



PACIFIC UNION COLLEGE

Title IX Policies and Procedures

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

Contents

Religious Exemptions	4
Introduction	5
I – PUC Title IX Policy.....	6
I.A. – Scope of Policy	6
I.A.1. – Persons Covered	6
I.A.2. – Locations Covered.....	6
I.A.3. – PUC’s Response.....	7
I.B. – Prohibited Behaviors.....	7
I.B.1 – Sex or Gender-based Discrimination	7
I.B.2. – Sexual or Gender-based Harassment	7
I.B.3. – Sexual Misconduct	8
I.B.4. – Expectations with Respect to Consensual Relationships.....	10
II – Options for Assistance	11
II.A. – Title IX Office.....	11
II.A.1. – Title IX Team	11
II.B. – Immediate Assistance for Sexual Assault.....	12
II.C. – Ongoing Assistance	13
III – Reporting	14
III.A. – Retaliation.....	14
III.B. – Reporting and Confidentiality.....	14
III.B.1. – Employee Reporting Requirements	15
III.B.2. – Confidential Reporting and Resources	15
III.B.3 – Reporting Party Privacy.....	16
III.B.4 – Anonymous Reporting	16
III.B.5. – Amnesty Policy.....	16
III.B.6. – False Accusations	17
III.B.7. – Parental Notification (allegations involving dependent students).....	17
III.C. – External Reporting Obligations	17
III.C.1. Law Enforcement	17
III.C.2 – Federal Statistical Reporting Obligations.....	18
III.C.3. – Federal Timely Warning Obligations.....	18
III.C.4. – Office for Civil Rights.....	18
IV – Resolution Process.....	19
IV.A. – Resolution Process Overview	19
IV.B. – Disabilities Accommodation in the Resolution Process.....	19
IV.C. – Reporting Misconduct	19
IV.D. – Allegation Withdrawal.....	20
IV.E. – Preliminary Inquiry.....	20
IV.E.1. – Reporting Party Intake Interview.....	21
IV.F. – Resolution Options.....	21
IV.G. – Interim Measures	22
IV.G.1. – Appeal of Interim Measures.....	22
IV.H. – Resolution Process Participants	23
IV.H.1. – Witnesses	24
IV.H.2. – Advisors	24

IV.H.3. – Participant Recusal	26
IV.H.4. – Reporting Party Withdrawal or Resignation from the College While Charges Pending	26
IV.I. – Resolution Processes	26
IV.I.1. – Non-investigative Resolutions	26
IV.I.2. – Formal Resolution	28
IV.I.3. – Appeals.....	41
IV.I.4. – Long-Term Remedies/Actions.....	42
IV.I.5. – Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions	43
IV.I.6. – Records	43
V – Reporting and Responding Party Rights	44
V.A. – Statement of the Reporting Party’s Rights.....	44
V.B. – Statement of the Responding Party’s Rights	45
VI – Revision	47
VII – Definitions and Examples.....	48

Religious Exemptions

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 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.

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

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
- Pacific Union College Faculty Handbook
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.

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

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 sexual or gender-based discrimination and harassment and sexual misconduct. Acts of sexual or gender-based discrimination and harassment and sexual 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 or civil justice systems. 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 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 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).

This policy may be found online at puc.edu/titleixpolicy. Online reporting is available at puc.edu/ixreportform. If you have any questions regarding this policy, please contact the Title IX Coordinator.

Title IX Coordinator

Tanya Healy
Administration Suite #114
Ground Floor, Chan Shun Hall
(707) 965-6226 (24 hours)
titleix@puc.edu

I – PUC Title IX Policy

Pacific Union College (PUC) prohibits sexual and gender-based discrimination and harassment, and sexual misconduct subject to the exemptions listed above. Any attempt or threat to commit an act identified in this policy, as well as assisting or willfully encouraging any such act, are also considered a violation of this policy.

I.A. – Scope of Policy

This policy is subject to the resolution processes outlined in this handbook.

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

I.A.1. – Persons Covered

PUC affirms the right to a living, working, and educational environment free of sexual and gender-based discrimination and harassment, and sexual misconduct; therefore, this policy applies to all members of the PUC community: students, faculty (including adjunct), administrators, and staff (including temporary employees), as well as the College's vendors, contractors, volunteers, interns, visitors, guests, and third parties.

I.A.2. – Locations Covered

This policy applies to prohibited behaviors that take place on campus and at PUC-sponsored events. It may also apply to prohibited behaviors off-campus and online when the Title IX Coordinator determines that the off-campus conduct has continuing adverse effects on, or creates a hostile environment for, any member of the campus community or in any college employment or education program or activity.

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.

In situations where the alleged violation of this policy occurred outside the context of a PUC program or activity or off-campus, and where one or more of the parties are not members of the College community, PUC's ability to investigate and/or impose disciplinary sanctions may be limited. In such instances, the College reserves the right to take any steps it deems appropriate—including restriction of access to campus, referral to law enforcement, or other external agency—to address the situation and provide necessary resources to those individuals impacted and, as needed, to the broader College community.

I.A.3. – PUC’s Response

PUC will respond to any formal or informal allegation or notice of violation of this policy that is received by the Title IX Coordinator or a responsible employee¹ of the College. The College will respond promptly and effectively and take the appropriate action to stop the prohibited behavior, prevent its reoccurrence, and remedy the involved persons and/or community.

I.B. – Prohibited Behaviors

I.B.1 – Sex or Gender-based Discrimination

Pacific Union College adheres to all federal and state civil rights laws prohibiting discrimination based on sex or gender in private institutions of higher education.

The following behaviors are prohibited as forms of sexual or gender-based discrimination:

- Actions that deprive, limit or deny other members of the community of educational or employment access, benefits or opportunities because of their sex or gender;
- Intimate Partner Violence², defined as violence or abuse such as 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.
- Stalking
 - Stalking 1: A course of conduct directed at a specific person sexual and/or gender-based 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;

I.B.2. – Sexual or Gender-based 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 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.³

Sexual harassment is:

- Unwelcome;
- Sexual in nature and/or gender-based;
- verbal, written, online, and/or physical conduct.

¹ A responsible employee is defined as faculty (including adjunct), administrators, staff (including temporary employees), and student employees when they receive notice within the scope of their employment with the College. See §III.B for more information on responsible employees.

² The California state legal definitions of age of consent, domestic violence, and dating violence may also be found at http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=9.&part=1.&chapter=1.&article=

³ 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 <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.html>.

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

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

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.

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

- unwelcome conduct on the basis of sex that 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.

I.B.3. – Sexual Misconduct

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.

Sexual misconduct is engaging in any sexual activity without first obtaining affirmative consent to the specific activity and is a violation of this policy, whether or not the conduct violates any civil or criminal law. Sexual activity includes, but is not limited to, kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex.

Consent⁴ 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, the withdrawal should be 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

⁴ 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

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. There is no effective consent under this policy if one party is under the age of 18 and the other party is more than three years older than the minor.

