a practicing attorney). PUC reserves the right to hire trained investigators and trained adjudicators when needed.

To promote fair and just proceedings, pool members must recuse themselves in cases where they possess a conflict of interest. A pool member may be removed from the case or from the pool entirely by the Title IX Coordinator or by a majority vote of the disinterested pool members. The majority vote, stating cause, must be submitted in writing to the Title IX Coordinator. The Title IX Coordinator will be bound by a majority vote. In cases where the Title IX Coordinator may have a conflict of interest and has not already self-recused, a majority vote of the disinterested members, stating cause for administrative removal from said cases, must be submitted in writing to the president. The president will be bound by a majority vote.

The PUC ERP pool consists of the following Title IX Deputy Coordinators:

**Lunelle Bertresse**  
 Assistant Dean of Women  
 (707) 965-6522  
[lbertresse@puc.edu](mailto:lbertresse@puc.edu)

**Abram Fisher**  
 Associate Professor of Business Administration  
 (707) 965-6521  
[ayfisher@puc.edu](mailto:ayfisher@puc.edu)

**Jean Buller**  
 Professor of Education  
 (707) 965-7266  
[jbuller@puc.edu](mailto:jbuller@puc.edu)

**Holly Jeske**  
 Wellness Coordinator  
 (707) 965-6330  
[hjeske@puc.edu](mailto:hjeske@puc.edu)

**Jaymie de la Torre**  
 Assistant for Visual Arts  
 (707) 965-6604  
[jhdeltorre@puc.edu](mailto:jhdeltorre@puc.edu)

**Peter Katz**  
 Assistant Professor of English  
 (707) 965-6611  
[pjkatz@puc.edu](mailto:pjkatz@puc.edu)

**Stacy Nelson**  
Human Resources Director  
(707) 965-6221  
snelson@puc.edu

**Crista Peterson**  
International Student Advisor  
(707) 965-7362  
[cpeterson@puc.edu](mailto:cpeterson@puc.edu)

**Leah Turcotte**  
Athletics Trainer  
(707) 965-6652  
lturcotte@puc.edu

## IV.D. – Possible Equity Resolution Process Participants

To promote and maintain fairness, equitable dignity, and privacy, the Equity Resolution Process limits participation to the following categories:

- Reporting party – the person impacted by the alleged incident and/or behavior (see section [V](#) for reporting party rights);
- Responding party – the person who has allegedly engaged in harassment, discrimination, and/or sexual misconduct (see section [V](#) for responding party rights);
- Witnesses to the alleged incident and/or behavior or individuals with information deemed relevant by the investigators and/or hearing/appeals panels;
- Title IX Coordinator – tasked with ensuring PUC policies and procedures are followed and participants have equitable access to resources;
- Members of the ERP pool who may be serving as advisors, hearing or appeals panel members, or as an usher;
- Advisors who are not members of the ERP pool (the reporting and responding parties are entitled to an advisor and may choose a member of the ERP pool or any other person whom they trust); and
- Investigators.

### IV.D.1. – Witnesses

Witnesses (as distinguished from the reporting or responding parties) are expected to cooperate with and participate in the College’s investigation and the Equity Resolution Process. Any witness who declines to participate in or cooperate with an investigation will not be permitted to offer evidence or testimony later in a hearing (if a hearing is held). Failure of a witness to cooperate with and/or participate in the investigation or Equity Resolution Process constitutes a violation of policy and may be subject to discipline. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person or if the investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. Parties who elect not to participate in the investigation or to withhold information from the investigation will not have the opportunity to offer evidence during the hearing and/or appeal stages of the process if it could have been offered during the investigation. Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

Witnesses are not permitted to record (audio or video) investigation meeting or other Equity Resolution Process proceedings.

#### IV.D.2. – Advisors

Each party is allowed to have an advisor of their choice present with them for all ERP meetings and proceedings, from intake through to final determination. The parties may select whomever they wish to serve as their advisor as long as the advisor is eligible and available, and usually not otherwise involved in the resolution process, such as serving as a witness. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is available and eligible. Witnesses cannot also serve as advisors. The parties may choose advisors from inside or outside the campus community. (The Title IX Coordinator will also offer to assign a trained ERP pool member to work as an advisor/advocate for any party). The parties may choose their advisor from the ERP pool, choose a non-trained advisor from outside the pool, if preferred, or proceed without an advisor.

The 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. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The College cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide one. Additionally, responding parties may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>);
- SAVE (<http://www.saveservices.org>).

Reporting parties may wish to contact organizations such as:

- The National Women’s Law Center (<https://nwlc.org/issue/education-title-ix/>);
- The Victim Rights Law Center (<http://www.victimrights.org>); or the
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim’s Bar Association.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting or interview unless invited to. The advisor may not make a presentation or represent the reporting party or the responding party during any meeting or proceeding, and may not speak on behalf of the advisee to the investigator(s) or hearing panelists. The parties are expected to ask and respond to questions on their own behalf, without representation by their advisor. Advisors may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given an opportunity to meet in advance of any interview or meeting with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisors to clarify any questions they may have, and allows the College an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the investigation and resolution. Any advisor who steps out of their role will be warned only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The College expects that the parties will wish to share documentation related to the allegations with their advisors. The College provides a consent form that authorizes such sharing. The parties must complete this form before the College is able to share records with an advisor, though parties may share the information directly with their advisor if they wish. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with 3<sup>rd</sup> parties, disclosed publicly, or used for purposes not explicitly authorized by the College. PUC may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the PUC's privacy expectations.

