



## **Title IX Handbook**

**Southwestern Assemblies of God University  
American Indian College Campus**

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## **What is Title IX?**

Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded education programs and activities. All public and private schools receiving any federal financial assistance must comply with Title IX. Although commonly associated with sex-based discrimination in athletics, the law is much broader. The act seeks to reduce or eliminate barriers to education opportunity caused by sex discrimination. The law states that:

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance.*

Title IX prohibits sex discrimination in all University programs and activities, including, but not limited to, admissions, recruiting, financial aid, academic programs, student services, counseling and guidance, discipline, class assignment, grading, recreation, athletics, housing, and employment. Sexual violence and harassment are forms of sex discrimination prohibited by Title IX. This statute also prohibits retaliation against individuals for making or participating in complaints of sex discrimination.

As a religious institution, the University is exempt from certain provisions and retains the right to make legitimate employment, admission, and educational decisions on the basis of religious tenets, consistent with applicable laws (Title IX, First Amendment, and Religious Freedom Restoration Act). Because of its affiliation with the General Council of the Assemblies of God and the North Texas District Council of the Assemblies of God, SAGU AIC qualifies for a religious exemption under 20 U.S.C § 1681(a)(3) and 34 C.F.R. § 106.12.

For a more detailed review of some doctrinal matters and societal issues reflecting the University's viewpoint, refer to various denominational position papers located on the AG website ([www.ag.org](http://www.ag.org)) and click on "Beliefs" and then "Position Papers."

## **Overview of Southwestern Assemblies of God University Sexual Harassment/Assault Policy**

The SAGU AIC policy strictly prohibits sexual harassment, sexual assault, stalking, domestic violence, dating violence, and discrimination within the University community. Harassment on the basis of sex is a violation of Title IX of the Education Amendments Act of 1972 and Title VII of the Civil Rights Act of 1964.

This policy applies equally to all members of SAGU AIC community: students, faculty, administrators, staff, contract employees and visitors.

The University is committed to providing an institutional environment where all persons may pursue their studies, careers, duties, and activities in an atmosphere free of threat of unwelcome and unwanted sexual actions. It strongly condemns sexual offenses, will not tolerate sexual offenders, and supports those who have been victimized.

**ARS 13-2921** is the Arizona statute that defines the crime of **harassment**. People commit this offense if they engage in conduct that is directed at a specific person and that would cause a reasonable person to be seriously alarmed, annoyed, or harassed and the conduct in fact seriously alarms, annoys, or harasses the person. Most violations of this law are **Class 1 misdemeanors** punishable by a jail term of six months.

The language of ARS 13-2921 lists a number of ways in which a person can commit this offense. Some of these include when the person:

1. contacts or communicates with another person in a manner that harasses,
2. follows another person in a public place for no legitimate purpose after being asked to desist, and
3. repeatedly commits an act or acts that harass another person.

### **Examples**

- repeatedly calling a specific person and making hostile comments.
- continuing to follow a person in public, even after the alleged victim asks the harasser to stop.
- visiting a person's home everyday and staring into the house at the homeowner for several minutes.

Sexual assault is a single term covering a range of coercive behaviors that violate both State legal statutes and the SAGU AIC Student Code of Conduct. The common element of these behaviors is use of coercion, force, or threat of force to obtain sexual contact against a person who, by virtue of mental incapacity or physical helplessness, is unable to give or withhold consent. The type of coercion may range from unwanted sexual touching to intercourse. This includes, but is not limited to, incapacity or helplessness caused by alcohol or other drugs. Intoxication of the assailant shall not diminish the assailant's responsibility for the sexual assault. The perpetrator of sexual assault may often be known to the victim. Even with no physical force used, the experience may severely traumatize the victim.