Violations of the College's Title IX sexual misconduct policy include:

- **non-consensual sexual intercourse (NCSI)**, defined as 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 affirmative consent and/or by force;
- **non-consensual sexual contact (NCSC)**, defined as 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 condom tampering or removal**, defined as covertly removing or damaging a condom during sexual intercourse or knowingly damaging a condom before sexual intercourse;
- **non-consent based on incapacitation**, defined as 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;
- **sexual exploitation**, defined as 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, NCSI or NCSC (see §VII for examples of sexual exploitation).

This policy also covers **non-consent based on incapacitation**, defined as 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 they are 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 disorder, developmental or physical disability, involuntary physical restraint, and/or from the taking of incapacitating drugs is also covered by this policy⁵.

⁵ The California state legal definitions regarding consent and incapacitation may also be found at http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=9.&part=1.&chapter=1.&article=

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 sexual and gender-based offenses, including intimate partner (dating and/or domestic) violence, and 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, gender identity, or gender expression of those involved.

I.B.4. – 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 or sexual relationships with a student prior to employment or prior PUC membership 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 timely⁶ 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.

⁶ The College recommends reporting a romantic or sexual relationship within a week.

II – Options for Assistance

II.A. – Title IX Office

Tanya Healy serves as the Title IX Coordinator and heads the Title IX team. 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 sexual and gender-based harassment and discrimination and sexual misconduct; and educating the PUC community on reporting procedures and requirements as well as issues of sexual and gender-based harassment and discrimination 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. Any concerns regarding a potential conflict of interest with any other Title IX office member should go to the Title IX Coordinator.

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

Title IX Coordinator

Tanya Healy
Administration Suite #114
Ground Floor, Chan Shun Hall
(707) 965-6226 (24 hours)
titleix@puc.edu

Title IX Deputy Coordinator

Stacy Nelson, AVP for Human Resources
Human Resources 121A
Financial Administration
(707) 965-6231
snelson@puc.edu

II.A.1. – Title IX Team

The Title IX Office is composed of individuals dedicated to providing an equitable resource on this campus who fulfill roles as process advisors, investigators, hearing ushers, hearing panelists, and appeals officers. They may also be referred to as resolution pool members. Members of the resolution pool may provide sensitive intake report services on behalf of the Title IX Coordinator and Deputy Coordinator. They also recommend proactive policies and serve in an educative role for the community. The Title IX Coordinator, in consultation with the President, approves resolution pool volunteers, which report to the Title IX Coordinator.

Resolution 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 sexual and gender-based harassment and discrimination and sexual misconduct allegations; the College's Title IX policies and procedures; confidentiality and privacy; and applicable laws, regulations and federal regulatory guidance. All resolution pool members are required to attend training offered throughout each year.

Resolution pool members are appointed to annual terms; however, the College does not impose term limits. 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 off-campus trained investigators and trained adjudicators when needed.

The following members of the Title IX Office are available to act as process advisors and take intake reports on behalf of the Title IX Coordinator and Deputy Coordinator.

Jean Buller
Professor of Education
West Hall
(707) 965-7266
jbuller@puc.edu

Jaymie de la Torre
Instructor of Visual Arts
Fisher Hall
(707) 965-6402
jhdelatorre@puc.edu

Abram Fisher
Associate Professor of Business Administration
Irwin Hall
(707) 965-6521
ayfisher@puc.edu

Holly Jeske
Wellness Coordinator
West Hall Annex
(707) 965-6330
hjeske@puc.edu

Peter Katz
Associate Professor of English
Stauffer Hall
(707) 965-6611
pjkatz@puc.edu

Crista Peterson
International Student Advisor
Student Services, Graf Hall
(707) 965-7362
cpeterson@puc.edu

Leah Turcotte
Athletic Trainer
Pacific Auditorium
(707) 965-6652
lturcotte@puc.edu

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 sexual and gender-based harassment and discrimination and sexual 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>Hospitals</p> <p>St. Helena Hospital Emergency Room (707) 963-6425 10 Woodland Rd, St Helena, CA 94574</p> <p>Queen of the Valley Emergency Room (707) 257-4038 1000 Trancas St, Napa, CA 94558</p> <p>Kaiser Permanente Emergency Room (707) 393-4044 401 Bicentennial Way, Santa Rosa, CA 95403</p>	<p>Hotlines</p> <p>Napa Valley Rape Crisis Center 24-Hour Hotline (707) 258-8000</p> <p>NEWS: Domestic Violence & Sexual Abuse Services (707) 255-6397</p> <p>National Sexual Assault Hotline (800) 656-4673</p>
<p>PUC Public Safety (707) 965-6551 (non-emergency) (707) 965-7111 (emergency - 24 hours)</p>	<p>Title IX Coordinator Tanya Healy (707) 965-6226 (24 hours)</p>
<p>PUC Health Services (707) 965-6339 (707) 965-6789 (after hours)</p>	<p>PUC Career & Counseling Center (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

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 sexual or gender-based discrimination and harassment, sexual misconduct, and retaliation may be made using any of the following options:

1. Report directly to the Title IX Coordinator or Deputy Coordinator;
2. Report online, using the reporting form posted at 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.

The College will implement initial reasonable remedial, responsive, and/or protective actions upon notice of alleged sexual and gender-based harassment and discrimination and sexual misconduct. Interim remedies and responsive actions are explained further in [§IV.G](#).

Confidentiality and required reporting are addressed more specifically below. Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to 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 [§VII](#) for examples of retaliation).

Retaliation can be substantiated without a finding of responsibility for prohibited conduct. Sanctions for retaliatory actions include, but are not limited to, the sanctions listed in [§IV.I.2.d](#).

III.B. – Reporting and Confidentiality

In order to make informed choices, it is important to be aware of confidentiality and required reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality – meaning they are not required to report sexual or gender-based discrimination and harassment and sexual misconduct to appropriate college officials – thereby offering options and advice without any obligation to inform the Title IX Office unless a reporting party has requested information to be shared. Most employees and resources on campus may not maintain confidentiality; therefore,

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 Office.

III.B.1. – Employee Reporting Requirements

All PUC employees, faculty (including adjunct), administrators, staff (including temporary employees), and student employees, are designated “responsible employees” and have a duty to report sexual or gender-based discrimination and harassment and sexual misconduct to the Title IX Office promptly upon becoming aware of a report or incident, though there are some limited exceptions such as if an employee’s position falls under the “Confidential Reporting” section or if a student employee (other than residence hall assistants and desk workers) are not clocked in and working.

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.

The Clery Act, a federal reporting law, designates certain employees, including student employees, as Campus Security Authorities, and have alternate reporting requirements. More information is provided in [§III.C.2.](#)

Upon receiving notice from a responsible employee, the Title IX Coordinator will reach out to the reporting party via PUC email, text, phone, or in person.