PUC expects an advisor to adjust their schedule to allow them to attend meetings when scheduled. PUC will not typically change scheduled meetings to accommodate an advisor's inability to attend. PUC will, however, make reasonable provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video, and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process, and is not locked into using the same advisor throughout. The parties must advise the investigators of the identity of their advisor at least one (1) business day before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties must provide timely notice to investigators if they change advisors at any time.

Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings in accord with PUC policy. While the contents of the hearing are private, the reporting and responding parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisors.

## IV.E. – Reporting Misconduct

Any member of the community, guest, or visitor who believes that the policies on equal opportunity, harassment, discrimination, and sexual misconduct has been violated should contact the Title IX Coordinator. It is also possible for employees to notify a supervisor, or for students to notify an administrative advisor or faculty member. Any member of the community, including visitors, may contact Campus Police/Public Safety to make a report. These individuals will in turn notify the Title IX Coordinator. The College website also includes a reporting form at [www.puc.edu/ixreportform](http://www.puc.edu/ixreportform) which may serve to initiate the resolution process. Reports may also be made on the LiveSafe app.

All employees receiving reports of a potential violation of College policy are expected to promptly contact the Title IX Coordinator within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with privacy. Specific information on any allegations received by any party will be reported to the Title IX Coordinator, but, subject to the College's obligation to redress violations, every effort will be made to maintain the privacy of those initiating an allegation. In all cases, PUC will give consideration to the reporting party with respect to how the reported misconduct is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution even when a reporting party chooses not to initiate or participate in the resolution process.



## IV.F. – Preliminary Inquiry

Following receipt of notice or a report of misconduct, the Title IX Coordinator<sup>6</sup> engages in a preliminary inquiry to determine if there is reasonable cause to believe one or more of the policies on equal opportunity, harassment, discrimination, and sexual misconduct have been violated. The preliminary inquiry is typically 1-3 business days in duration. This inquiry may also serve to help the Title IX Coordinator to determine if the allegations evidence violence, threat, pattern, predation, and/or weapon, in the event that the reporting party has asked for no action to be taken. In any case where violence, threat, pattern, predation, and/or weapon is not evidenced, the Title IX Coordinator may respect a reporting party's request for no action, and will investigate only so far as necessary to determine appropriate remedies. As necessary, the College reserves the right to initiate resolution proceedings without a formal report or participation by the reporting party.

In cases where the reporting party wishes to proceed or the College determines it must proceed, and the preliminary inquiry shows that reasonable cause exists, the Title IX Coordinator will direct a formal investigation to commence and the allegation will be resolved through one of three processes discussed briefly here and in greater detail below:

1. **Conflict Resolution or Restorative Justice Resolution** – typically used for less serious offenses and only when both parties agree to conflict resolution or restorative justice resolution;
2. **Informal Resolution** – a resolution without a hearing panel, following preliminary discovery;
3. **Formal Resolution** – a resolution of contested allegations with trained investigators and a hearing panel.

The process followed considers the preference of the parties, but is ultimately determined at the discretion of the Title IX Coordinator. Conflict Resolution or Restorative Justice may only occur if selected by all parties. The parties can elect for Informal Resolution, but Informal Resolution may also apply if the responding party accepts responsibility for all alleged violations of policy. If either party or both parties select Formal Resolution, or the Title IX Coordinator determines that Formal Resolution is appropriate, the allegation will be addressed using the Formal Resolution option.

If Conflict Resolution or Restorative Justice is desired by the reporting party, and appears appropriate given the nature of the alleged behavior, then the report does not proceed to investigation, unless a pattern of misconduct is suspected or there is an actual or perceived threat of further harm to the community or any of its members.

Once a formal investigation is commenced, the Title IX Coordinator will provide formal written notification of the investigation to the parties at an appropriate time during the investigation.<sup>7</sup> Although no longer a requirement by OCR, the College aims to complete all investigations within a sixty (60)

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<sup>6</sup> If circumstances require, the President or Title IX Coordinator may designate another person to oversee the process below, should an allegation be made against the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

<sup>7</sup> 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 College records; or emailed to the parties' College-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The reporting party is typically copied on such correspondence.

calendar day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties as appropriate.

If, during the preliminary inquiry or at any point during the formal investigation, the Title IX Coordinator determines that there is no reasonable cause to believe that policy has been violated, the process will end unless the reporting party requests that the Title IX Coordinator makes an extraordinary determination to re-open the investigation or to forward the matter for a hearing. This decision lies in the sole discretion of the Title IX Coordinator.

## IV.G. – Interim Remedies/Actions

The Title IX Coordinator may provide interim remedies intended to address the short-term effects of harassment, discrimination, and/or retaliation, i.e., to redress harm to the reporting party and the community and to prevent further violations.

These remedies may include, but are not limited to:

- Referral to counseling and health services;
- Education to the community;
- Altering the housing situation of the responding party (resident student or resident employee (or the reporting party, if desired));
- Altering work arrangements for employees;
- Providing campus escorts;
- Providing transportation accommodations;
- Implementing contact limitations between the parties, including no-contact requirements;
- Offering adjustments to academic deadlines, course schedules, etc.

The College may interim suspend a student, employee, or organization pending the completion of ERP investigation and procedures, particularly when in the judgment of the Title IX Coordinator the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on-campus of the responding party or the ongoing activity of a student organization whose behavior is in question. In all cases in which an interim suspension is imposed, the student, employee, or student organization will be given the option to meet with the Title IX Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX Coordinator has sole discretion to implement or stay an interim suspension and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to College housing and/or the College campus/facilities/events. As determined by the Title IX Coordinator, this restriction can include classes and/or all other College activities or privileges for which the student might otherwise be eligible. At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding party.

