

**GEORGIAN COURT UNIVERSITY
SEXUAL & GENDER BASED MISCONDUCT
POLICY**

I. POLICY STATEMENT

Georgian Court University is a diverse, safe, and nondiscriminatory academic community built on the Mercy Core Values of Respect, Integrity, Justice, Compassion, and Service. All members of the Georgian Court University community (students, faculty, administrators, and staff) are expected to conduct themselves in such a manner that they do not infringe upon the rights of others. Sex/gender harassment, discrimination and misconduct, including sexual assault, sexual gender-based misconduct, domestic violence, dating violence, and stalking are serious violations of these core values and will not be tolerated. Georgian Court University regards these actions to be violations of the standards of the Student Code of Conduct and the Sexual and Gender Based Misconduct Policy as well as violations of state and federal laws.

The University fully complies with all civil and/or criminal laws prohibiting harassment, discrimination, and sexual misconduct. Sexual misconduct is a violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq. The University is required to comply with Title IX of the Higher Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities; the Violence Against Women Reauthorization Act of 2013 (VAWA), which requires prompt, fair and impartial investigation and resolution of allegations of sexual assault, stalking, dating violence and domestic violence; and Title VII of the Civil Rights Act of 1964 (as amended in 1991).

INHERENT AUTHORITY

The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community and to protect the continuing operation of the University. Charges of violating a local ordinance, state, or federal law may subject the student, employee to disciplinary action by the University. If behavior off campus adversely affects the University's educational mission, and/or constitutes a substantial and/or continuing danger to the safety or property of the University or members of the University community, there is also the possibility of disciplinary action being taken. Students are also expected to respect and comply with the rules and regulations of other institutions when visiting or participating in activities on those campuses.

This policy applies to all student-related violations as long as the Reporter(s) and/or the Respondent(s) are graduate and/or undergraduate students at the University. Interpretations of the Code of Conduct are set forth in writing in order to give students general notice of prohibited conduct.

II. SCOPE

- A. This policy covers all Georgian Court University faculty, administrators, staff, students and third parties who conduct business with the University. Some procedures may differ if the Respondent is a non-student.
- B. The term "student" includes all persons for whom the University maintains educational records, as defined by the Family Educational Rights and Privacy Act of 1974 and related regulations; who have not yet been awarded his or her degree from the

University, and includes undergraduate, graduate, professional, and non-matriculated students at the University. Additionally, this policy applies to participants in any University-related program or activity.

- C. Throughout this policy, “Reporter” is the person who is alleged to be the victim of conduct that could constitute sexual harassment, or a parent who is legally authorized to act on behalf of the person and “Respondent” refers to the person alleged to have committed the prohibited conduct. However, any person may report sexual discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of the misconduct. The reporting person may report such discrimination or harassment in person, by mail, by telephone, or by electronic mail using the contact information for the Title IX Coordinator, and reports may be made at any time, including non-business hours.
- D. Faculty, staff, administrators and students are entitled to appropriate support from the University and to be treated with respect, dignity, and sensitivity in connection with all incidents of conduct prohibited by this policy. In all cases, the University shall ensure that the rights and protections set forth in this policy are received to the extent applicable.

III. JURISDICTION

This policy covers both on-campus and off-campus conduct, as described below:

- A. **On-Campus Violations:** The campus includes the geographic confines of the University, including its land, institutional roads and buildings, its leased premises, the property, facilities and leased premises of organizations affiliated with the University, including University housing.
- B. **Off-Campus Violations:** This Policy also applies to sexual harassment that occurs against a person participating or involved in an off-campus University education program or activity in the United States. This includes activities in any building owned or controlled by the University or a student organization that is officially recognized by the University. This Policy does not apply to any program or activity or incident that occurs outside the United States and any complaints relating to programs, activities, or incidents outside the United States must be dismissed.

IV. COMPLIANCE

The University’s Title IX Coordinators oversee compliance with all aspects of sex/gender harassment, discrimination and misconduct. The Title IX Coordinators reports jointly to the Vice President of Finance and Administration and the University Provost.

A Title IX Task Force has been created to ensure that the University's learning environment is free from all forms of sexual misconduct. It is the obligation of this task force to be familiar with this policy and, where appropriate and possible, participate in continuous trainings to guarantee that they are able to fulfill these responsibilities.

A. Georgian Court University Title IX Task Force

Co-Coordinator

Sharmay Wood, Dean of Students and Interim Associate Provost for Student Support and Services

Casino Building 1st Floor
swood@georgian.edu; 732-987-2601

TBD

Director, Human Resources
@georgian.edu; 732-987-2287

Deputy Coordinators

Elizabeth Estell
 Interim Director of Campus Life
 St. Catherine's Hall
eestell@georgian.edu; 732-987-2538

Charles Tighe
 Director of Campus Safety
 Gate Keeper's Lodge
ctighe@georgian.edu; 732-987-2611

Kristina Ortiz
 Assistant Athletic Director for Compliance
kortiz@georgian.edu; 732-987-2661

Task Force Members

Criminal Justice
 Junior – Social Work
 Junior – Biology
 Junior – Interdisciplinary Studies and Dance
 Junior – Criminal Justice
 Junior, Social Work

Lisa Festa, Associate Professor School of Arts & Sciences

Meera Behera, Assistant Professor School of Business & Digital Media

Jaime Rivera, Assistant Professor School of Arts & Sciences

Kristen Wedlock, Assistant Professor School of Arts & Sciences

**Indicates a student. Students are not authorized to receive Title IX complaints.*

B. Additional On-Campus Resources

The Counseling Center (confidential)

Tel: 732-987-2680

Casino Building, 2nd Floor

The Center provides both immediate crisis intervention and therapy to recent or past survivors of sexual violence. Students are seen either individually or in a group with

Others who have experienced similar trauma. Therapists can be accessed by appointment, walk-in, or after-hours emergency.

Health Services

Tel: 732-987-2756 Casino Building, 2nd floor

The Center provides information and makes referrals to off-campus clinics, specialists, testing facilities, and pharmacies.

Security Department

Tel: 732.987.2311

Available 24 hours a day, 7 days a week

Open 24 hours, this is the office where individuals who have been violated can file a formal complaint. Appropriate Department of Public Safety staff can discuss available options and assist Reporter(s) to decide on a course of action. (For resident students, course of action can include a change in academic and/or living situations; for faculty, course of action can include change in office).

Simply Merelan

Office on Violence Against Women

Program Specialist

smerelan@georgian.edu

Tel: 732.987.2371

Providence House (confidential)

Tel: 732.987.2479

Casino Hall Room 204

This Center provides advocacy, support services, information, and referrals to individuals who have, or who think they may have experienced sexual assault, sexual misconduct, stalking, and dating or domestic violence.