III.B.1.a - Student Employees

Student employees who are not employed as resident hall assistant and desk workers are expected to report sexual or gender-based discrimination and harassment and sexual misconduct if they learn of the behavior while working for the College (e.g. “clocked in”).

Residence hall assistants (RAs) and desk workers are considered responsible employees at all times, whether they are on duty or not and are expected to report as soon as possible to the Title IX Office, to the residence hall dean on duty, or residence hall director. The dean or residence hall director can then contact the Title IX Office on their behalf.

III.B.1.b –Reporting Requirement Exceptions

Generally, climate surveys, classroom writing assignments or discussions, human subjects research, or events or activities such as marches or speak-outs do not provide notice that must be reported to the Title IX Office 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.

III.B.2. – Confidential Reporting and Resources

If a reporting party would like the details of an incident to be kept confidential and not shared with the Title IX Office, 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;
 - 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.B.3 – Reporting Party Privacy

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. In all cases, PUC will give consideration to the reporting party with respect to how the reported misconduct is pursued. 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 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 law⁷. The College, however, reserves the right, when necessary to protect the community in cases indicating pattern, predation, threat, weapons, and/or violence, to investigate and pursue a resolution even when a reporting party chooses not to initiate or participate in the resolution process. In these situations, 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.

Formal reporting still affords privacy to the reporting party, and only a small group of officials who need to know will be told, including but not limited to: Student Life, Public Safety, and the CARE 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 using the online reporting form posted at puc.edu/ixreportform or by calling the Title IX Office at (707) 965-6226.

III.B.4 – Anonymous Reporting

Anonymous reporting is available on the online reporting platform at puc.edu/ixreportform and the LiveSafe app. Anonymous reports will be investigated to determine if remedies can be provided; however, the ability of the College to respond to anonymous reports may be limited.

III.B.5. – Amnesty Policy

The College recognizes that individuals who have been engaging in sexual conduct outside of marriage, drinking alcohol, and/or using drugs (whether such use is voluntary or involuntary) at the time that sexual or gender-based discrimination and harassment and sexual misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their conduct. PUC strongly encourages individuals to report any of the forms of prohibited behavior listed in this document to College officials.

⁷ 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 resolution processes.

Individuals who report, in good faith, sexual or gender-based discrimination and harassment and 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.

Amnesty applies only to the personal involvement in sexual activity outside of marriage or personal use of alcohol and/or drugs 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.

To foster healing and growth, PUC may initiate educational opportunities about the use of alcohol or drugs and their impact.

III.B.6. – 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 through Student Conduct and according to the Student Handbook. The Title IX coordinator may decide to investigate the false allegation through the Title IX process if there is cause to believe the deliberately false and/or malicious accusation was made as a result of the responding party's sex or gender.

III.B.7. – 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. – External Reporting Obligations

III.C.1. Law Enforcement

All College employees are required to immediately report any suspected child abuse and neglect, including any and all incidents of sexual misconduct involving minors to Napa County Child Protective Services at 1 (800) 464-4216 and the Napa County Sheriff's Office at (707) 253-4440. The source of the abuse need not be known. It is not the responsibility of anyone other than Child protective Services and law enforcement to investigate suspected abuse. Employees are required to also report the suspected abuse to the Title IX Coordinator.

III.C.2 – Federal Statistical Reporting Obligations

Certain campus officials—those deemed campus security authorities (CSAs)—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.

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.

CSAs include: student life, 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.

For more information regarding the Clery Act and CSAs contact Jennifer Schooley, Clery Coordinator and Public Safety Site Supervisor at (707) 965-6551.

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. – Office for Civil Rights

External inquiries or reports can be made at any time to:

Office for Civil Rights (OCR)

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202-1100

Customer Service Hotline: (800) 421-3481

Facsimile: (202) 453-6012

TDD#: (877) 521-2172

Email: OCR@ed.gov

Web: ed.gov/ocr

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

IV – Resolution Process

The following process outlines the procedures for allegations of sexual or gender-based harassment and discrimination and sexual misconduct. The procedures described below apply to all violation allegations of the PUC Title IX policy. These procedures may also be used to address collateral misconduct occurring in conjunction with sexual or gender-based harassment and discrimination and sexual misconduct. 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 (links to handbooks provided on the [religious exemptions](#) page).

IV.A. – Resolution Process Overview

Upon notice, the Title IX Coordinator will perform a prompt preliminary inquiry to determine if there is reasonable cause to believe the Title IX policy has been violated. If so, the Title IX Coordinator will initiate either conflict resolution, informal resolution, or restorative justice resolution proceedings (if determined to be appropriate by the Title IX Coordinator and all parties) or a confidential investigation that is thorough, reliable, impartial, prompt, and fair. In the event an investigation is initiated, it and the subsequent formal resolution process determine whether policy has been violated—the evidence substantiation and credibility statements in investigations and final panel determinations will be based on a preponderance of evidence. If policy is found to have been violated, 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 Resolution Process

The College is committed to providing qualified students, employees, or others with disabilities with reasonable accommodations and support needed to ensure equal access to the resolution process at PUC. Anyone needing such accommodations or support should contact the Director of Disability Services at the Career and Counseling Center, 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. – Reporting Misconduct

Any member of the campus or third-party visitor who believes that PUC Title IX policy on sexual or gender-based harassment and discrimination and sexual misconduct has been violated should contact the Title IX Coordinator or utilize one of the alternate reporting options described in [§III](#).

All responsible employees (see [§III.B.1.](#)) upon receiving reports of a potential violation of the PUC Title IX policy are expected to promptly contact the Title IX Coordinator upon 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.

IV.D. – Allegation Withdrawal

At any time during the resolution processes, the reporting party may withdraw the allegation(s) by contacting the Title IX Coordinator in writing. However, even if the reporting party decides to withdraw the allegation, the College reserves the right to investigate and take appropriate measures, if necessary, to protect the interests and safety of the reporting party and the community. If the reporting party withdraws the allegation(s) and refuses to cooperate, the likelihood of a meaningful conclusion is severely diminished.

IV.E. – Preliminary Inquiry

Following a report of misconduct, the Title IX Coordinator⁸ may engage in a preliminary inquiry to determine if there is reasonable cause to believe the policies on sexual or gender-based harassment and discrimination and sexual misconduct have been violated. The preliminary inquiry is typically 1-3 business days in duration but may be extended for reasonable cause.

In the event that the alleged misconduct was reported by a third-party reporter rather than the reporting party, the preliminary inquiry will include an invitation to the reporting party for an intake interview. The Title IX Coordinator may also contact potential witnesses or even the potential responding party, if deemed necessary. The initial contact will provide the following information:

- A report has been received regarding a situation that may be under the jurisdiction of PUC's Title IX policy;
- An inquiry has been initiated;
- An inquiry is not an investigation;
- The individual has been named as a potential involved party or witness;
- An invitation to participate in an intake interview or submit a statement in regards to the inquiry;
- A link to PUC's Title IX Policy.