The institution will maintain as confidential any interim actions or protective measures, provided confidentiality does not impair the institution's ability to provide the interim actions or protective measures.

## IV.H. – Investigation

Once the decision is made to commence a formal investigation, the Title IX Coordinator will appoint trained investigator/s to conduct the investigation (if possible, a male and female team is preferred), usually within two (2) business days of determining that an investigation should proceed. Investigations are completed expeditiously, normally within ten business (10) days, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

PUC may undertake a short delay of its investigation (several days to weeks, to allow law enforcement evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The College will promptly resume its investigation and resolution processes once notified by law enforcement that the initial evidence collection process is complete. PUC action will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

All investigations will be thorough, reliable, impartial, prompt, and fair, and finding recommendations will be based on a preponderance of evidence. Investigations entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, as necessary.

The investigators will typically take the following actions, if not already completed (not necessarily in order):

- In coordination with appropriate campus partners (e.g.: The Title IX Coordinator, Student Life, Campus Public Safety, Academic Administration, HR, and Student Finance), initiate or assist with any necessary remedial actions;
- Determine the identity and contact information of the reporting party;
- Identify all policies allegedly violated;
- Assist the Title IX Coordinator with an immediate preliminary inquiry to determine if there is reasonable cause to believe the responding party has violated policy (if there is insufficient evidence to support reasonable cause, the inquiry should be closed with no further action);
- Meet with the reporting party to finalize their statement;
- Prepare the notice of allegations [charges] on the basis of the preliminary inquiry;
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview;
- Meet with the reporting party to finalize their statement, if necessary;
- If possible, provide written notification to the parties prior to their interviews that they may have the assistance of a ERP pool member or other advisor (non-participating advocate, as described below) of their choosing present for all meetings attended by the advisee;
- Provide the parties with a written 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;
- Prior to the conclusion of the investigation, provide the reporting party and the responding party with a list of witnesses whose information will be used to render a finding;

- Allow each party the opportunity to suggest questions they wish the investigators to ask of the other party and witnesses.
- Provide the parties with all relevant evidence to be used in rendering a determination and provide each with a full and fair opportunity to address that evidence prior to a finding being rendered;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
- Provide regular updates to the reporting party throughout the investigation, and to the responding party, as appropriate;
- Once the report is complete, the report is shared with the parties for their review and comment. The investigators may incorporate feedback from the parties as appropriate;
- Make, or recommend to the Title IX Coordinator a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
- Investigators and/or the Title IX Coordinator will finalize and present the findings to the responding party, who may accept the findings, accept the findings in part and reject them in part, or may reject all findings;
- Share the findings and update the reporting party on the status of the investigation and responding party's decision on the finding, without undue delay.

At any point during the investigation, if it is determined there is no reasonable cause to believe that Pacific Union College policy has been violated, the Title IX Coordinator, in consultation with the investigator(s), has authority to terminate the investigation and end resolution proceedings.

## IV.I. – Resolution Processes

Proceedings are private. All persons present at any time during the resolution processes are expected to maintain the privacy of the proceedings in accord with College policy. While the contents of the proceedings are private, the reporting and responding parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisors.

### IV.I.1. – Conflict Resolution

Conflict Resolution may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal hearing process to resolve conflicts. The Title IX Coordinator will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to conflict resolution. In a conflict resolution meeting, a trained administrator will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions.

Conflict Resolution will not be the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the formal process is completed should the parties and the Title IX Coordinator believe that it could be beneficial. Mediation will not be used in cases of sexual violence. It is not necessary to pursue conflict resolution first in order to pursue Informal or Formal Resolution, and either party participating

in Conflict Resolution can stop that process at any time and request a shift to either Informal or Formal Resolution.

#### IV.I.2. – Restorative Justice Resolution

Similarly to Conflict Resolution, the Restorative Justice Resolution may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal hearing process to resolve conflicts. The Restorative Justice Resolution is a conference-based cooperative resolution founded on four core principles: inclusive decision-making, active accountability, repairing harm, and rebuilding trust. The Title IX Coordinator will determine if Restorative Justice is appropriate, based on the willingness of the reporting party, responding party, and all other harmed parties, the nature of the conduct at issue, and the susceptibility of the conduct to restorative justice. In a restorative justice conference, a trained administrator will facilitate a dialogue with the parties to an effective resolution, if possible.

A restorative justice conference will be confined to the facilitator(s), Title IX Coordinator, the reporting party, the responding party, advocates, and any other identified harmed parties that have agreed to participate in the conference. The facilitator/s will lead the participants in both structured and unstructured dialogue which includes harm identification and a collaborative agreement process which explores solutions for the responding party make amends in order to repair harm and rebuild trust.

Elements of amends include:

- **Apology:** a written or verbal apology that includes acknowledgement, affect, and vulnerability;
- **Changed behavior:** plans to help the responding party support behavioral change, such as change of environment, education, rewards for positive change, and accountability check-ups to monitor progress and provide positive reinforcement;
- **Generosity:** services performed by the responding party (often unrelated to the reporting party) as evidence of a sincere apology—can be related to education;
- **Restitution:** direct service to the responding party or other harmed persons or organizations.

The Title IX Coordinator will keep records of the amends agreement and failure to abide by the agreement can result in appropriate responsive actions.

#### IV.I.3. – Informal Resolution

Informal Resolution (resolution without a hearing panel) can be pursued for any behavior that falls within the policies on equal opportunity, harassment, discrimination, and sexual misconduct, at any time during the process. This option may be used when:

- A responding party admits responsibility for all or part of the alleged policy violations at any point in the process;
- When the investigation reaches a finding that the parties accept;
- When both parties elect to resolve the allegation using the Informal Resolution process and the Title IX Coordinator assents.