C. Off-Campus Resources

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and do not have to share information with the university unless the Reporter requests the disclosure and signs a consent or waiver form. Off-campus resources include:

St. Francis Counseling Center (Southern Ocean County)

Phone Number: 609.494.1554 or Rape Crisis Hotline 609.494.1090

Providence House Domestic Violence Services (Ocean & Burlington County)

Ocean County: Phone Number: 732.244.8259 or Domestic Violence hotline
1.800.246.8910

Burlington County: Phone Number: 609.871.7551 or Domestic Violence hotline:
1.877.871.7551

180/Turning Lives Around (Monmouth County)

Phone Number: 732.264. 4111 or Sexual Assault Hotline 1.888.264.7273 or
732.264.7273; Domestic Violence hotline 1.888.843.9262

**Preferred Behavioral Health (Ocean & Monmouth
Counties)** Phone Number: 732.367.4700 **New Jersey
Coalition Against Sexual Assault (NJCASA)**
Hotline 1.800.601.7200 24 hours a day/7 days a week

Emergency Response

Lakewood Police Department is located at 231 Third Street, Municipal Building, Lakewood, NJ 08701; Phone: 732.363.0200, ext. 5712; can be reached by dialing 911 in an emergency. **Monmouth Medical Center (Southern Campus)** is located at 600 River Avenue, Lakewood, New Jersey 08701 and can provide urgent medical services. (Physicians are a confidential resource).

Ocean Medical Center is located at 425 Jack Martin Boulevard, Brick, New Jersey 08724

D. Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Facsimile: (202) 453-6012
TDD#: 800-877-8339
Email: OCR@ed.gov
Web: <https://www2.ed.gov/about/offices/list/ocr/index.html>

U.S. Department of Civil Rights
Division 950 Pennsylvania Avenue,
N.W.
Educational Opportunities Section, PHB
Washington, D.C. 20530
Telephone: (202) 514-4092 or 1-877-292-3804 (toll-free)
Facsimile: (202) 514-8337
Email: education@usdoj.gov

Section I: SEXUAL AND GENDER-BASED MISCONDUCT

Sexual harassment is defined as gender-based misconduct (actual or perceived gender, sexual orientation, gender identity or gender expression) **that satisfies one or more of the following:**

- A. **Quid Pro Quo Harassment By a University Employee** – an employee of the University conditioning the provision of an aid, benefit, or service of the University on the student's participation in unwelcome sexual conduct.

- B. **Unwelcome conduct of a sexual nature determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity.**
- C. **Sexual Assault** (as defined by the Clery Act, as defined in 20 U.S.C. 1092(f)(6)(A)(v))— means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
1. Sex Offenses (Forcible)—any sexual act directed against another person, forcibly and/or against that persons will; or not forcibly or against the persons will where the victim is incapable of giving consent.
 - Forcible Rape - The carnal knowledge of a person, forcibly and/or against that persons will; or not forcibly or against that persons will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
 - Forcible Sodomy - Oral or anal sexual intercourse with another person, forcibly and/or against that persons will; or not forcibly against that persons will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
 - Sexual Assault With An Object - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that persons will; or not forcibly against the persons will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical in capacity.
 - Forcible Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that persons will; or not forcibly or against that persons will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary mental incapacity.
 2. Sex Offenses - Non forcible Unlawful, non-forcible sexual intercourse.
 - Incest - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - Statutory Rape - Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- D. **Dating Violence** (as defined in VAWA, as defined in 34 U.S.C. 12291(a)(10))-- means violence committed by a person—
- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship.
 - (ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.

- E. **Domestic Violence** (as defined in VAWA, as defined in 34 U.S.C. 12291(a)(8))-- includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- F. **Stalking** (as defined in VAWA, as defined in 34 U.S.C. 12291(a)(30))-- means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
- (A) fear for his or her safety or the safety of others; or
 - (B) suffer substantial emotional distress

Section II: CONSENSUAL RELATIONSHIPS

As per the *Institution-Wide Personnel Policy Volume III*, romantic and/or sexual relationships between faculty and students or staff and students are prohibited. Please reference *Volume III 3.2.2.4 Consensual Relationships* for further details.

Managers, in supervisory roles, as well as staff and faculty entrusted with advising and educating students, are often placed in relationships of trust and power. These relationships should not be jeopardized by the appearance of or behaviors which result in favoritism or unfairness in the exercise of professional judgment or management. It is the expectation of GCU that employees with teaching, supervisory, advisory or evaluative responsibility over students maintain the ethical, legal, behavioral and professional boundaries that should exist in such situations.

Section III: DEFINITIONS

- A. **Consent** is a mutual and understandable exchange of affirmative words or actions which indicate permission to engage in mutually agreed upon sexual activity. Consent must be informed, voluntary, and actively given. Consent is free of force – including physical violence, threats, intimidation and coercion. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual engagement. The absence of a negative response is not consent. An individual who is incapacitated by alcohol and/or other drugs both voluntarily or involuntarily consumed may not give consent. Past sexual activity does not imply ongoing future consent. If any of the following are present, consent cannot be given:
- **Incapacitation** is a state where someone cannot make rational, reasonable decisions because s/he lacks the capacity to give knowing consent (e.g. to understand the “who, what, when, where, why, or how” of their sexual interaction).

- Sexual activity with someone who is mentally or physically incapacitated by alcohol or drug use, unconsciousness, or blackout
- A person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the consumption of rape drugs
- Alcohol related incapacity results from a level of alcohol ingestion that is more severe than impairment, being under the influence, drunkenness or intoxication. Evidence of incapacity may be detected from context clues, such as:
 - Slurred speech
 - Bloodshot eyes
 - The smell of alcohol on his/her breath
 - Shaky equilibrium
 - Vomiting
 - Unusual behavior
 - Unconsciousness
 - Sleep
- These signs alone do not necessarily indicate incapacitation. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation.

Whether the Respondent reasonably should have known that the Reporter was incapacitated will be evaluated using an objective reasonable person standard. The fact that the Respondent was actually unaware of the Reporter's incapacity is irrelevant to this analysis, particularly where the Respondent's failure to appreciate the Reporter's incapacitation resulted from the Respondent's failure to take reasonable steps to determine the Reporter's incapacitation.

It is the responsibility of each party to be aware of the intoxication level of the other party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all Parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity.

- **Force** is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and/or coercion that overcome resistance.
- **Coercion** is unreasonable pressure for sexual activity. Coercion is the use of emotional manipulation to persuade someone to do something they may not want to do such as being sexual or performing certain sexual acts. Being coerced into having sex or performing sexual acts is not consenting to having sex.