The reporting party and the responding party have the right to be accompanied by an advisor to the intake meeting and to all subsequent meetings referenced in this policy. See [§IV.H.2.](#) for further information on advisors.

The preliminary inquiry may also serve to help the Title IX Coordinator to determine if the allegations show pattern, predation, threat, weapons, and/or violence, in the event that the reporting party has asked for no action to be taken. In any case where pattern, predation, threat, weapons, and/or violence 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 when necessary to protect the community in cases indicating pattern, predation, threat, weapons, and/or violence.

If, during the preliminary inquiry or at any point during a 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

⁸ 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.

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.E.1. – Reporting Party Intake Interview

Upon receipt of an allegation of a violation of PUC’s Title IX Policy, the Title IX Coordinator will contact the reporting party and invite them for an intake interview. As part of the intake interview, the Title IX Coordinator will explain the following to the reporting party:

- Reporting party rights under this policy;
- Reporting options, resources, and referrals; and
- Interim measures (see [§IV.G.](#) for more information in interim measures).

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. – Resolution Options

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 initiate resolution proceedings and the allegation will be resolved through one of the processes discussed briefly here and in greater detail below:

- **Non-investigative resolutions** - typically used for offenses other than sexual misconduct and only when both parties agree to participate.
 - **Conflict Resolution;**
 - **Informal Resolution;**
 - **Restorative Justice Resolution;**
- **Formal resolution** – typically used for sexual misconduct and includes a formal investigation with trained investigators.

Non-investigative resolutions may only occur if selected by all parties and approved by the Title IX Coordinator. 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 a non-investigative resolution is desired by the reporting party, the Title IX Coordinator will determine if the resolution is appropriate, based on the willingness of the other party, the nature of the conduct at issue, and the susceptibility of the conduct to the resolution. If the resolution is determined to be appropriate 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. At any point during a non-investigative resolution, including at its conclusion, either party may request that the matter be referred to the Formal Resolution process for investigation and presentation before a hearing panel.

If a formal resolution is initiated and an investigation is commenced, the Title IX Coordinator will provide formal written notification of the investigation to the parties at the appropriate time during the

investigation.⁹ The College aims to complete investigations within a sixty (60) business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties as appropriate.

IV.G. – Interim Measures

Supportive and protective measures and accommodations (collectively referred to as “interim measures”) are appropriate and reasonable measures the Title IX Coordinator may put in place, at no cost to the individual, to address the short-term effects of sexual or gender-based harassment and discrimination, sexual misconduct, and/or retaliation.

The Title IX Coordinator will assess interim measures for both parties and will be responsible for coordinating the provision of interim measures through the appropriate College departments or offices. In determining and implementing such measures, the Title IX Coordinator will review all available information and seek to equitably apply to both parties such measures which impact both parties.

Interim measures can be made available regardless of whether or not an individual chooses to report an incident or pursue a complaint with the College. No disciplinary action need occur before these options are available. Interim measures do not indicate that the College has reached any conclusion about the reported prohibited conduct.

In situations where the reporting party wishes to remain anonymous and/or the responding party is unknown, it may not be possible to implement certain interim measures.

Interim measures may include, but are not limited to:

- Referral to counseling and/or other remedial services;
- Academic accommodations and support, including modifications to class schedules, alternate learning arrangements, and course completion options;
- Work arrangement accommodations including scheduling and location;
- Living arrangement adjustments;
- Transportation accommodations;
- Safety planning;
- Campus escort services;
- Implementing contact limitations between the parties, including no-contact requirements;
- Access or participation restrictions;
- Interim suspension;
- Administrative leave for non-student employee.

IV.G.1. – Appeal of Interim Measures

Any party who wants to appeal an interim measure imposed by the Title IX Coordinator will have the right to appeal.

⁹ 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 party who wishes to appeal, may do so by submitting a letter, in person or via email, to the Title IX Coordinator. The letter should state clearly why the interim measure should be altered, expanded, eliminated, or amended.

The Title IX Coordinator will inform the other party about the party's appeal letter and will grant the other party one (1) business day to respond in writing via email or any other written media as appropriate.

The Title IX Coordinator will appoint an appeal officer from among the resolution pool members, who will evaluate the appeal's merits. The appeal officer will have three (3) business days to inform the Title IX Coordinator of their suggestion.

The Title IX Coordinator will evaluate the appeal's officer suggestions, if any, and will inform the parties within one (1) business day of the final determination. The Title IX Coordinator has sole discretion to amend an interim measure.

IV.H. – Resolution Process Participants

To promote and maintain fairness, equitable dignity, and privacy, the resolution processes limit participation to the following categories¹⁰:

- Conflict Resolution
 - Reporting Party
 - Reporting Party Advisor
 - Responding Party
 - Responding Party Advisor
 - Title IX Coordinator
 - Facilitator, if not the Title IX Coordinator
- Informal Resolution
 - Reporting Party
 - Reporting Party Advisor
 - Responding Party
 - Responding Party Advisor
 - Title IX Coordinator
 - Others as deemed necessary
- Restorative Justice Resolution
 - Reporting Party
 - Reporting Party Advisor
 - Responding Party
 - Responding Party Advisor
 - Title IX Coordinator
 - Facilitator, if not the Title IX Coordinator
 - Community—other parties identified as having experienced harm from the incident
- Formal Resolution

¹⁰ See [§VII](#) for definitions of participants.

- Reporting Party
- Reporting Party Advisor
- Responding Party
- Responding Party Advisor
- Title IX Coordinator
- Hearing Panel
- Usher
- Investigators
- Witnesses

Other campus members may be included in the process as determined by the Title IX Coordinator and will be determined on a need to know basis. The Title IX Coordinator will take great care to maintain the privacy of the participants involved.

IV.H.1. – Witnesses

Witnesses (as distinguished from the reporting or responding parties) that we have jurisdiction over are expected to cooperate with and participate in the College’s investigation and resolution processes as requested. Any witness who declines to participate in or cooperate with an investigation may not be permitted to offer evidence or testimony later during the hearing and/or appeal stages of the process if it could have been offered during the investigation. Permission to offer evidence or testimony at a hearing or appeal may be provided at the discretion of the Title IX Coordinator for good cause.

Witnesses may be interviewed remotely by Skype (or similar videoconference technology), if they cannot be interviewed in person or if the investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing.

Witnesses are not permitted to record (audio or video) investigation meetings or other resolution process proceedings.

IV.H.2. – Advisors

Each party is allowed to have an advisor of their choice present with them for all meetings and proceedings, from intake through to final determination. The parties may choose their advisor from the resolution pool, choose a non-trained advisor from outside the pool, if preferred, or proceed without an advisor. 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; however, advisors are not mandatory. Witnesses cannot also serve as advisors. The parties may choose advisors from inside or outside the campus community.

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.