In Informal Resolution, the investigator has the authority to address all collateral misconduct, meaning that they hear all allegations of discrimination, harassment, and retaliation, but also may address any additional alleged policy violations that have occurred in concert with the discrimination, harassment, or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal

Opportunity, Harassment, and Nondiscrimination. Accordingly, investigations should be conducted with as wide a scope as necessary.

Any evidence that the investigator believes is relevant and credible may be considered, including history and pattern evidence. The investigator may exclude irrelevant or immaterial evidence and may choose to disregard evidence lacking in credibility or that is improperly prejudicial.

Unless the investigator determines it is appropriate, the investigation and the finding will not consider: (1) incidents not directly related to the possible violation, unless they show a pattern, (2) the sexual history of the reporting party (though there may be a limited exception made in regards to the sexual history between the parties), (3) or the character of the reporting party. While previous conduct violations by the responding party are not generally admissible as information about the present allegation, the investigators may consider information about previous good faith allegations and/or findings to consider as evidence of pattern and/or predatory conduct.

If the investigator(s) find the character of the reporting party relevant to the investigation, they may request character references from the responding party to participate in interviews.

The investigator(s) will base the determination(s) on the preponderance of the evidence, whether it is more likely than not that the responding party violated policy as alleged.

Typically, within ten (10) business days of the close of an investigation which determines that a responding party is in violation of policy, (the Title IX Coordinator, the investigator(s), or both) will meet with the responding party to explain the finding(s) of the investigation. Once informed, the responding party may choose to admit responsibility for all or part of the alleged policy violations. If the responding party admits responsibility, in whole or in part, the Title IX Coordinator will render a determination that the individual is in violation of College policy for the admitted conduct, and will normally proceed to convene a formal hearing on any remaining disputed violations.

If the responding party admits to the violation(s), the Title IX Coordinator, in consultation with the ERP pool<sup>8</sup>, will determine an appropriate sanction or responsive action. If the sanction/responsive action is accepted by both the reporting party and responding party, the Title IX Coordinator will implement the finding and sanction, and act promptly and effectively to stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct. No appeal is permitted.

If either party rejects the sanction/responsive action, a formal hearing will be held on the sanction/responsive action only, according to the Formal Resolution procedures below.

If alleged misconduct is resolved at this stage, the Title IX Coordinator will inform the parties of the final determination within three (3) business days of the resolution, without significant time delay between notifications. 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 College records; or emailed to the parties' College-issued email account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notification of outcome will specify the finding on each alleged policy violation, any sanctions that may result which the College is permitted to

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<sup>8</sup> Identifying information in the case will be redacted before being presented to the ERP pool.

share according to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law. The notice will also include information on when the results are considered by the College to be final and any changes that occur prior to finalization.

At any point during the Informal Resolution process, including at its conclusion, either party may request that the matter be referred to the Formal Resolution Process for presentation before a hearing panel.

In cases involving at-will employees, all findings and responsive actions will be determined by the Director of Human Resources, in collaboration with the Title IX Coordinator, based on the results of the investigation.

#### IV.I.4. – Formal Resolution

For all contested allegations that are not resolved through the Conflict Resolution, Restorative Justice Resolution, or Informal Resolution, the Title IX Coordinator will initiate a formal hearing panel within ten (10) business days of the conclusion of the investigation, barring unusual circumstances.

### IV.J. – Formal Resolution Hearing Panel Procedures

#### IV.J.1. – Hearing Panels

The Title IX Coordinator will select three panel members, from the available pool, none of whom have been previously involved with the allegation, designating one as Chair. An alternate, if available, will sit in throughout the process if needed or at the discretion of the Title IX Coordinator. Those who are serving the parties as advisors, if any, are not eligible to serve as panelists. The panel will meet at a time determined by the Chair. The Chair will work with the Title IX Coordinator to schedule time and location. The Title IX Coordinator will be a non-participating observer, except in the case of process advice or questions of adherence to policy and process.

#### IV.J.2. – Notice of Hearing

At least five (5) business days prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the Chair will send a letter to the parties with the following information. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The letter will contain:

- 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.
- The time, date and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of a panel member or other advisor of their choosing at the hearing (See “Advisors” above).

Hearings for possible violations that occur near or after the end of an academic term and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College and remain within the sixty (60) calendar day goal for resolution.

#### IV.J.3. – Formal Hearing Protocol

Hearing panels will usually be convened within ten (10) business days of the completion of the investigation, and will be conducted in private. The panel has the authority to hear all collateral misconduct, meaning that it hears all allegations of discrimination, harassment, and retaliation, but also may hear any additional alleged policy violations that have occurred in concert with the discrimination, harassment, or retaliation, even though those collateral allegations may not specifically fall within the panel's jurisdiction. Accordingly, investigations should be conducted with as wide a scope as necessary.

Participants will include the Chair, the two members of the panel, the investigator(s) who conducted the investigation, the reporting party, responding party, advisors to the parties, any called witnesses, and an usher.