SAGU AIC will respond promptly, fairly, and decisively to all reports of sexual harassment and sexual assault. SAGU will maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action. After an investigation, members of the SAGU AIC community determined to have committed acts of sexual harassment or sexual assault will be subject to SAGU AIC's disciplinary procedures when the alleged incident has occurred on campus or when the incident has occurred off campus and materially affects the learning environment or operations of SAGU AIC.

Retaliation against an individual for reporting harassment or assault or for participating in an investigation of a claim of harassment or assault is a serious violation of this policy and, like harassment or assault itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Sexual harassment and sexual assaults are serious violations of the University's student judicial code, faculty standards and University employee policies. They are crimes under state law and punishable by fines and/or imprisonment. In addition, these actions are subject to civil suit for damages.

Southwestern Assemblies of God University and American Indian College are compliant with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act) as amended in 1998, which requires all post-secondary institutions to publish and distribute certain information regarding campus crimes, including reports of campus sexual assault, sexual assault policies and security programming to all current students, employees and to any applicant who so requests.

SAGU AIC shall make 24-hour assistance available to those who have been affected by sexual assault.

### **SAGU AIC’s Responsibilities to Address Sexual Harassment**

When a school knows or reasonably should know of possible sexual harassment in its education programs and activities, as that term is defined below, it must take prompt and appropriate steps to end the prohibited conduct, prevent its recurrence, and, as appropriate, remedy its effects.

#### *Retaliation*

It is a violation of institutional policy to discipline or otherwise discriminate against an employee who in good faith makes a mandatory report or cooperates with an investigation, disciplinary process, or judicial proceeding relating to a mandatory report of sexual harassment, sexual assault, dating violence or stalking.

#### Definitions

#### ***Sexual Harassment***

***Sexual Harassment*** for purposes of this Policy is conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

***Quid Pro Quo Sexual Harassment*** occurs when an employee of the University conditions the provision of aid, benefit, or service of the University on an individual’s participation in unwelcome sexual contact.

***Hostile Environment Sexual Harassment*** is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the University’s education programs and activities.

#### ***Sexual Assault***

Sexual Assault is any unwanted, non-consensual sexual contact against any individual by another and includes the sex offenses and attempted offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.<sup>1</sup>

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<sup>1</sup> The University’s definition of “Sexual Assault” is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the University to adopt a definition of “Sexual Assault”

**Rape** is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. There is “carnal knowledge” if there is the slightest penetration of the sexual organ of the female (vagina) by the sexual organ of the male (penis).

**Sodomy** is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

**Sexual Assault with an Object** is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.

**Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

**Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Arizona law.

**Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent as defined by Arizona law.

**Coercion** is the use of pressure and/or other oppressive behavior, including expressed or implied threats of physical harm, or severe and/or pervasive emotional intimidation which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person’s words or conduct amounts to coercion if they wrongfully limit the other’s ability to freely choose whether or not to engage in sexual activity. Coercion also includes administering a drug, intoxicant, or other substance that impairs the person’s ability to give consent.

### ***Domestic violence***

**Domestic Violence** is 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

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that incorporates various forcible and non-forcible sex crimes as defined by the FBI’s Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).



family violence laws of Arizona,<sup>2</sup> 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 Arizona.

### ***Dating violence***

*Dating Violence* means violence by a person who has been in a social relationship of a romantic or intimate nature with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

### ***Stalking***

*Stalking* means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.

*Course of Conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, or communicates to or about a person threats, that a reasonable person would regard as threatening bodily injury or death of that person, their family members including someone with whom the person is dating or interferes with that person's property.

*Reasonable Person* means a person under similar circumstances and with similar identities to the person subjected to the stalking behavior would fear for their safety or the safety of others, or suffer substantial emotional distress.

*Substantial Emotional Distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

### ***Consent***

*Consent* is free and active agreement, given equally by both parties, to engage in a specific activity. Giving in is not the same as giving consent. Consensual sexual activity involves the presence of the word "yes" without incapacitation of alcohol or other drugs, coercion, force, threat, or intimidation.