B. Confidentiality - Anyone who wishes to report sexual misconduct of any kind (including a past rape or abuse) can be assured that confidentiality will be maintained to the extent possible. Reporting a rape or an assault does not mean formal disciplinary or court action has been initiated. A permanent record of the receipt of complaint will be filed with the appropriate Title IX/Deputy Coordinator with an indication of the disposition of the complaint, and shall remain confidential, subject to court subpoena.

- The record of any complaint that is upheld shall be made part of the Title IX personnel file of the Respondent for employees or the Office of the Dean of Students' disciplinary records for students.
- All formal hearing proceedings and all evidence introduced will be on the record and must be confidential, subject to court subpoena, pending the outcome of any disciplinary proceedings against the Respondent.

Section IV: GROUNDLESS OR MALICIOUS ALLEGATIONS

It is a violation of this policy for anyone to knowingly make false accusations of sexual misconduct. Sanctions may be imposed for making unwarranted or vindictive accusations of sexual misconduct. Failure to prove a claim of sexual misconduct is not equivalent to making a false accusation.

Section V: REPORTING OPTIONS

A. Reporting a Violation of the University's Sexual & Gender Misconduct Policy

The University strongly encourages all individuals to make a report to the University and to local law enforcement, although neither is required. These reporting options are not mutually exclusive. Both internal and criminal reports can be made simultaneously. Any individual, not just the Reporter, may make a report under this policy, including a student, employee, visitor, guest, or other third party.

For emergencies or if criminal behavior is expected, contact 911. For non-emergencies, contact the Security Department by phone at 732.987.2611 or in person at 900 Lakewood Ave, Lakewood, NJ 08701. GCU encourages those who have experienced sexual misconduct to speak with somebody about what happened so s/he can get the help and support s/he needs and the University can respond appropriately and effectively.

Individuals who choose to pursue action under this policy should make a report to the e i t h e r Title IX Coordinator or any of the following options:

- i. Any non-student member of the GCU Title IX Task for as listed on page 3 under Compliance
 - Sharmay Wood, Dean of Students: swood@georgian.edu, ext. 2601
- ii. GCU Office of Campus Safety (732-987-2611)
- iii. Using the online incident report form: georgian.edu/title-ix/
- iv. Using the anonymous online incident report form: georgian.edu/campus-safety/#

At the time a report is made, a Reporter does not have to request any particular course of action, nor does a Reporter need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The University provides support that can assist each individual in making these important decisions and will respect an individual's autonomy in deciding how to proceed to the extent legally possible. In this process, the University will balance the individual's interest with its

obligation to provide a safe and nondiscriminatory environment for all members of the University community.

When the University has actual knowledge of sexual harassment in a University education program or activity against a person in the United States, the University will respond promptly in a manner that is not deliberately indifferent (i.e., clearly unreasonable in light of the known circumstances). An “education program or activity” includes locations, events, or circumstances over which the recipient exercised substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University. Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the recipient, or to any University employee.

Upon notification, the Title IX Coordinator, Dean of Students, as well as the Security Department, may take immediate interim actions to protect the safety of the University community.

- These actions may include the interim suspension of the Respondent and/or no-contact directives between the individuals involved.
- There may be other arrangements including, but not limited to:
 - Modifying class or work schedules;
 - Making alternate housing arrangements;
 - Addressing other academic concerns (e.g., absences, assignments, grades, leaves of absence, withdrawal); and/or - Safety planning.

The University will investigate and resolve all reports of Prohibited Conduct in a fair and impartial manner. A Reporter, a Respondent and all individuals involved will be treated with dignity and respect. In response to all reports of Prohibited Conduct, the University will make an immediate assessment of any risk of harm to the Reporter, Respondent, or to the broader campus community and will take steps necessary to address those risks. These steps may include interim measures to provide for the safety of the individual and the campus community.

B. Filing A Formal Complaint

Without or without the filing of a formal complaint, The Title IX Coordinator will promptly contact the Reporter to discuss the availability of supportive measures, consider the Reporter’s wishes with respect to supportive measures, and explain to the Reporter the process for filing a formal complaint.

A formal complaint is one that is filed by a Reporter or signed by a Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment. At the time of filing a formal complaint, a Reporter must be participating in or attempting to participate in the education program or activity of the University with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. As used in this paragraph, the phrase “document filed by a Reporter” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the recipient) that contains the Reporter’s physical or digital signature, or otherwise indicates that the Reporter is the person filing the formal complaint.

Although there is no time limit on filing a formal complaint with the University, the University may ultimately be unable to investigate if too much time has passed or if the Respondent student has graduated. □ Early resolution of complaints can benefit the Reporter, the Respondent, and the University.

- Factors that could negatively affect the University's ability to investigate include the loss of physical evidence (e.g., prompt medical examinations are critical to preserving the physical evidence of sexual assault), the potential departure of witnesses, or loss of memory.
- If the reporting student or a witness has concerns that his or her own alcohol or drug use, or the fact that other prohibited activity was involved, the Office of the Dean of Students will not pursue disciplinary actions toward a student in violation of alcohol or drug use if the student is making a valid report of sexual misconduct.

C. Amnesty for Those Who Report Sexual Misconduct

GCU encourages reporting and seeks to remove any barriers to reporting by making the procedures for reporting an incident of sexual misconduct transparent. The University recognizes that anyone who has been drinking or using drugs at the time of an incident may be hesitant to file a complaint because of potential disciplinary consequences for their own conduct. Thus, anyone who reports sexual misconduct, either as a Reporter or a third party witness, will not be subject to disciplinary action by the University for their own personal 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. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

D. Bystander Intervention

GCU strongly encourages all community members to take reasonable and prudent actions to prevent or stop sexual harassment. Taking action may include directly or indirectly confronting the situation, taking steps to interrupt the situation, or seeking assistance from a person in authority. Community members who choose to exercise this positive moral obligation will be supported by the university and protected from retaliation.

E. Retaliation

The University nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. Charging an individual with code of conduct violations that do not involve sexual harassment, but arise out of the same facts or circumstances as a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX constitutes retaliation. The University will keep confidential the identity of Reporters, Respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding. Complaints alleging retaliation may be filed according to the University's grievance procedures. The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct

violation for making a materially false statement in bad faith in the course of a Title IX grievance proceeding does not constitute retaliation; however, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

F. Confidential Resources are those offices who report to the University without personally identifying information. If a student speaks with one of these staff members, the incident will not be reported to anyone at the University without the student's express permission, except in instances in which there is an immediate and serious concern about his/her safety or the safety of others in the community.