##### IV.J.3.A. – Pre-Hearing

The Chair will exchange the names of witnesses who will be participating in the hearing, all pertinent documentary evidence and the investigation report between the parties at least two (2) business days prior to the hearing. Any witness scheduled to participate in the hearing must have been interviewed first by investigators and have proffered a written statement, unless all parties consent to the participation of that witness in the hearing. In addition, the parties will be given a list of the names of each of the hearing panel members at least two (2) business days in advance of the hearing. All objections to any panelist must be raised in writing to the Chair as soon as possible. Hearing panel members, including the chair, will be unseated if the Title IX Coordinator concludes that their bias precludes an impartial hearing of the allegation. The panelists will be given a list of the names of each parties and witnesses at least two (2) business days in advance of the hearing. Any panelist or Chair who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing. (For more information regarding participant recusal based on bias or conflicts of interest see section [IV.C. – Equity Resolution Process](#)).

If alternative attendance is necessary due to extraordinary circumstances (screens, Skype, questions directed through the Chair, etc.), the parties should request them from the Chair at least two (2) business days prior to the hearing. In the case of documented disabilities for which accommodations in the process are necessary, PUC will make reasonable accommodations for the parties when requested in advance.

##### IV.J.3.B. – Presentation of Evidence

Formal rules of evidence do not apply. Any evidence that the panel believes is relevant and credible may be considered, including history and pattern evidence. The Chair will address any evidentiary concerns prior to and/or during the hearing, may exclude irrelevant or immaterial evidence and may ask the panel to disregard evidence lacking in credibility or that is improperly prejudicial. The Chair will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on his/her own behalf.



Unless the Chair determines it is appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation, unless they show a pattern, (2) the sexual history of the reporting party (though there may be a limited exception made in regards to the sexual history between the parties), (3) or the character of the reporting party. While previous conduct violations by the responding party are not generally admissible as information about the present allegation, the investigators will supply the panel with information about previous good faith allegations and/or findings to consider as evidence of pattern and/or predatory conduct.

There will be no observers in the hearing. The Chair may allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the panel or the parties involved, and then be excused.

In hearings involving more than one responding party or in which two (2) or more reporting parties have accused the same individual of substantially similar conduct, the standard procedure will be to hear the allegations jointly; however, the Title IX Coordinator may permit the hearing pertinent to each responding party to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding party.

Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings in accord with College policy. While the contents of the hearing are private, the reporting and responding parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisors.

Hearings (except for deliberations) are recorded by the Chair for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. Panel members, the parties, and appropriate administrative officers of the College will be allowed to listen to the recording in a location determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

#### IV.J.3.C – Hearing Setup

All parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the parties. Standard hearing procedure requires the reporting party(ies) and advisor, responding party(ies) and advisor, and witnesses to remain in three separate waiting rooms when not in session with the hearing panel in the panel room. The reporting and responding parties and their advisors will be provided either audio or visual access to the panel's sessions with investigator(s) and witnesses; however, they will not be given audio or visual access when the panel is in session with the other party nor during deliberations.

**Alternate hearing setup:** The College allows for an alternate 2-room hearing procedure where the parties and their advisors may remain in the panel room for the hearing up until the panel begins deliberations. This alternate setup may only be used if both parties agree to its use. For the alternate setup to be used, one party must make a formal request to the Chair at least two (2) business days prior to the hearing. The Chair will then notify the other party of the request in writing as soon as possible. The notification 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 College records; or emailed to the party's College-issued email account. The other party should inform the Chair of the decision to accept

or deny the alternate 2-room hearing setup request within a business day of receiving the notification, at which point the Chair will inform the requesting party of the final setup decision. Either party may revoke the decision to use the alternate hearing setup at any time. At which point, the standard 4-room setup will be implemented. In instances where the revoking decision is made after the hearing has already started, the Title IX Coordinator and Chair will coordinate the changes necessary to change the setup. In the event that rooms and technology are not immediately available, the Chair will reschedule the hearing as soon as possible. Once the decision has been made by one of the parties to stop using the alternate setup and use the standard setup, the decision cannot be reversed. The remainder of the hearing must be completed using the standard setup. The College reserves the right to deny the request for an alternate hearing setup despite mutual party agreement at the discretion of the Title IX Coordinator AND Chair.

At any time, the reporting and responding parties may choose to no longer participate in the hearing procedure. If a party chooses to no longer participate, they must inform either the Title IX Coordinator or the Chair. To officially waive their rights and remove themselves from the proceedings, they must be presented with a consent form informing them that they are waiving their rights to present facts and arguments as well as pose and respond to questions. The form should be presented in the presence of their advisor. Both the party and advisor must sign the consent form.

#### IV.J.3.D. – Hearing Procedures

Once the panel has convened in the hearing venue, they will visit each waiting room to explain the procedures to the various participants and introduce the usher. Following the explanation of procedures to all the participants, the panel will return to the panel room and commence the hearing.

**Statement of Case:** After the hearing has commenced, the Chair will ask the Usher to escort the reporting party and advisor to the panel room. The reporting party is offered the opportunity to make a statement regarding the case and submit questions they wish for the panel to present to the responding party. After the Usher escorts the reporting participants (party and advisor) back to their waiting room, the responding participants are escorted to the panel room and offered the same opportunity to make a statement and submit questions to the panel they wish presented to the reporting party.

**Investigator/s Report:** Once both parties have presented their statement and questions to the panel and returned to their respective rooms, the investigator/s will present the investigation report. The investigator(s) will be present during the entire hearing process, but will only be present during deliberations at the request of the Chair. The findings of the investigation are not binding on the panel, though any undisputed conclusions of the investigation report will not be revisited, except as necessary to determine sanctions/responsive actions.

**Interview of Witnesses:** After the completion of the investigation report, the Chair will direct the Usher to escort the witness/es, one at a time, to the panel room for an interview.