Consent is not effective when any participant in the sexual activity is unsure if a knowing, intentional, voluntary agreement to engage in each act of sexual activity has been demonstrated. Consent is not effective if one person knew or reasonably should have known that another person involved was incapacitated. Consent to one act does not imply consent to another; past consent does not imply future consent. Consent to engage in sexual activity with one person does not imply

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<sup>2</sup> Family Violence is defined by the AZ revised Statute 13-3601 as:

- (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or Sexual Assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or Sexual Assault, but does not include defensive measures to protect oneself;
- (2) abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or
- (3) Dating violence, as that term is defined by Section 71.0021.

consent to engage in sexual activity with another. Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.

A current or previous dating or sexual relationship or manner of dress does not, by itself, constitute consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly demonstrates a willingness to engage in each instance of sexual activity.

An individual is unable to provide Consent to engage in sexual activity when the individual:

- Is under age 17 and (1) is not a spouse of the Respondent or (2) is more than three years younger than the Respondent at the time of the offense;
- Has a mental disorder or developmental or physical disability that renders her or him incapable of giving knowing Consent;
- Is unconscious or physically unable to resist; or
- Is Incapacitated from alcohol or other drugs, and this condition was known, or reasonably should have been known, by the Respondent.

### ***Understanding Hostile Environment Sexual Harassment***

In determining whether a Hostile Environment exists, the University will consider the totality of circumstances, including factors such as the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual has power or authority over the other); the respective ages of the parties; the context in which the conduct occurred; and the number of persons affected. The University will evaluate the totality of circumstances from the perspective of a reasonable person in the Complainant's position. A person's adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment.

Sexual Harassment also includes gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender or gender stereotyping, even if those acts do not involve conduct of a sexual nature. Further, making employment or educational decisions based on sexual favoritism or on the basis of gender is strictly prohibited.

Some specific examples of conduct that may constitute Sexual Harassment if unwelcome include, but are not limited to:

- Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact;
- Unwelcome kissing, hugging, or massaging;
- Sexual innuendos, jokes, or humor;
- Displaying sexual graffiti, pictures, videos, or posters;
- Using sexually explicit profanity;
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities;

- E-mail and Internet use that violates this policy;
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin;
- Sending sexually explicit emails, text messages, or social media posts;
- Commenting on a person's dress in a sexual manner;
- Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship; or
- Insulting, demeaning, or degrading another person based on gender or gender stereotypes.
- Indecent exposure or sexual exhibitionism;
- Sex-based cyber-harassment;
- Prostitution or the solicitation of a prostitute;
- Peeping or other voyeurism, or
- Going beyond the boundaries of consent (e.g. recording, sharing or disseminating recordings, or threatening to share or disseminate recordings, of sexual activity or nudity without the consent of all parties involved).

### ***Incapacitation***

***Incapacitated*** refers to a state of being that prevents an individual from having the mental ability, emotional stability, or maturity to provide consent at the time the alleged behavior occurs. Incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability or medical condition.

Incapacitation is a state where an individual cannot make an informed and rational decision to Consent to engage in sexual contact because the individual lacks conscious knowledge of the nature of the act (*e.g.*, to understand the “who, what, where, when, why or how” of the sexual interaction), is physically or mentally helpless, or is otherwise unaware that the sexual act is occurring.

Incapacitation can only be found when the Respondent knew or should have known that the Complainant was Incapacitated when viewed from the position of a sober, reasonable person. One's own intoxication is not an excuse for failure to recognize another person's Incapacitation. Incapacitation is beyond mere drunkenness or intoxication, and consumption of alcohol or other drugs, inebriation, or intoxication alone are insufficient to establish Incapacitation. The impact of alcohol or drugs varies from person to person, and evaluating Incapacitation requires an assessment of how consumption of alcohol and/or drugs impacts an individual's:

- Decision-making ability
- Awareness of consequences
- Ability to make informed judgments
- Capacity to appreciate the nature of circumstances of the act.