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 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 by the Title IX Coordinator or Investigator(s). When an advisor is removed from a meeting, the party affected will have the option to resume the interview without an advisor present or reschedule the interview for another time in order to be accompanied by another advisor.

The College expects that the parties may wish to share documentation related to the allegations with their advisors. They are free to do so at their own discretion. The College will not provide such documentation to advisors on their behalf.

Advisors are expected to maintain the privacy of the records shared with them by the parties. These records may not be shared with 3rd 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 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 Title IX Coordinator and the investigator(s) of the identity of their advisor in a timely fashion before their first meeting with investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired). The parties should provide timely notice to investigator(s) if they change advisors at any time.

All proceedings are private.

IV.H.3. – Participant Recusal

To promote fair and just proceedings, resolution pool members asked to participate in a case must recuse themselves in cases where they possess a conflict of interest. A resolution 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 resolution 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.

IV.H.4. – Reporting Party Withdrawal or Resignation from the College 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.I. – Resolution Processes

Resolution process 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. – Non-investigative Resolutions

The non-investigative resolutions (Conflict Resolution, Informal Resolution, and Restorative Justice Resolution) are voluntary, structured interactions facilitated by the Title IX Coordinator, or another assigned facilitator, to resolve concerns at the earliest stage possible. The goals are to address reported behavior, prevent recurrence, and remedy effects without completing a formal investigation. The three non-investigative resolutions provide flexibility for the College to meet the unique needs presented by the reports and relevant parties.

The Title IX Coordinator will determine the appropriateness of a non-investigative resolution, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to the resolution.

If the Title IX Coordinator determines that a non-investigative resolution is appropriate and both parties agree to participate in the resolution process, their agreement to proceed will be documented and signed. Records of the process will be maintained in Maxient and are subject to FERPA.

It is not necessary to pursue a non-investigative resolution first in order to pursue a Formal Resolution, and at any point during a non-investigative resolution, including at its conclusion, either party may request that the matter be referred to the Formal Resolution process for investigation and presentation before a hearing panel. The Title IX Coordinator will assess the request and determine if the case should be shifted to the Formal Resolution process.

The College expects that cases eligible for resolution via one of the non-investigative resolution processes will be completed within thirty (30) business days of the resolution process initiation. If the process is not completed within thirty (30) business days, the Title IX Coordinator will reassess the appropriateness of the resolution process and will make a determination if the case will continue to seek resolution through the non-investigative resolution process or if the case should be shifted to the Formal Resolution process.

Non-investigative resolutions are not recommended for reports of sexual misconduct and violence. The Formal Resolution process is the primary resolution mechanism used to address reports of sexual misconduct and sexual violence. These resolutions may be made available after the formal process is completed should the parties and the Title IX Coordinator believe that it could be beneficial.

IV.I.1.a. – Conflict Resolution

Conflict Resolution is a voluntary, structured dialogue between the reporting party and the responding party— the parties may be accompanied by their advisor (see [§IV.H.2.](#) for information on advisors). During the Conflict Resolution meeting(s), the Title IX Coordinator, or another assigned facilitator, 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 may result in appropriate responsive actions, including sanctions.

IV. I.1.b. – Informal Resolution

The Informal Resolution process is a voluntary process which is intended to be flexible while also providing for a full range of possible outcomes. Since this process is dependent on specific situations, informal resolutions will not all be approached uniformly and may include apologies, education, training, and/or reparations.

IV. I.1.c. – Restorative Justice Resolution

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. In a restorative justice conference, the Title IX Coordinator, or another assigned facilitator will facilitate a

dialogue with the parties to an effective resolution, if possible. The Title IX Coordinator may assign an additional facilitator to aid the process.

A restorative justice conference will be confined to the Title IX Coordinator, an additional facilitator as needed (or other assigned facilitator(s)), the reporting party, the responding party, advisors, 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 to 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, including sanctions.

IV.I.2. – Formal Resolution

A Formal Resolution process includes a formal investigation with trained investigators and adjudication by a hearing panel composed of trained resolution pool members. The Formal Resolution is typically used for sexual misconduct; however, it may be used for any type of report if requested by a party and deemed appropriate by the Title IX Coordinator. The decision to proceed with a Formal Resolution process rests solely with the Title IX Coordinator and is typically made at the conclusion of a preliminary inquiry.

Once a Formal Resolution is initiated and an investigation is commenced, the Title IX Coordinator will provide formal written notification of the investigation to the parties.¹¹ The College aims to complete investigations within a sixty (60) business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties as appropriate.

IV.I.2.a. – Party Opportunities to Review and Respond to Evidence and Question Relevant Participants

The PUC Formal Resolution process provides the opportunity for both parties to review and respond to evidence and submit relevant questions for the response of other participants, such as witnesses or the other party. Such opportunities include:

1. Submission of relevant questions to witnesses or the other party during the investigation;
2. Preliminary investigative report response;
3. Final investigative report response;
4. Participation during the Formal Resolution Panel Hearing proceedings.

¹¹ 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 parties will be notified of their right to participate in these opportunities to respond to evidence and submit questions, but they are not mandatory. If questions are submitted, they must be (1) in writing, (2) actual questions to be posed and not comments, (3) pertinent to the investigation, and (4) of a reasonable amount. The investigator(s), Title IX Coordinator, or hearing panel (depending on the opportunity) will determine which questions, if any, are pertinent to the case. Rationale must be provided to the questioning party in writing for the exclusion of any questions submitted.

Questions may be excluded if found to be:

- Irrelevant to the case;
- Regarding evidence of the reporting party's sexual behavior or predisposition, unless such evidence is offered to prove that someone other than the responding party committed the conduct reported, or if the evidence concerns specific incidents of the reporting party's sexual behavior with respect to the responding party and is offered to prove consent.

Questions submitted and answered during the investigation and responses to the preliminary investigative report will become part of the file and the investigator(s) will include that information in the final report.

A party is not obligated to answer all or any of the other party's questions. A party also has the right to not participate in the opportunities provided to respond to evidence and submit questions; however, they must still review the preliminary investigative report and final investigative report.

IV.1.2.b. – 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.

The College may rely on appropriately trained investigators outside of the PUC campus community if necessary. The Title IX Coordinator will remove and replace any investigator whom the Title IX Coordinator determines is biased or has a conflict of interest against either party or is not performing duties in a timely or professional manner.

IV.1.2.b.(1) – Scope of Investigation

Investigations are impartial and focused on fact-finding. Investigations entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, as necessary.

The investigator(s) are granted the authority to address all collateral misconduct, meaning that they investigate allegations of sexual and gender-based discrimination and harassment and sexual misconduct but also may investigate any additional alleged policy violations that have occurred in concert with the sexual and gender-based discrimination and harassment and sexual misconduct, even though those collateral allegations may not specifically fall within the Title IX policy. The Title IX Coordinator will determine if the collateral allegations investigated will be granted amnesty, processed through resolutions offered in the Title IX Office, or referred to Student Conduct or Human Resources. Accordingly, investigations may be conducted with as wide a scope as necessary.