**Party Responses:** Following interview of witnesses, the reporting participants are escorted to the panel room to answer the responding party's questions and present questions they wish posed to the witnesses. After which, the responding party is presented with the same opportunity. At the discretion of the Chair, the parties may be present in the panel room when their own questions are posed to the witness(es). Otherwise, standard room presence and usher escort protocols already described will continue.

#### IV.J.4. – Deliberation and Decisions

The three (3) members of the hearing panel will deliberate in closed session to determine whether the responding party is responsible or not responsible for the policy violation(s) in question. The panel will base its determination(s) on a preponderance of the evidence (i.e., whether it is more likely than not that the responding party committed each alleged violation). If a responding party or organization is found responsible by a majority of the panel, the panel will recommend appropriate sanctions. The Chair is a voting member.

The Chair will prepare a written deliberation report and deliver it to the Title IX Coordinator, detailing the recommended finding, the information cited by the panel in support of its recommendation and any information the hearing panel excluded from its consideration and why. The report should conclude with any recommended sanctions. This report should not exceed two (2) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension.

The Title IX Coordinator will finalize the recommendations and will inform the parties of the final determination – both the finding(s) and applicable sanction(s) within three (3) business days of the hearing, without significant time delay between notifications. 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 PUC records; or emailed to the parties' PUC-issued email account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notification of outcome will specify the finding on each alleged policy violation, any sanctions that may result which the College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law. The notice will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization and any appeals options that are available.

#### IV.J.5. – Sanctions

The Title IX Coordinator will work closely with the Chair of Student Conduct in the administration of sanctions in a timely manner. The hearing panel assigned to the resolution will recommend sanctions or responsive actions to the Title IX Coordinator. Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation;
- An individual's disciplinary history;
- Previous allegations or allegations involving similar conduct;
- Any other information deemed relevant by the hearing panel;
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation;
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation;
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the reporting party and the community.

The following are examples of sanctions that may be imposed upon **students** or **organizations** singly or in combination:

- **Warning:** A formal statement that the behavior was unacceptable and a warning that further infractions of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- **Probation:** A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any College policy, procedure, or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders, and/or other measures deemed appropriate.
- **Suspension:** Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at Pacific Union College. This sanction may be noted as a Conduct Suspension on the student's official transcript, at the discretion of the Title IX Coordinator.
- **Expulsion:** Permanent termination of student status, revocation of rights to be on campus for any reason or attend PUC-sponsored events. This sanction will be noted as a Conduct Expulsion on the student's official transcript.
- **Withholding Diploma:** PUC may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending, or as a sanction if the student is found responsible for an alleged violation.
- **Revocation of Degree:** The College reserves the right to revoke a degree awarded from Pacific Union College for fraud, misrepresentation, or other violation of PUC policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- **Organizational Sanctions:** Deactivation, de-recognition, loss of all privileges (including College registration), for a specified period of time.
- **Other Actions:** In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

The following are examples of sanctions that may be imposed upon an **employee** who has engaged in harassment, discrimination, sexual misconduct, and/or retaliation:

- Warning – verbal or written;
- Performance Improvement/management process;
- Required counseling;
- Required training or education;
- Probation;
- Loss of annual pay increase;
- Loss of oversight or supervisory responsibility;
- Demotion;
- Suspension with pay;
- Suspension without pay;
- Termination;
- **Other Actions:** In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

#### IV.J.6. – Withdrawal or Resignation While Charges Pending

**Students:** The College does not permit a student to withdraw if that student has an allegation pending for violation of the policies on equal opportunity, harassment, discrimination, and sexual misconduct. Should a student decide to leave and/or not participate in the ERP, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student may not be permitted to return to PUC either as a student or as an employee unless all sanctions have been satisfied. The student will not have access to an academic transcript until the allegations have been resolved.

**Employees:** Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator will reflect that status, and any College responses to future inquiries regarding employment references for that individual will indicate the former employee is ineligible for rehire. If an employee is found to be in violation of PUC's Sexual Misconduct Policy and is to be terminated, the College may allow the employee to voluntarily resign. However, the records of HR and the Title IX Coordinator will reflect the violation status, and references for that individual will indicate the former employee may be ineligible for rehire at PUC. Employees may not be permitted to return to PUC as a student.

#### IV.J.7. – Appeals

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within three business (3) days of the delivery of the written finding of the hearing panel. A three-member appeals panel chosen from the ERP pool will be designated by the Title IX Coordinator from those who have not been involved in the process previously. If there is an inadequate supply of pool members, the Title IX Coordinator, alone may serve as the appeal panel. Any party may appeal the findings and/or sanctions, but appeals are limited to the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
- To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included along with any new physical evidence. In the event a new witness becomes available, the summary must include a signed witness statement.

The Title IX Coordinator will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately. When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies), who may file a response within three (3) business days and/or bring their own appeal on separate grounds within the original timeframe. If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within three (3) business days. Any response or appeal request will be shared with each party.