- A. The Counseling Center Casino Building, 2nd
Floor Tel: 732-987-2680
- B. Health Services
Casino Building, 2nd Floor
Tel: 732-987-2756
- C. Providence House Representative
Casino Bldg. room 204
Tel: 732.987.2479

*In such cases where confidentiality is maintained, the University may be unable to conduct an investigation into the incident or take action against the Respondent.

Section VI: WITHDRAWAL OF COMPLAINT

At any time, the Reporter may choose to withdraw from these complaint proceedings. Nevertheless, the University's legal commitment to provide an environment free from sexual and gender-based misconduct may obligate the University to proceed in the absence of a complaint from the person directly affected. In deciding whether to proceed in such cases, the University will take into account all relevant circumstances including, but not limited to, the availability of evidence, the accessibility of witnesses, the need for protection against retaliation on the part of witnesses and the need for due process on the part of Respondents.

Section VII: RESOLUTION PROCESS

The following resolution process shall be used in all cases. Faculty or staff members should also consult the university's Faculty Handbook at <https://georgian.edu/wp-content/uploads/GCU-Vol-content/uploads/GCU-Vol-3.pdf3.pdf>.

A. Supportive Measures

The University will treat Reporters and Respondents equitably by offering supportive measures as defined below to a Reporter, and by following a grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a Respondent.

Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Reporter or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The University will maintain as confidential any supportive measures provided to the Reporter or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

B. Informal Resolution

- a. Informal Resolution is a voluntary process within GCU's Sexual and Gender Based Misconduct Policy that allows a Respondent in a Prohibited Conduct case to accept responsibility for their behavior and/or potential harm. By fully participating in this process the Respondent will not be charged with a violation of GCU's policy. The Informal Resolution process is designed to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the Reporter and Respondent while still maintaining the safety of the overall campus community.

The Informal Resolution process will only be used at the Reporter's request after the submission of a Formal Complaint, upon the agreement of both the Reporter and Respondent, and under the direction of the Title IX Coordinator. A request to utilize the Informal Resolution process can be made at any time during an investigation prior to a scheduled formal hearing, however, this process may not be an appropriate mechanism to resolve all allegations. In order for the Informal Resolution process to be an appropriate resolution option, both parties must have an understanding of and agree on the necessary process. Both the Reporter and Respondent will have to agree to the following terms should they wish to participate in the Informal Resolution process:

- Participation in this process is voluntary and either the Reporter or Respondent can choose to end the process at any time;
- Both the Reporter and Respondent must participate in individual conference meetings with appropriate staff to learn more about the informal resolution process prior to participating;
- The Reporter and Respondent must agree to all recommendations outlined in the formal agreement or the matter may be referred to the Title IX Coordinator for further action;
- Information documented during the Informal Resolution process is subject to subpoena if a separate criminal investigation is initiated;
- Participation in the Informal Resolution process does not constitute a finding of responsible for a policy violation and therefore is not reflected on the Respondent's disciplinary record;

- If the Respondent is documented and found in violation of any *Policy* violations in the future, an Informal Resolution agreement can be used in the sanctioning phase of that process; and
 - The University reserves the right to suspend or terminate the Informal Resolution process and revert back to an investigation at any time.
 - The Respondent may be found responsible for a policy violation under the *Sexual and Gender Based Misconduct Policy* for failure to meet the requirements laid out in an Informal Resolution agreement.
- b. Any agreement reached as part of the Informal Resolution process must be documented, signed in-person or electronically by the Reporter and Respondent, and approved by the Title IX Coordinator. If no agreement is reached, the matter may be referred to the Title IX Coordinator for further action.
- c. Informal Resolution Activities may include any of the following:
- a. Mediation: Participation in a discussion by trained facilitators with any persons harmed and development of a shared agreement of how to correct the harm. The Reporter and Respondent (and possible community members) work together to develop an agreement that resolves the issue(s), and can help the Respondent restore their standing in the community and repair relationships that were damaged by their actions. During the mediation session, both parties can have an advisor or support person present. A support person differs from an Advisor as this person can have an active role during this process. A support person must be approved by the lead facilitator.
 - b. Alcohol Education Courses.
 - c. Student Life Assistant Program: Providing the Office of Student Life with assistance in the development, facilitation, marketing, and implementation of relevant student programming.
 - d. Restriction from Participation in Co-curricular activities.
 - e. Coordinated check-in meetings with a Title IX officer.
 - f. Written Reporter Impact Statement.

C. Formal Resolution

- a. Reporter and Respondents will be treated equitably. Remedies will be provided to a Reporter where a determination of responsibility for sexual harassment has been made against the Respondent. The University will follow a grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a Respondent. Remedies will be designed to restore or preserve equal access to the recipient's education program or activity. Such remedies may include the same individualized services described as "supportive measures"; however, remedies need not be non-disciplinary or nonpunitive and need not avoid burdening the Respondent;
- b. All relevant evidence – including both inculpatory and exculpatory evidence – will be evaluated objectively. Credibility determinations will not be based on a person's status as a Reporter, Respondent, or witness;

- c. The University's Title IX Coordinators, investigator, decision-maker, or any person designated by the University to facilitate an informal resolution process, will not have a conflict of interest or bias for or against Reporters or Respondents generally or an individual Reporter or Respondent. The University will ensure that Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the University's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The University will ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Reporter's sexual predisposition or prior sexual behavior are not relevant. The University will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment;
- d. The Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process;
- e. The University will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege;
- f. **Emergency removal.** The University may remove a Respondent from the University's education program or activity on an emergency basis, after undertaking an individualized safety and risk analysis, determining that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and providing the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

D. Notice of Allegations

Upon receipt of a formal complaint, the University will provide the following written notice to the parties who are known:

- (A) Notice of the University's grievance process, including the informal resolution process.
- (B) Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice will include a statement that the Respondent is presumed not responsible for the alleged conduct and that a

determination regarding responsibility is made at the conclusion of the grievance process. The written notice will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice will inform the parties of any provision in the University's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the recipient decides to investigate allegations about the Reporter or Respondent that are not included in the notice provided pursuant to paragraph (b)(2)(i)(B) of this section, the recipient must provide notice of the additional allegations to the parties whose identities are known.

E. Dismissal of the formal complaint

The University must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the University's education program or activity, or did not occur against a person in the United States, then the University must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under title IX; such a dismissal does not preclude action under another provision of the University's code of conduct.

The University may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a Reporter notifies the Title IX Coordinator in writing that the Reporter would like to withdraw the formal complaint or any allegations therein; the Respondent is no longer enrolled or employed by the recipient; or specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted pursuant to this section, the University will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

F. Consolidation of formal complaints

The University may consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Reporter against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

G. Investigation of a formal complaint

A. The Reporter(s) and the Respondent(s) shall be given equal opportunity to provide written and oral statements.

B. The investigator(s) will conduct Investigative Resolutions in a timely manner. During exam week, winter/ spring recess, or other busy times during the academic year, the conduct process may take longer.