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

Investigators may make credibility determinations of parties and witnesses based on demeanor, ability to recall, completeness of statements, corroboration, past record, plausibility, and motive among other considerations. 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. These determinations will be documented in the final investigative report.

Unless the investigator determines it is appropriate, the investigation and the final recommendation(s) 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.

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

IV.1.2.b.(2) – Evidentiary Standard

All investigations will be thorough, reliable, impartial, and fair, and factual conclusions by the investigator(s) will be based on a preponderance of evidence—a standard of proof by which the evidence provides credible truth that a policy violation is more probable to have been committed than not.

IV.1.2.b.(3) – Length of Investigation

Most investigations will be completed within sixty (60) business days though some investigations take longer, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, College breaks and vacation, 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 process 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.

IV.1.2.b.(4) – Cooperation, Participation, and False Statements

All students, employees, and third-party visitors are expected to fully cooperate and participate in the investigation process and provide only truthful information.¹²

¹² Further information about witnesses and witness participation may be found in [§IV.H.1.](#)

If either the reporting party or responding party elects not to participate or quits participating at any time during the investigation, the Title IX Coordinator will send the party a letter informing them that the investigation process will continue and offer them an opportunity to reconsider. If the party accepts the opportunity to reconsider their earlier decision and decides to participate, they are to inform the Title IX Coordinator, who will assess the situation with the investigator(s). In such cases, arrangements will be made to document the party's statement, and if possible, the party will be able to participate in the remainder of the process. However, 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. Once the investigation is completed, the party will no longer have the opportunity to submit a statement or offer evidence. Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

Knowingly making false or misleading statements or knowingly submitting false or misleading information during the investigation and throughout the resolution process is a serious offense and will be subject to appropriate disciplinary action. Students and employees may be subject to sanctions. Third-party visitors may be subject to limited or denied access to campus grounds, facilities, and/or programs.

IV.1.2.b.(5) – Investigation Process

Notice of Investigation: Upon initiation of an investigation and assigning an investigator(s), the Title IX Coordinator will issue a Notice of Investigation (NOI) letter to both the reporting party and the responding party. The assigned investigator(s) will be copied in on the NOI letters.

The NOI will include the following information:

- Notice that a formal investigation process has been initiated;
- Notice of the resolution process;
- The alleged violation that has been reported, including the section of the policy allegedly violated, the conduct reported, and date and location of the incident, if known;
- The name of the reporting party, unless deemed confidential;
- The name of the responding party;
- Notice that the investigation is a fact-gathering process and does not presume responsibility of the alleged violation, and the determination of a responsibility will be made at the conclusion of the formal resolution by the hearing panel;
- The right of both parties to be accompanied by an advisor during all meetings and interviews that may occur during the process, and advisor options;
- The right of both parties to submit a list of potential witnesses on their behalf;
- The right of both parties to submit a written statement;
- The right of both parties to be allowed to submit questions to the other party;
- The right of both parties to be allowed to review evidence obtained by the investigators;
- The identity and contact information of the investigator(s) appointed by the Title IX Coordinator for this investigation.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

Investigation: The investigator(s) will 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.

The investigator(s) will make arrangements to meet with both the reporting party and responding party to document their statement, preferably in person. If they cannot be interviewed in person or if the investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing (such as if the reporting party is participating in ACA or as a student missionary), they may be interviewed via Skype, Facetime, or similar videoconference technology as investigator(s) must be able to observe nonverbal communication of parties during interviews. While making arrangements to meet, the parties will be reminded by the interviewers that they have the right to be accompanied by an advisor to the interview and all subsequent meetings, but are not required to be accompanied by an advisor (see [§IV.H.2.](#) for more information regarding advisors).

Once the investigators have documented the parties' statements, the parties will review and sign their respective statement. If a party is unable to attend the review interview in person, the investigator will send the statement to the party via PUC email (email addresses not provided by PUC will only be used if the party is not a member of the institution and does not have a PUC email address) in order to give the party the opportunity to review the statement and indicate that it is both accurate and reflects what was discussed with the investigator.

The parties may submit relevant questions in writing to the investigators they wish the investigators to ask of the other party and witnesses.¹³ The investigators may decline to pose a question but must provide a rationale in writing to the requesting party as to why the question is not relevant or appropriate to the investigation.

Both parties have the right to provide the investigator(s) with witnesses and submit inculpatory and exculpatory evidence for review. The investigator(s), in consultation with the Title IX Coordinator, will make the determination about what evidence to collect and which witnesses should be interviewed.

The investigator(s) have broad discretion in determining whether an offered witness or item of evidence would be relevant or helpful to a determination. For example, the investigator(s) may decline to speak to an offered witness if:

- There is insufficient evidence to conclude the person would have relevant information to the factual determination of the matter;
- The information to be solicited would be repetitive; and/or,
- The need for confidentiality outweighs the importance of the information.

Similarly, the investigator(s) may decline to seek or review documentary evidence if:

- The College does not have the expertise to consider certain scientific evidence;
- The information is repetitive;
- Cost considerations outweigh the importance of the information; and/or
- Confidentiality concerns outweigh the importance of the information.

In addition to the already mentioned duties, the investigator(s) will:

- Interview potential witnesses and document their statements;
- Provide the witness(es) with the opportunity to review their statements in the same manner that is granted to the parties;

¹³ First opportunity to review and respond to evidence and question relevant participants as explained in [§IV.I.2.a.](#)

- Collect, analyze, and document all pertinent evidence relevant to the investigation;
- Promptly inform the Title IX Coordinator of any violation of the advisor’s duties and recommend the exclusion of an advisor from the resolution process, if needed.

Follow-up interview with the parties and witnesses may be warranted so they may respond to new information, questions posed by the parties, or to allow the investigator(s) to attempt to resolve inconsistencies or questions.

Preliminary Investigative Report: Within thirty (30) business days of the NOI, the investigator(s) will provide a written preliminary investigative report to the Title IX Coordinator which includes a summary of the relevant facts gathered. The presentation of the preliminary investigative report represents the belief of the investigator(s) that the fact gathering process is complete.

The investigator(s) may make a request to the Title IX Coordinator for an extension of the thirty (30) business day period for reasonable circumstances. In such a case, the Title IX Coordinator will make a determination if the thirty (30) business day period may be extended and for how long. The Title IX Coordinator will then inform the parties of the extension to the investigation in writing.

Upon submission by the investigator(s), Title IX Coordinator will review the preliminary investigative report to confirm that it is complete. The Title IX Coordinator may request further fact gathering from the investigator(s) if deemed necessary.