Where the appeals panel finds that at least one of the grounds is met by at least one party, additional principles governing the hearing of appeals will include the following:

- Decisions by the appeals panel (or Title IX Coordinator) are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings of the allegation. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. An appeal is not an opportunity for appeals panelists to substitute their judgment for that of the original hearing panel merely because they disagree with its finding and/or sanctions.
- Appeals granted based on new evidence should normally be remanded to the original hearing panel or investigators for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, heard by the three-member appeals panel.
- Sanctions imposed as the result of the Formal, Informal, or Restorative Justice Resolution processes are implemented immediately unless the Title IX Coordinator or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- For students: Graduation, study abroad, internships/externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
- The Title IX Coordinator will confer with the appeals panel, incorporate the results of any remanded grounds, and render a written decision on the appeal to all parties within three (3) business days from hearing of the appeal or remand.
- All parties should be informed of whether the grounds for an appeal are accepted and the results of the appeal decision or remand.
- Once an appeal is decided, the outcome is final. Further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing). Where appeals result in no change to the finding or sanction, that decision is final. Where an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above, and in accordance with these procedures.
- All parties will be informed in writing within three (3) business days of the outcome of the Appeals Panel, without significant time delay between notifications, and in accordance with the standards for notice of outcome as defined above.
- In rare cases where a procedural [or substantive] error cannot be cured by the original hearing panel (as in cases of bias), the appeals panel may recommend a new hearing with a new hearing panel. The results of a remand to a hearing panel cannot be appealed. The results of a new hearing can be appealed, once, on any of the three applicable grounds for appeals.
- In cases where the appeal results in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the responding party to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

#### IV.J.8. – Long-Term Remedies/Actions

Following the conclusion of the Equity Resolution Process and in addition to any sanctions implemented, the Title IX Coordinator may utilize long-term remedies or actions to stop the harassment or discrimination, remedy its effects, and prevent their reoccurrence. These remedies/actions may include, but are not limited to:

- Referral to counseling and health services;
- Education to the community;

- Permanently altering the housing situation of an the responding party (resident student or resident employee (or the reporting party, if desired));
- Permanently altering work arrangements for employees;
- Providing campus escorts;
- Climate surveys;
- Policy modification;
- Providing transportation accommodations;
- Implementing long-term contact limitations between the parties;
- Offering adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term remedies may also be provided even when the responding party is found not responsible.

The institution will maintain as confidential any long-term remedies/actions or protective measures, provided confidentiality does not impair the institution's ability to provide the actions or protective measures. The Title IX Coordinator will work closely with Student Conduct, Student Life, Public Safety, and Residence Hall Administration for enforcement of all sanctions and remedies.

#### IV.J.9 – Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions

All responding parties are expected to comply with conduct sanctions, responsive actions, and corrective actions within the timeframe specified by the Title IX Coordinator. Failure to abide by these conduct sanctions, responsive actions, and corrective actions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from the College, and may be noted on a student's official transcript and in the employee's permanent file in Human Resources. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

#### IV.J.10. – Records

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept by the Title IX Coordinator indefinitely in the Title IX Coordinator database.

## V – Reporting and Responding Party Rights

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### V.A. – Statement of the Reporting Party’s Rights

- The right to investigation and appropriate resolution of all credible allegations of sexual misconduct or discrimination made in good faith to College 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, 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 reporting party 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 the hearing.
- The right to be informed of the names of all witnesses who will be called to give testimony, at least two (2) business 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 reporting party, 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 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 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.

## V.B. – Statement of the Responding Party's Rights

- The right to investigation 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, 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) business 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) business 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 reporting party, 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 an 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 panel 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.

## VI – Revision

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These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. The Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules, etc. The Title IX Coordinator may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred. Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such codes generally.

This policy and procedure will be effective upon posting to PUC website.

**Valid as of September 25, 2018.**

## VII – Definitions and Examples

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**Bullying:** Repeated and/or severe, aggressive behavior which is likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally, that is not speech or conduct otherwise protected by the 1<sup>st</sup> Amendment.

**Coercion:** Unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**Consent**<sup>9</sup>: An active giving of permission to engage in activity. Consent is knowing, voluntary, and provides clear permission by word or action to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent can be withdrawn once given, as long as the withdrawal is clearly communicated. **Silence or the absence of resistance alone is not consent.** There is no requirement on a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of consent is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced. Consent to some sexual contact (such as kissing or fondling) **cannot be presumed** to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. **In California, a minor (meaning a person under the age of 18 years) cannot consent to sexual activity.** This means that sexual contact by an adult with a person younger than 18 years old may be a crime, and a potential violation of this policy, even if the minor wanted to engage in the act.

**Discrimination:** Actions that deprive, limit or deny other members of the community of educational or employment access, benefits or opportunities.

**Force:** The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that overcome resistance or produce consent (“Have sex with me or I’ll hit you.” “Okay, don’t hit me, I’ll do what you want.”).

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<sup>9</sup> According to California law: “An affirmative consent standard in the determination of whether consent was given by both parties to sexual activity. “Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.” For additional information:

[https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140SB967](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB967)

**Hazing:** Acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity.

**Hostile Environment:** When sexual harassment is sufficiently severe or pervasive; AND objectively offensive, such that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the College's educational, employment, social, and/or residential programs.

**Incapacitation:** A state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction). A person cannot consent if s/he is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. It is not an excuse that the responding party was intoxicated and, therefore, did not realize the incapacity of the reporting party.

**Intimate Partner Violence:** Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between individuals involved or previously involved in a social relationship of a romantic or intimate sexual nature.

Examples of Intimate Partner Violence:

- A boyfriend shoves his girlfriend into a wall upon seeing her talking to a male friend. This physical assault based in jealousy is a violation of the Intimate Partner Violence policy.
- An ex-girlfriend shames her female partner, threatening to out her as a lesbian if she doesn't give the ex another chance. Psychological abuse is a form of Intimate Partner Violence.
- A student refuses to wear a condom and forces his girlfriend to take hormonal birth control though it makes her ill, in order to prevent pregnancy.
- Married employees are witnessed in the parking garage, with one partner slapping and scratching the other in the midst of an argument.