C. The investigator will interview all parties involved. (Interviews are usually conducted separately) and will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

D. The investigator will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

E. The grievance process is a closed proceeding with attendance limited to the relevant student(s) and their respective advisor of their choice, who may be, but is not required to be, an attorney. Witnesses may also be accompanied by an advisor at all times (See Section XII: Roles and Responsibilities, Letter A. Advisors).

F. The investigator will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. Should the Reporter(s) and/or the Respondent(s) receive proper notification of an interview during the Investigative Resolution process and fail to appear and/or fail to appear on time, without contacting the designated investigator, the designated investigator will make a determination in their absence.

G. The investigator will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the investigator does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the investigator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The investigator will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination

H. The investigator will create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response (See Section VIII. Investigative Standards for more detail on the investigative report). The investigative report will not contain a finding of responsible or not responsible.

H. Hearings

- A. The grievance process will include for a live hearing conducted by the Title IX Hearing Panel. The Title IX Hearing Panel shall consist of four members (one chair and three panelist). Panel members are chosen from GCU faculty and staff. Students do not serve on the Title IX Hearing Panel. Members who assume bias for or against either party, in a particular case, may not serve on the Title IX Hearing Panel. If necessary, a

replacement/alternate shall be assigned by the Title IX Coordinator and/or Dean of Students.

- B. Once the investigative report is confirmed, it will be submitted to the Title IX Hearing Panel Chair. The investigative report does not include a finding of responsible or not responsible. The task of rendering a finding of responsible or not responsible is left to the Title IX Hearing Panel.
- C. Hearings are closed proceedings with attendance limited to the Respondent(s), the Reporter(s) and an advisor that each party may choose. (For clarification purposes, the designated investigator may request to consult with additional witnesses.)
- D. Title IX Hearing Panel. If necessary, a replacement/alternate shall be assigned by the Title IX Coordinator and/or Dean of Students.
- E. The Reporter(s) and the Respondent(s) must present information that confirms the facts as s/he sees them. Decisions made by the Title IX Hearing Panel will be based using the preponderance of evidence standard and in part by the information submitted by the investigator(s) and any additional information introduced during the hearing.
- F. Should the Reporter(s) and/or the Respondent(s) receive proper notification of a hearing and fail to appear or fail to appear on time, without contacting the Title IX Hearing Chair and providing just reason, the hearing may proceed and action may be taken based on the information received at that time.
- G. The Reporter(s) and the Respondent(s) shall be given an opportunity to testify and to present witnesses who will be permitted to give statements relevant to the case in accordance with the Presiding Officer's conditions. Names of witnesses must be provided to the Title IX Hearing Panel Chair at least five university business days prior to the actual hearing. Only witnesses invited by the panel chair shall be permitted to participate in the hearing.
- H. The Reporter(s) and the Respondent(s) must present information that confirms the facts as s/he sees them. Decisions made by the Title IX Hearing Panel will be based in part by the information submitted by the investigator(s) and any additional information introduced during the hearing.
- I. Any student participant has the right to be assisted by an advisor of their choice.
- J. Cross examination will be permitted. Parties must notify the Chair that they wish to cross examine at least five university business days prior to the actual hearing. The format of cross examination will be determined by the Title IX Hearing Panel Chair prior to the actual hearing.
- K. At the live hearing, each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross examination at the live hearing must be conducted directly, orally,

and in real time by the party's advisor of choice and never by a party personally. At the request of either party, the University will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Title IX Panel and parties to simultaneously see and hear the party or the witness answering questions.

- L. Only relevant cross-examination and other questions may be asked of a party or witness. Before a Reporter, Respondent, or witness answers a cross-examination or other question, the Title IX Hearing Panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- M. If a party does not have an advisor present at the live hearing, the University will provide without fee or charge to that party, counsel to conduct cross-examination on behalf of that party.
- N. Questions and evidence about the Reporter's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Reporter's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Reporter, or if the questions and evidence concern specific incidents of the Reporter's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- O. If a party or witness does not submit to cross-examination at the live hearing, the Title IX Hearing Panel will not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Title IX Hearing Panel cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- P. Should the Reporter(s) and/or the Respondent(s) receive proper notification of a hearing and fail to appear or fail to appear on time, without contacting the Title IX Hearing Chair and providing just reason, the hearing may proceed and action may be taken based on the information received at that time.
- Q. Live hearings may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
- R. The assigned Recording Secretary will document the proceedings and prepare the minutes of the hearing. The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.
- S. Hearings will be scheduled in a timely manner. During exam week, winter/spring recess, or other busy times during the academic year, the Hearing process may take longer.

I. Determination regarding responsibility

Within ten (10) University business days of the hearing, the Title IX Hearing Panel will issue a written determination simultaneously to the parties. The Title IX Hearing Panel will issue a written determination, which will include:

- A. Identification of the allegations potentially constituting sexual harassment;
- B. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- C. Findings of fact supporting the determination;
- D. Conclusions regarding the application of the University's code of conduct to the facts;
- E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the recipient to the Reporter; and
- F. The University's procedures and permissible bases for the Reporter and Respondent to appeal. (See Section VII: Resolution Process, Letter D. Appeals).

The determination regarding responsibility becomes final either on the date that the Title IX Hearing Panel provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator shall be responsible for effective implementation of any remedies.

J. Appeals

Only the Reporter or the Respondent have the right to appeal a decision made in an Investigative Resolution or a Formal Hearing. All appeals must be in accordance with the following provisions:

1. Both parties may appeal from a determination regarding responsibility, and a dismissal of a formal complaint or any allegations therein, on the following bases:
 - a. Procedural irregularity that affected the outcome of the matter;
 - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
 - c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Reporters or Respondents generally or the individual Reporter or Respondent that affected the outcome of the matter.

- d. The sanction(s) imposed are significantly disproportionate to the offense
 - e. The finding is unsupported by any information that was presented
2. Students are entitled to no more than one appeal review per case.
 3. Students electing to appeal a decision must submit a written appeal statement, to the Dean of Students, within five (5) University business days of notice of the sanction of the original hearing.
 4. The University will notify the non-appealing party in writing when an appeal is filed and implements appeal procedures equally for both parties.
 5. Both parties will be permitted a reasonable and equal opportunity to submit a written statement in support of, or challenging the outcome.
 6. The Dean of Students hears all student appeals.
 7. The HR Director hears all employee and faculty appeals.
 8. The Dean of Students/HR Director will review all documentation associated with the appeal and determine whether sufficient grounds exist to re-examine the findings. If sufficient grounds do not exist, the finding(s) and sanction(s) from the original hearing will stand and no further appeal is provided. If sufficient grounds exist to re-examine the case, the Dean of Students may elect to hear the case in part, in total or de novo and is not bound by the finding(s) or sanction(s) of the original hearing body.
 9. The Dean of Students/HR Director will issue a written decision describing the result of the appeal and the rationale for the result. The written decision will be provided simultaneously to both parties.