Once the Title IX Coordinator has reviewed and confirmed the completeness of the preliminary investigative report, the Title IX Coordinator will:

- Provide a Notice of Preliminary Report to the parties, informing them that the preliminary investigative report is completed;
- Provide the preliminary investigative report and pertinent exhibit/s to the parties for their review;
- Inform the parties of a five (5) business day response period in which they may provide written feedback of the preliminary investigative report to the Title IX Coordinator, submit questions to be posed to witnesses or the other party, or submit additional evidence not previously available and/or request additional fact gathering.¹⁴

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The investigator(s) will review the parties’ response and incorporate relevant feedback from the parties as appropriate. In the event a party requests additional fact gathering, the investigator(s), in consultation with the Title IX Coordinator, will evaluate the request and determine whether additional fact gathering should be undertaken. If it is determined that the request will be granted, a revised preliminary investigative report will be made available to the parties for their review within ten (10) business days. This term may be extended by the Title IX Coordinator for reasonable cause. The parties will have two (2) business days to review the revised preliminary investigative report and submit their feedback in writing to the Title IX Coordinator.

¹⁴ Second opportunity to review and respond to evidence and question relevant participants as explained in [§IV.I.2.a.](#)

Final Investigative Report: The preliminary investigative report will form the basis for the final report. The final report will include:

- Credibility statements for the reporting and responding parties;
- Additional questions and/or answers submitted by the parties as part of the preliminary investigative report response, if any;¹⁵
- The investigator(s) factual conclusions as to whether or not a preponderance of evidence supports a finding that the responding party engage in the conduct reported as a violation of PUC's Title IX policy;
- A rationale for each conclusion;
- A statement indicating if the allegations were found to be:
 - Substantiated;
 - Not Substantiated;
 - Insufficient Evidence for Decision.

Upon receipt and review of the final investigative report, the Title IX Coordinator will:

- Provide a Notice of Final Investigative Report to the parties, informing them that the final investigative report is completed and inform them that:
 - A Formal Resolution Panel Hearing will be scheduled after a ten (10) business day review period;
 - They may submit a written statement for the hearing panel's review in regards to the allegations presented in the final report within five (5) business days of the Notice of Final Investigative Report, or they may present the statement in person during the Formal Resolution Panel Hearing;
 - They may submit questions in writing to the other party within five (5) business days of the Notice of Final Investigative Report;
 - They have the right to respond or not to respond to the other party's questions within the following five (5) business days upon receipt of the other party's questions or offer their written answers to the panel members during the Formal Resolution Panel Hearing.

Written statements submitted for the panel's review will also be shared with the other party. This will allow the other party to submit written questions regarding the written statement for the submitting party to respond to in writing before or during the Formal Resolution Panel Hearing. Submitted answers will also be shared with the panel members and other party who originally submitted the questioned statement. These statements and possible subsequent questions and responses will be included as part of the file and presented for consideration during the Formal Resolution Panel Hearing.

The parties have the right to not submit a written statement to the panel. They also have the right to not submit questions to the other party nor respond to questions by the other party.

Once the Notice of Final Investigative Report is mailed, emailed, and/or received in-person, notice will be presumptively delivered. By sending the Notice of Final Investigative Report to the parties, the investigation is considered closed.

¹⁵ Third opportunity to review and respond to evidence and question relevant participants as explained in [§IV.I.2.a.](#)

IV.I.2.c. – Formal Resolution Panel Hearing

Hearing panels will usually be convened after ten (10) business days of the completion of the investigation and will be conducted in private. This time allows both parties and witnesses (if called) to prepare to participate in the hearing. The panel has the authority to hear all collateral misconduct, meaning that it hears all allegations of sexual or gender-based discrimination and harassment and sexual misconduct, but also may hear any additional alleged policy violations that have occurred in concert with the sexual or gender-based discrimination and harassment and sexual misconduct at the discretion of the Title IX Coordinator even though those collateral allegations may not specifically fall within the panel's jurisdiction.

Participants will include the Title IX Coordinator, the Chair, two additional 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. The Title IX Coordinator will select three panel members, from the available resolution pool, none of whom have been previously involved with the process, 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. The Title IX Coordinator and Chair will work together to facilitate the hearing; however, the Title IX Coordinator holds the responsibility of ensuring the procedure outlined in this document is followed. Resolution pool members who are serving the parties as advisors, if any, are not eligible to serve as panelists or act as witnesses.

The Title IX Coordinator will schedule the hearing for after ten (10) business days of the close of the investigation and the Notice of Final Investigative Report.

Hearings for possible violations that occur near or after the end of an academic quarter and are unable to be resolved prior to the end of quarter will typically be held immediately after the end of the quarter or during the summer, as needed, to meet the resolution timeline followed by the College.

IV.I.2.c.(1) – Notice of Hearing

At least ten (10) business days prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled upon the request of the parties, the Title IX Coordinator will send a Notice of Hearing to the parties with the following information. The Notice of Hearing 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 Title IX Coordinator may reschedule the hearing;
- Notification that the parties may have the assistance of a resolution pool member or other advisor of their choosing at the hearing (See [§IV.H.2.](#) for more information on advisors).

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

IV.I.2.c.(2) – Pre-Hearing

The hearing panel will be given a list of the names of each parties and witnesses at least five (5) 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. 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. (See [§IV.H.3.](#) for more information regarding participant recusal based on bias or conflicts of interest).

In consultation with the hearing panel members, the Title IX Coordinator will determine the names of witnesses who will be called to participate in the hearing and provide them to 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 Title IX Coordinator as soon as possible.

If alternative attendance is necessary due to extraordinary circumstances (screens, Skype, questions directed through the Chair, etc.), the parties should request them from the Title IX Coordinator 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.1.2.c.(3) – 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, in consultation with the Title IX Coordinator, 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 Title IX Coordinator 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), unless such evidence is offered to prove that someone other than the responding party committed the conduct reported, or if the evidence concerns specific incidents of the reporting party's sexual behavior with respect to the responding party and is offered to prove consent, (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.

IV.1.2.c.(4) – Hearing Setup

There will be no observers in the hearing. The Title IX Coordinator 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 reporting 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 Title IX Coordinator 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.

All parties will have ample opportunity to present facts and arguments in full and question all present witnesses as well as the other party during the hearing by submitting their questions in writing to the hearing panel. The hearing panel will pose the questions on the submitting party's behalf. The hearing panel, in consultation with the Title IX Coordinator, may exclude questions if deemed necessary and will provide a rationale verbally to the submitting party within the hearing process for any decision made to exclude a question. (See [§IV.1.2.a.](#) for more information on submitting questions.)

Standard hearing procedure requires the reporting party and advisor, responding party and advisor, and witnesses to remain in 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 audiovisual access to the panel's sessions with investigator(s) and witnesses; however, they will not be given audio or audiovisual 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 Title IX Coordinator at least two (2) business days prior to the hearing. The Title IX Coordinator 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 one (1) 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 rooms and technology are not immediately available, the Title IX Coordinator 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.

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. The hearing will continue in their absence.