**Intimidation:** Implied threats or acts that cause an unreasonable fear of harm in another.

**Non-Consensual Sexual Contact (NCSC):** Any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force).

**Non-Consensual Sexual Intercourse (NCSI):** Any sexual intercourse penetration (such as vaginal, anal, and/or oral penetration), however slight, with any object, by a person upon another person that is without consent and/or by force<sup>10</sup>.

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<sup>10</sup> The use of force in non-consensual sexual intercourse and contact-based incidents is not "worse" than the subjective experience of violation of someone who is a victim of sexual intercourse or sexual contact without consent. However, the use of physical force constitutes a stand-alone non-sexual offense as well, as it is our expectation that those who use physical force (restraint, battery, etc.) would face not just the sexual misconduct allegation, but allegations under the code for the additional assaultive behavior.

**Preponderance of Evidence:** the evidence provides probable truth that a policy violation is more likely to have been committed than not.

**Quid Pro Quo Sexual Harassment:** Unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational development or performance.

**Restorative Justice**<sup>11</sup>: A cooperative resolution process which emphasizes repairing harm caused by a policy violation by requiring the responding party(ies) to take accountability for their actions and responsibility for harm caused by their actions and rebuilding trust. The process includes five interconnecting elements engagement and four elements of amends:

- **Elements of Engagement**

- **Meeting:** a time set aside for all parties to meet and engage with the process;
- **Narrative:** the parties tell their stories, describing what happened to them, how it affected them, and how they view the consequences of the action(s)/event(s);
- **Emotion:** expressing and addressing emotions through narrative;
- **Understanding:** understanding is achieved through shared stories and emotions and creates a productive foundation for agreeing on a final resolution for repairing harm and restoring trust;
- **Agreement:** mutually crafted and agreed upon plan for making amends;

- **Elements of Amends**

- **Apology:** a written or verbal apology that includes acknowledgement, affect, and vulnerability;
- **Changed behavior:** plans to help the responding party support behavioral change, such as change of environment, education, rewards for positive change, and accountability check-ups to monitor progress and provide positive reinforcement;
- **Generosity:** services performed by the responding party (often unrelated to the reporting party) as evidence of a sincere apology—can be related to education;
- **Restitution:** direct service to the responding party or other harmed persons or organizations.

**Retaliation:** Any adverse action taken against a person participating in a protected activity because of their participation in that protected activity.

Examples of Retaliation:

- Student-athlete files an allegation against a coach for sexual harassment; the coach subsequently cuts the student-athlete's playing time in half without a legitimate justification;

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<sup>11</sup> *The Little Book of Restorative Justice for Colleges and Universities*, by David R. Karp;  
<http://restorativejustice.org/restorative-justice/#sthash.kwqrKjtg.dpbs>.

- A faculty member complains of gender inequity in pay within her department; the Department Chair then revokes his/her prior approval allowing her to attend a national conference, citing the faculty member's tendency to "ruffle feathers;"
- A student from *Organization A* participates in a sexual misconduct hearing against the responding individual – also a member of *Organization A*; the student is subsequently removed as a member of *Organization A* because he participated in the hearing.

**Sexual Exploitation:** A situation in which a person takes non-consensual or abusive sexual advantage of another, and that behavior does not otherwise fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact). *Sexual Exploitation* includes, but is not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed);
- Invasion of sexual privacy;
- Taking pictures or video and/or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent);
- Prostitution;
- Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV), a sexually transmitted disease (STD) or infection (STI) without informing the other person of the infection;
- Administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent (assuming the act is not completed);
- Exposing one's genitals in non-consensual circumstances;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation;
- Aiding in the exploitation of another person.

**Sexual Harassment:** Harassment that is unwelcome; sexual, sex-based, and/or gender-based; verbal, written, online, and/or physical conduct. Sexual harassment may create a hostile environment. Forms of sexual harassment include *quid pro quo* harassment and retaliatory harassment.

Examples of Sexual Harassment:

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request and irrespective of whether a good grade is promised or a bad grade is threatened.
- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed in a professor's office or on the exterior of a residence hall door.
- Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She

probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.

- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus.
- Male students take to calling a particular brunette student “Monica” because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her, and she is the target of relentless remarks about cigars, the president, “sexual relations,” and Weight Watchers.
- A student grabbed another student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.

**Sexual Intercourse:** Vaginal or anal penetration by a penis, tongue, finger, or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.

**Sexual Touching:** Intentional contact with the breasts, groin, or genitals, mouth, buttocks, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or any other bodily contact in a sexual manner.

**Stalking:** (1) A course of conduct directed at a specific person on the basis of actual or perceived membership in a protected class that is unwelcome, AND would cause a reasonable person to feel fear; or (2) repetitive and menacing pursuit, following, harassing and/or interfering with the peace and/or safety of another.

Examples of Stalking:

- A student repeatedly shows up at another student's on-campus residence, always notifying the front desk attendant that they are there to see the resident. Upon a call to the resident, the student informs residence hall staff that this visitor is uninvited and continuously attempts to see them, even so far as waiting for them outside of classes and showing up to their on-campus place of employment requesting that they go out on a date together (Stalking 1).
- A student working as a tutor received flowers and gifts. After learning the gifts were from a student they recently tutored, the tutor thanked the student and stated that it was not necessary and would appreciate if the gifts stopped. The student then started leaving notes of love and gratitude on the tutor's car. Asked again to stop, the student stated by email: “You can ask me to stop, but I'm not giving up. We are meant to be together, and I'll do anything necessary to make you have the feelings for me that I have for you.” When the tutor did not respond, the student emailed again, “You cannot escape me. I will track you to the ends of the earth. We are meant to be together” (Stalking 2).