K. Informal Resolution Process

The University may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section. Similarly, the University may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed.

However, at any time prior to reaching a determination regarding responsibility, the University may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication by:

- i. Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal

complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

- ii. Obtains the parties' voluntary, written consent to the informal resolution process; and
- iii. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Section VIII. INVESTIGATIVE STANDARDS

Once a report has been assigned to an investigator, the Respondent will receive a written notice of complaint. The notice of complaint will include the identities of the parties, if known, alleged policy violations, no contact directive (if requested), Respondent rights, and other information relevant to the investigation. The Reporter will also be notified in writing that an investigation has been initiated.

The designated investigator(s) meets separately with the Reporter, the Respondent(s), and the witnesses, giving everyone the chance to submit, identify, and/or gather related information or evidence, including documents, photographs, communications between the parties, medical records (subject to the consent of the applicable person) and other electronic records as appropriate.

The University cannot access or use a party's medical, psychological, and similar treatment records unless the school obtains the party's voluntary, written consent to do so.

Following the interview, each person will be provided with an opportunity to view a draft summary of his/her statement so that s/he can review to ensure its accuracy and completeness. Any party (Reporter, Respondent, and Witness) may request to submit a written statement instead of participating in an interview.

Acceptance of Responsibility. The Respondent may, at any time, elect to resolve the formal resolution process by accepting responsibility for the prohibited conduct, in which case, the investigation will be closed and the investigator will submit a final investigative report.

Assumption of Good Faith Reporting. The University presumes that reports of prohibited conduct are made in good faith. A finding that the behavior at issue does not constitute a violation of this policy or that there is insufficient evidence to conclude that the incident occurred as reported does not mean that the report was made in bad faith. The University encourages all individuals who have experienced or witnessed behavior they believe violates this policy to report the matter so that it may be addressed, without fear of consequences from the University.

Coordination with Law Enforcement. If the University is made aware that there is a concurrent criminal investigation, the investigator will inform any law enforcement agency that is conducting its own investigation that a University investigation is also in progress; ascertain the status of the criminal investigation; and determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation.

- At the request of law enforcement, the University may agree to temporarily defer part or all of the investigation until after the initial evidence-gathering phase of the law enforcement investigation is complete.
- The investigator will communicate with the parties, consistent with the law enforcement request and the University's obligations, about resources and support, procedural options, anticipated timing, and the implementation of any necessary interim measures for the safety and wellbeing of all affected individuals.
- Standards for criminal investigations are different than the standards for a violation of this policy, and therefore, the University will not base its decisions under this policy solely on law enforcement reports and/or actions. The University will fulfill its legal and ethical obligation to take immediate and appropriate action in response to a report of prohibited conduct, even if there are other external processes or procedures pending in connection with that same report.

Evidence. The investigator is responsible for gathering relevant evidence to the extent reasonably possible. However, the Reporter and the Respondent will be asked to identify witnesses and provide all relevant information (documents, communications, photographs, etc.) as promptly as possible. All information will be provided to the parties for their review and comment, with respect to FERPA regulations.

Participation by the Parties and Witnesses Is Voluntary. Participation in the investigative process is voluntary. Reporters, Respondents, or witnesses may choose to participate or decline to participate in the investigative process. The university will proceed with an investigation without the consent of the Reporter only if it has been determined that there is a clear and present danger to the Reporter or the GCU community. The university will still move forward with an investigation with or without the participation of the Respondent or witnesses. Students are not sanctioned or held responsible for not participating.

Presumption of Non-Responsibility and Standard of Proof. The investigation is a neutral, fact-gathering process. The Respondent is presumed to be not responsible. This presumption may be overcome only where the hearing body concludes that there is sufficient evidence, by the **preponderance of evidence** standard, to support a finding that the Respondent violated the policy.

Prior Sexual Contact Between Reporter and Respondent. This will not be used to prove character or reputation. Moreover, evidence related to the prior sexual history between the parties is generally not relevant to the determination of a policy violation and will be considered only in limited circumstances.

Prior or Subsequent Conduct of the Respondent will never be used to prove character, but may be considered for other purposes, such as determining pattern, knowledge, intent, or the Respondent's reasons for taking the action. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was similar to the conduct under investigation or indicates a pattern of similar prohibited conduct. The investigator will determine the relevance of this information and both persons will be informed if evidence of prior or subsequent conduct is deemed relevant.

Time Frame for Completion of Investigation. The period from commencement of an investigation, which begins with Notice of Allegations to the Respondent, through resolution (Written Determination) typically should not exceed sixty (60) university business days.

- The grievance process will proceed on a reasonably prompt time frame. A temporary delay of the grievance process or informal resolution process, or the limited extension of time frames will be permitted for good cause. Written notice will be provided to the Reporter and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Witnesses. Witnesses must have observed the acts in question or have information relevant to the incident and cannot participate solely to speak about an individual’s character. Following the interview, a witness will review the draft summary to ensure its accuracy and completeness. As appropriate, the investigator will give this summary to the Reporter and Respondent for their review and comment. This information will be included in the investigation report.

Section IX: SANCTIONS/ UNIVERSITY DISCIPLINARY ACTION

Any member of the GCU campus community who participates in sexual and gender-based misconduct can be subject to sanctions which range from a warning to expulsion. They can also face action through the criminal justice system. Recommendations for sanctions for students will be made to the Office of the Dean of Students, who will issue the sanction to the Respondent.

Sanction	Description
Warning	Notice in writing that continuation or repetition of prohibited conduct may be the cause for additional disciplinary action.
Probation I	A written reprimand for violation of a University rule or regulation. Probation I is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to have violated any University rule or regulation during the probationary period. This sanction may impact a student’s eligibility for housing selection.
Probation II	A written reprimand for violation of a University rule or regulation. Probation II is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to have violated any University rule or regulations during the probationary period. This sanction will impact a student’s eligibility for housing selection and eligibility to participate in other University activities (e.g., leadership positions, SGA, etc.). A student on Probation II is considered to be “not in good social standing” and may also be prevented from engaging in Study Abroad and internship opportunities.