No single factor is determinative of Incapacitation. Some common signs that someone may be incapacitated include slurred speech, confusion, shaky balance, stumbling or falling down, vomiting, and unconsciousness.

## ***Retaliation***

***Retaliation*** is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an 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 policy. Retaliation is prohibited and is considered a stand-alone policy violation without regard to any finding of responsibility for violation of this policy.

## ***Other Policy Terms***

***Complainant*** means the individual(s) who is alleged to have been impacted by a violation of this Policy.<sup>3</sup>

***Respondent*** means the individual(s) who is alleged to have violated this Policy.

***Formal Complaint*** means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the University investigate the allegation of Sexual Harassment in accordance with this Policy. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the University's education programs and activities. A "document filed by a Complainant" means a document or electronic submission (such as an email) that contains the Complainant's physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint.

***Supportive Measures*** are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to the University's Education Programs and Activities without unreasonably burdening another Party, including measures designed to protect the safety of all parties implicated by a report or the University's education environment, or to deter Sexual Harassment. Supportive measures may include: counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report.

***Education Programs and Activities*** refers to all the operations of the University, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by the University. It also includes off-campus locations, events, or circumstances over which the University exercises substantial control over the Respondent and the context in which the Sexual Harassment occurs, including Sexual Harassment occurring in any building owned or controlled by a student organization that is officially recognized by the University.

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<sup>3</sup> A Complainant and Respondent are each individually a "Party" and collectively the "Parties" with respect to a Formal Complaint filed under this Policy.

***Preponderance of the Evidence*** is the standard for determining allegations of prohibited conduct under this policy. Preponderance of the evidence means the greater weight of the credible evidence. This standard is satisfied if the evidence and information gathered in the matter indicate that the action is more likely to have occurred than not.

***Employee*** means an individual who receives compensation for work or services for which the University has the right (whether or not it exercises the right) to supervise and control the manner of performance as well as the result of the work or service. Volunteers and independent contractors are not considered “employees” for the purposes of this Policy.

## **Reporting Sexual Harassment**

Know your rights. Members of the University community have the right to work and learn in an environment that is free from verbal or physical sexual conduct which might either interfere with an individual’s performance, or create a work or educational climate that is hostile, intimidating, or offensive, whether that conduct originates with an instructor, a supervisor, or a peer.

### ***Reporting to the Title IX Coordinator***

Any member of the SAGU AIC community (faculty, staff or student) who witnesses or receives information regarding an incident that the individual reasonably believes constitutes sexual harassment, sexual assault, dating violence, or stalking which was allegedly committed by or against a student enrolled at or an employee of the institution at the time of the incident must promptly report the incident to the University Title IX Coordinator or the Deputy Title IX Coordinator.

- **Dr. Fred Gore**, Title IX Coordinator at: 972.825.4630, 888.937.7248 ext. 4630, or [fgore@sagu.edu](mailto:fgore@sagu.edu). 1200 Sycamore Street, Waxahachie, TX 75165
- **Ruth Roberts**, Deputy Title IX Coordinator at: 972.825.4656, 888.937.7248 ext. 4656, or [rroberts@sagu.edu](mailto:rroberts@sagu.edu). 1200 Sycamore Street, Waxahachie, TX 75165

Options for reporting complaints of sexual violence or harassment to the above-mentioned individuals: email, phone call, private meeting, private, written correspondence or through the Employee Incident Reporting Form which is available on the SAGU AIC Title IX web page at <https://www.sagu.edu/audiences/titleix>.

On the SAGU/AIC campus, the following serve as investigators who serve under the supervision of the Title IX Coordinator and Deputy Title IX Coordinator listed above.