IV.1.2.c.(5) – 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, if they have not already done so, and respond to questions already submitted by the responding party, if available. 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 for the reporting party and/or respond to questions already submitted by the reporting party.¹⁶

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 Title IX Coordinator. 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 participating 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 Title IX Coordinator, 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.¹⁷

At the conclusion of the parties' questioning and response phase, the parties, the advisors, the witnesses, and the usher will be excused.

¹⁶ Part one of the fourth opportunity to review and respond to evidence and question relevant participants as explained in [§IV.1.2.a](#).

¹⁷ Part two of the fourth opportunity to review and respond to evidence and question relevant participants as explained in [§IV.1.2.a](#).

IV.1.2.c.(6) – 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 probable than not that the responding party committed each alleged violation). If a responding party is found responsible by a majority of the panel, the panel members, in consultation with the Title IX Coordinator, will determine appropriate sanctions, if any. The Chair is a voting member. The hearing panel may also recommend additional fact gathering if deemed necessary.

The Chair will prepare a written deliberation report and deliver it to the Title IX Coordinator, detailing the finding(s), the information cited by the panel in support of its determination(s), and any information the hearing panel excluded from its consideration and why. The report should conclude with any determined sanctions. Typically, 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.

IV.1.2.c.(7) – Notice of Outcome

The Title IX Coordinator will finalize the report and issue a Notice of Outcome to the parties within three (3) business days of the conclusion of the hearing panel's deliberations. The notice will include:

- Policy alleged to have been violated;
- A summarized description of the procedural steps taken by the College from the report through the determination;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Title IX Policy to the facts;
- A statement of, and rational for, the determination regarding responsibility to each allegation;
- Any sanctions determined;
- Any long-term remedies to the reporting party for the restoration or preservation of access to education;
- Options for appeal.

Once the letter is mailed, emailed, and/or received in-person, notice will be presumptively delivered.

IV.1.2.d. – 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 determine sanctions or responsive actions. 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 a **student** who has engaged in sexual or gender-based harassment, discrimination, sexual misconduct, and/or retaliation:

- **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 Title IX Policy, providing for more severe disciplinary sanctions in the event that the student 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.
- **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.
- **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 sexual or gender-based 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.I.3. – 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 Notice of Outcome. 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.

When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party, 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.

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.

A three-member appeals panel chosen from the resolution 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 or ask a Title IX Coordinator at another college or university to serve as the appeals officer. If the appeal is being viewed by a Title IX Coordinator from another institution, the documents provided will be redacted of all personal identities.

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.I.4. – Long-Term Remedies/Actions

Following the conclusion of a 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 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 Life for enforcement of all sanctions and remedies.

IV.I.5. – 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.I.6. – 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

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 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 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 officials.
- The right to be notified of available counseling, mental health, victim advocacy, health, student financial aid, or other student services, both on campus and in the community.
- The right to a campus no-contact directive (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 ten (10) 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.
- 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 make reasonable efforts to secure 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 testimony given and evidence presented during a resolution-related hearing within the bounds of this policy.
- The right to be promptly informed of the outcome and sanction of the resolution process in writing.
- 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 ten (10) 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 trained hearing and appeals officers.
- 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 make reasonable efforts to secure the participation of student, faculty, and staff witnesses, and the opportunity to ask questions, directly or indirectly, of all present witnesses, including the reporting party, 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 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.
- 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

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 October 7, 2019.

VII – Definitions and Examples

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.

Confidential Employees: Employees which are not required to report sexual or gender-based discrimination, harassment, and sexual misconduct to the Title IX Office. These employees include the campus chaplain, the staff and therapists in the Career and Counseling Center, and the staff and medical providers at Health Services.

Consent¹⁸: 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.

Employee: Any person employed by the College at any of its facilities or campus.

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.”).

¹⁸ 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

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. Some indicators of incapacitation include but are not limited to:

- A lack of full control over physical movements (e.g., difficulty walking or standing without stumbling or assistance);
- A lack of awareness of circumstances or surroundings (e.g., lack of awareness of where one is, how one got there, who one is with, or how or why one became engaged in a sexual interaction);
- An inability to effectively communicate for any reason (e.g., slurring speech, difficulty finding word).

A person may appear to be giving consent without the capacity to do so, in which case, the apparent consent is not effective. If any one has any doubt as to a partner's capacity to give consent, one would assume the partner is incapacitated.

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.

Investigation: An investigation is a formal review of all pertinent evidence related to an allegation of a violation of the College's Title IX policy. The Title IX Coordinator determines if a formal investigation will be pursued. In an investigation process, the Title IX Coordinator will appoint one or more investigators to conduct interviews, evaluate evidence submitted, perform other investigative tasks, and prepare preliminary and final investigative reports to determine if the evidence collected

substantiates or does not substantiated the allegation. The determination is based on a preponderance of evidence.

Investigator: The person(s) appointed by the Title IX Coordinator to investigate a Title IX allegation.

Non-Consensual Condom Tampering or Removal: covertly removing or damaging a condom during sexual intercourse or knowingly damaging a condom before sexual intercourse.

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 force¹⁹.

Preliminary Inquiry: An inquiry is not a formal investigation and is initiated by the Title IX Coordinator when there is a report of a violation of the College's Title IX policy. The Title IX Coordinator may interview potential witnesses, the parties, and review documentation and evidence in order to determine if a case should be opened.

Preponderance of Evidence: the greater weight of the evidence; a standard of proof by which the evidence provides credible truth that a policy violation is more probable 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.

Reporter: A person who reports an alleged violation of the College's Title IX policy. The reporter may or may not be a reporting party. For the purpose of this policy, a reporter may request anonymity.

Reporting Party: The individual reported to have been harmed by a violation of the College's Title IX policy. In the majority of cases, a reporting party may not remain anonymous if a Title IX investigation is initiated. May also be known as complainant.

Responding Party: The individual reported to have allegedly violated the College's Title IX policy. May also be known as respondent.

Responsible Employee: Faculty (including adjunct), administrators, staff (including temporary employees), and student employees Responsible employees have a duty to report sexual or gender-

¹⁹ 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.

based discrimination and harassment and sexual misconduct to the Title IX Office promptly upon becoming aware of a report or incident, though there are some limited exceptions such as if an employee's position falls under the "Confidential Reporting" section or if a student employee (other than residence hall assistants and desk workers) are not clocked in and working.

Restorative Justice²⁰: 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;
- 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.

²⁰ *The Little Book of Restorative Justice for Colleges and Universities*, by David R. Karp;
<http://restorativejustice.org/restorative-justice/#sthash.kwqrKjtg.dpbs>.

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).

Student: An individual who has been admitted to and attends Pacific Union College.

Title IX Coordinator: The person appointed by the College to coordinate the College's compliance with and campus education of this policy.

Witness: An individual who may provide relevant evidence, other than the reporting and responding parties, in a preliminary inquiry or investigation.