Restitution	This constitutes reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service or an assessment to repair or otherwise compensate for damages. Restitution may not be in excess of the damage or loss incurred.
Suspension	This constitutes separation of the student from the University for a specified period. Exclusion from classes and other privileges and/or activities is instituted during the suspended period. The suspension shall continue until it has been determined that the conditions for reinstatement have been satisfied. A student who is suspended from the University is not eligible for the return of tuition, room, or board fees or
Sanction	Description
	other fees paid or owed to the University. The student shall not participate in any University-sponsored activity and will be barred from University premises.
Expulsion	A permanent dismissal from the University and exclusion from University premises, privileges, and activities. A student who is expelled from the University is not eligible for the return of tuition, room, or board fees or other fees paid or owed to the University.
OTHER SANCTIONS – In the judgment of University and as appropriate, other sanctions may be imposed, instead of, or in addition to, those specified.	
Student Life Assistance Program	Service to the University community through the Office of Student Life for a specified number of hours until the date of completion; failure to complete all or part of a service project in a satisfactory manner by the completion date may automatically result in a fine being imposed by the hearing body that assigned the project. Such action does not preclude additional disciplinary sanctions being imposed subsequent to a hearing to determine the reasons for failure to comply.
Censure	A written reprimand for violating the Sexual and Gender Based Misconduct Policy and/or exhibiting behavior not conducive to the Mercy Core Values. This conduct status specifies a period of time during which the student's good standing with the College may be in jeopardy. The student is officially warned that continuation or repetition of prohibited conduct may be cause for additional conduct action including probation, suspension, or expulsion from the College.
Assessment, Counseling, Mediation (harassment, not assault) and/or Treatment	Referrals to an appropriate agency for assessment, mediation, counseling, and/or treatment of possible psychological, emotional or substance abuse problems may be required.
Administrative Relocation of	Administrative transfer of a Student from one campus housing location to another or from one classroom to another.

Housing or Classroom Space	
Educational Projects	Projects assigned for the educational benefit of the student, the organization, and/or the University community. Examples include enrollment in particular classes, participation in workshops or seminars, conducting research, writing papers, planning programs, etc.
Repeat/Aggravated Violations	Increased penalties may result from repeated or aggravated violations of any section of the Sexual and Gender Based Misconduct Policy and the Student Code of Conduct.
Restorative Justice	Restorative Justice will not be implemented when addressing acts of physical or sexual violence.

*An employee found in violation of any form of Title IX Sexual Harassment will be issued sanctions ranging from a formal written reprimand to termination of employment.

Section X: COMPLAINTS INVOLVING A GCU EMPLOYEE

The following resolution process shall be used in all cases where the Respondent is a registered student. If the Respondent is a faculty or staff member, the university's *Title IX Coordinator* will coordinate the investigation and follow the policy and procedures set forth in the university's Faculty Handbook at <https://georgian.edu/wp-content/uploads/GCU-Vol-3.pdf>. The procedures set forth in the Student Sexual & Gender Based Misconduct Policy do not apply to faculty, staff or administrative Respondents.

Section XI: COMMUNITY EDUCATION

GCU provides educational programming to students and employees to ensure they understand this Policy and the topics and issues related to maintaining an educational and employment environment free from all forms of Prohibited Conduct.

Section XII: ROLES AND RESPONSIBILITIES

A. Advisor

Parties will have the same opportunity to select an advisor of the party's choice who may be, but need not be, an attorney, and who cannot be a student. An Advisor may guide and assist the Reporter or Respondent by:

- Assistance in connection to Counseling Services if emotional support is needed.
- Assistance in connection to academic support (e.g., tutoring, independent study, re-scheduling exam, if they are having difficulty with their academics).
- Clarifying questions about the investigation and conduct process.
- If applicable, helping to create a safety plan and the logistics to make it effective (e.g. security escort).

- Assist in the reporting of any instance of retaliation.
- Assist with requesting no contact directives or checking in to be sure they are enforced.
- Assist with connection to the appropriate resources for the process of criminal reporting if they choose to explore that option.
- Inquire if investigation process is fair and equitable and contact the Title IX office if there are any concerns.
- Providing general support during what can be a stressful process.
- Attending any meetings or proceeding throughout the resolution process with individuals (e.g. interviews with investigators, etc.
- Serve as an advocate
- Assist in the hearing by asking the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.

Limitations and Boundaries

Advisors are *private* (not confidential) resources. This means that Advisors:

- Will contact the Title IX Coordinator, Dean of Students or Security if something or someone may pose a threat to the campus community and/or someone may be in immediate danger.
- Will contact the assigned investigator if a student admits to providing false information related to a case.
- Will contact the assigned investigator if any party admits responsibility for the code violation(s) being investigated.
- Will contact the assigned investigator if an individual participates, knows others who have participated in, or knows of retaliation directed toward the Reporter, Respondent or anyone involved with the investigation.
- Will refer inquiries/concerns raised by the parents of a Respondent or Reporter to the designated investigator or to the Dean of Students.
- Advisors are NOT to talk to parents or family members about a student and/or their case.
- The University has the right at all times to determine what constitutes appropriate behavior on the part of an advisor and to take appropriate steps to ensure compliance with the policy.
- The Advisor may not testify or obstruct the meeting.
- The Advisor cannot discuss the report, arrange or attend related meetings without the Reporter and/or the Respondent in attendance.

Notwithstanding, the University's grievance process will not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Section XIII: GUIDELINES FOR THE REPORTER TO FOLLOW

- A. Get to a safe place as soon as you can.

- B. Try to preserve all physical evidence. Do not wash, use the toilet, or change clothing, if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper bag, do not use a plastic bag.
- C. Get medical attention as soon as possible. A medical examination will provide any necessary treatment and collect important evidence. Injuries may not be immediately apparent: you can ask to be tested for sexually transmitted diseases, and at a later time, you may want to be tested for pregnancy and/or HIV. You are not alone.

Section XIV: GUIDELINES FOR FACULTY AND STAFF TO FOLLOW

Faculty and staff can refer to the Section V Reporting Options should an incident of sexual assault and gender based misconduct be reported to them. Additionally, any of the indicated on-campus resources can be contacted directly should faculty or staff have any questions or concerns.