- **Dr. Joseph J. Saggio**, Title IX Investigator (for SAGU AIC) at 602.944.3335, ext. 244, or [jsaggio@sagu.edu](mailto:jsaggio@sagu.edu) 10020 N. Fifteenth Avenue, Phoenix, AZ 85021-2199.
- **Dr. Sherry Jones**, Title IX Investigator (for SAGU AIC) at 602.944.3335, ext. 238, or [sjones@sagu.edu](mailto:sjones@sagu.edu) 10020 N. Fifteenth Avenue, Phoenix, AZ 85021-2199.

## ***If You Are A Victim of Sexual Violence or Sexual Assault***

*For definitions specific to AZ Revised Statutes 13-3620*

1. Go to a safe location as soon as you are able.
2. Seek immediate medical attention if you are injured, or believe you may have been exposed to an STI/STD or potential pregnancy. Baylor Scott & White Medical Center provides sexual assault exams for victims.

Honor Health John C Lincoln	602 943-2381	250 E Dunlap Phoenix, AZ 85020
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3. Contact any of the following for immediate assistance:

<b>On Campus</b>		
Title IX Investigator (Joseph J. Saggio, Ed.D.)	602 944-3335 #244	10020 N. Fifteenth Avenue Phoenix, AZ 85021
Title IX Investigator (Sherry Jones, Ed.D.)	602 944-3335 #238	10020 N. Fifteenth Avenue Phoenix, AZ 85021
<b>Off Campus</b>		
Lifeline PCS*	480 641-1165	17235 N 75th Ave F100 Glendale, AZ
PIMC Mental Health Center*	602 263-1200	4212 N 16th St, Phoenix, AZ
Aurora Behavioral Health*	623 344-4400	6015 W Peoria Ave, Glendale, AZ
Veronica Ramirez, M.S*. Soul Therapy Christian Services, PLLC	480-359-7479	1710 W. Ranch Road, Suite 103 Tempe, AZ 85284 Licensed Clinical Christian Pastoral Counselor

*\*Denotes that this resource is confidential.*

Note that campus officials may contact on-call staff from these departments when their offices are closed or they are otherwise unavailable to assist immediately.

If you are experiencing an emergency situation, you can call local police by dialing 911.

4. In cases involving crimes or violence, such as sexual assault or relationship violence, the following steps need to be taken. It is important to preserve physical evidence. Such evidence may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. You may choose to avoid washing, bathing, urinating, etc., until after being examined at a local hospital, if possible.

Honor Health John C Lincoln	602 943-2381	250 E Dunlap Phoenix, AZ 85020
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Because evidence of a sexual assault can deteriorate quickly, you may choose to seek a medical exam as soon as possible. Evidence collection should be completed within 120 hours of an assault, but fluids, hair samples, and DNA can be collected for a long time thereafter. Even if you have washed, evidence can often still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault. Sexual assault nurse examiners (SANE) are trained in the collection of forensic evidence, and can check for injuries and exposure to sexually transmitted diseases. If you are still wearing any clothes worn during the assault, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault to the hospital in a clean paper (not plastic) bag or a wrapped in a clean sheet. Leave sheets/towels at the scene of the assault. Police will collect them. Typically, police will be called to the hospital to take custody of the rape kit, but it is up to you whether you wish to speak with them or file a criminal complaint.

5. Choose how to proceed. You have options: (1) Do nothing until you are ready; (2) Pursue resolution by the University; (3) Initiate criminal proceedings; and/or (4) Initiate a civil process against the perpetrator. You may pursue whatever combination of options is best for you. If you wish to have an incident investigated and resolved by the University, students should contact the Residential Life Office. Employees should contact the Human Resources Office. University procedures will be explained. Those who wish incidents to be handled criminally should contact the Campus Safety & Security Office or local police where the assault occurred. A campus official is available to accompany students in making such reports, if desired. Students should contact the Office of Student Development for more information and employees should contact the Human Resources Office for more information.