Section XV: EDUCATION AND PREVENTION

Campus programs and training will be planned throughout the year to educate the community on how they can work toward the prevention of sexual assault as well as intimate partner violence and stalking. The offerings will include:

- A. New Student Orientation
- B. Athletics Orientation
- C. Improvisational theatre presentations and discussions
- D. Workshops on gender issues
- E. Presentations to athletes, clubs and organizations, faculty, staff, and resident students
- F. Events sponsored through the [grant]
- G. A commitment by GCU to make every effort to promote awareness among faculty, staff and students on these various issues, address its effects, and provide the Reporter resources and services

Section XVI: THE RIGHTS OF THE REPORTER AND THE RESPONDENT:

A. NEW JERSEY CAMPUS SEXUAL ASSAULT REPORTER'S BILL OF RIGHTS

A University must be devoted to the pursuit of truth and knowledge through reason and open communication among its members. Academic communities acknowledge the necessity of being intellectually stimulating where the diversity of ideas is valued. Its rules must be conceived for the purpose of furthering and protecting the rights of all members of the University community in achieving these ends.

The boundaries of personal freedom are limited by applicable state and federal laws and institutional rules and regulations governing interpersonal behavior. Respect for the individual and human dignity is of paramount importance in creating a community free from violence, sexual assault and non-consensual sexual contact.

The State of New Jersey recognizes that the impact of violence on its Reporters and the surrounding community can be severe and long lasting. Thus, it has established this Bill of Rights to articulate requirements for policies, procedures and services designed to insure that the needs of Reporters are met and that the universities in New Jersey create and maintain communities that support human dignity.

BILL OF RIGHTS N.J.S.A. 18A:61E-2

The Commission on Higher Education shall appoint an advisory committee of experts which shall develop a "Campus Sexual Assault Victim's Bill of Rights" which affirms support for campus organizations which assist sexual assault victims and provides that the following rights shall be accorded to victims of sexual assaults that occur on the campus of any public or independent institution of higher education in the State and where the victim or alleged perpetrator is a student at the institution or when the victim is a student involved in an off-campus sexual assault.

- a. The right to have any allegation of sexual assault treated seriously; the right to be treated with dignity; and the right to be notified of existing medical, counseling, mental health or student services for victims of sexual assault, both on campus and in the community whether or not the crime is reported to campus or civil authorities.

"Campus authorities" as used in this act shall mean any individuals or organizations specified in an institution's statement of campus security policy as the individuals or organizations to whom students and employees should report criminal offenses.

- b. The right to have any allegation of sexual assault investigated and adjudicated by the appropriate criminal and civil authorities of the jurisdiction in which the crime occurred, and the right to the full and prompt cooperation and assistance of campus personnel in notifying the proper authorities. The provisions of this subsection shall be in addition to any campus disciplinary proceedings which may take place.
- c. The right to be free from pressure from campus personnel to refrain from reporting crimes, or to report crimes as lesser offenses than the victims perceive the crimes to be, or to report crimes if the victim does not wish to do so.
- d. The right to be free from any suggestion that victims are responsible for the commission of crimes against them; to be free from any suggestion that victims were contributorily negligent or assumed the risk of being assaulted; to be free from any suggestion that victims must report the crimes to be assured of any other right guaranteed under this policy; and to be free from any suggestion that victims should refrain from reporting crimes in order to avoid unwanted personal publicity.
- e. The same right to legal assistance, and the right to have others present, in any campus disciplinary proceeding that the institution permits to the Respondent; and the right to be notified of the outcome of any disciplinary proceeding against the Respondent.
- f. The right to full, prompt, and victim-sensitive cooperation of campus personnel in obtaining, securing, and maintaining evidence, including a medical examination if it is necessary to preserve evidence of the assault.

- g. The right to be informed of, and assisted in exercising, any rights to be confidentially or anonymously tested for sexually transmitted diseases or human immunodeficiency virus; the right to be informed of, and assisted in exercising, any rights that may be provided by law to compel and disclose the results of testing of sexual assault suspects for communicable diseases.
- h. The right to have access to counseling under the same terms and conditions as apply to other students seeking such counseling from appropriate campus counseling services.
- i. The right to require campus personnel to take reasonable and necessary action to prevent further unwanted contact of victims with their alleged assailants, including but not limited to, notifying the victim of options for and available assistance in changing academic and living situations after an alleged sexual assault incident if so requested by the victim and if such changes are reasonably available.

B. The Rights of the Reporter/Respondent

- The right to written and oral explanation of the complaint.
- The right to present his or her side of the story.
- The right to a written statement explaining the Hearing Panel process.
- The right to file a no-contact directive to prohibit harassment of the Respondent by the Reporter, friends, or supporters.
- The right to challenge the Investigator/Hearing Panel on conflicts of interest (e.g., if the Reporter is a member of a particular student organization, the Respondent may challenge the presence at the hearing of an advisor from that student organization).
- The right to know ahead of time the names of the witnesses to be called to the hearing.
- The right to have needs promptly addressed.
- The right to have a support person accompany him/her through the investigative process and/or hearing. All participants will be bound by the rules of confidentiality governing the investigation and/or hearing. Subject to court subpoena, all participants have the right not to have their identity revealed outside the confidential proceedings, without consent.
- The right to a fair and impartial formal resolution.
- The right not to have past sexual history discussed during the hearing.
- The right to request that a judicial hearing be considered.
- The right to remain present for the entire proceeding.
- The right to be absent from the entire proceeding
- The right to have access to any information that will be used during an investigation.
- The right to a formal resolution without unnecessary delays.
- The right to be informed within of the Investigator/Hearing Board findings and of the outcome of the hearing.
- The right to appeal the decision of the Investigator/Hearing Board in writing within five business days of notification.
- The right to know the status of the case at any point during the investigatory process.
- The right to remain silent.
- The right to testify on his/her behalf.

XVII: RESOURCES

- A. US Department of Education Issues New Interim Guidance on Campus Sexual Misconduct <https://www.ed.gov/news/press-releases/department-education-issues-new-interim-guidance-campus>
<https://www2.ed.gov/about/offices/list/ocr/docs/ga-title-ix-201709.pdf>
- B. Atixa Gender-Based Harassment, Discrimination and Sexual Misconduct Model Policy, www.atixa.com, Authored by the NCHERM Group LLC Partners: Brett Sokolow, J.D., W. Scott Lewis, J.D., Sandra K. Schuster, J.D., Daniel C. Swinton, J.D., Ed.D. www.ncherp.org. 2015. THE NCHERM GROUP/ATIXA.
- C. Georgian Court University Student Code of Conduct
- D. Sexual and Gender Based Misconduct Policy
- E. Workplace Violence Policy
- F. New Jersey Campus Sexual Assault Victim's Bill of Rights, N.J.S.A. 18A:61E-1 et seq.
- G. U.S. Department of Education, Office for Civil Rights, <http://www.ed.gov/ocr>
- H. U.S. Department of Justice, Office on Violence Against Women, <http://ovv.usdoj.gov>
- I. <http://www2.ed.gov/about/offices/list/ose/osh/emergingpractices.pdf>