### ***Confidential Reporting***

To make informed choices, all parties should be aware of confidentiality and privacy issues, as well as institutional mandatory reporting requirements. Members of the University community may speak to officially designated Confidential Employees<sup>4</sup> about Sexual Harassment, Sexual Assault, Dating Violence, or Stalking without the conversation triggering a mandatory report of incident details.

If reporting students want details of an incident be kept confidential, they should speak with campus counseling center counselors. Campus counselors are available to help on an emergency

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<sup>4</sup> Under Arizona law, a “Confidential Employee” is an employee (1) designated by the University as a person with whom students may speak confidentially concerning Sexual Harassment, Sexual Assault, Dating Violence, or Stalking or (2) receives information regarding such an incident under circumstances that render the employee’s communications confidential or privileged under other law.

basis. Their service is free of charge. Members of the clergy, chaplains, and off-campus rape crisis center staff can maintain confidentiality. Local resources such as:

Lifeline PCS	480 641-1165	17235 N 75th Ave F100 Glendale, AZ
PIMC Mental Health Center	602 263-1200	4212 N 16th St, Phoenix, AZ
Aurora Behavioral Health	623 344-4400	6015 W Peoria Ave, Glendale, AZ
Veronica Ramirez, M.S. Soul Therapy Christian Services, PLLC	480-359-7479	1710 W. Ranch Road, Suite 103 Tempe, AZ 85284 Licensed Clinical Christian Pastoral Counselor

**A Confidential Employee is not required to report any information that would violate an individual’s expectation of privacy, such as the name or other identifying information of an individual who has experienced or allegedly engaged in Sexual Harassment.<sup>5</sup>**

***Requests for Anonymity***

You may request confidentiality and/or that the Title IX coordinator provide you with remedies and resources without initiating a formal resolution process. The coordinator will weigh requests for confidentiality against the institutional need to address and remedy discrimination under Title IX. Generally, the University will be able to respect your wishes, unless it believes there is a threat to the community based on the use of weapons, violence, pattern, predation, or threatening conduct by the person being accused.

In cases where your request for confidentiality is granted, the University will offer you available resources, supports, and remedies. You are not obligated to pursue formal resolution in order to access the resources that are available. If the University decides that it is obligated to pursue a formal resolution based on the notice you have given, you are not obligated to participate in the resolution process. However, the ability of the University to enforce its policies or provide some remedies may be limited as a result of your decision not to participate.

***Mandatory Reporting Requirement for Employees***

Under Arizona law, all University employees, with the exception of Confidential Employees, who:

1. in the course and scope of their employment<sup>6</sup>

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<sup>5</sup> This provision does not affect any employee’s duty to report incidents of sexual misconduct as required by other law.

<sup>6</sup> “Course and Scope of Employment” means an employee performing duties in the furtherance of the institution’s interests.



2. witnesses or receives information regarding an incident that the employee reasonably believes constitutes Sexual Harassment,<sup>7</sup> Sexual Assault, Dating Violence, or Stalking, which
3. is alleged to have been committed by or against a person who was a student enrolled at or an employee of the University at the time of the incident

must promptly report the incident to the University's Title IX Coordinator or a Deputy Title IX Coordinator.

**Writing required.** The University's online reporting form may be used to submit a report to the Title IX Coordinator <https://www.cognitofrms.com/SAGUI/AnonymousReportingForm>. An email or written memo is also acceptable if it can be delivered to a Coordinator promptly after the employee's duty to report arises. If the urgency of the situation or other circumstances necessitate an initial oral report (whether in person or by phone), at the conclusion of the oral report the employee must immediately submit a written report as described in this paragraph.

**Report Contents.** The employee's report must include all information concerning the incident known to the employee which is relevant to an investigation under this Policy, including whether the subject of the report has expressed a desire for an institutional response to the incident or made a request for confidentiality in reporting the incident.

**Confidentiality.** Unless waived in writing by the affected individual, the identity of an alleged victim of an incident reported pursuant to this mandatory reporting requirement may be disclosed only to (a) employees of the University who are necessary to conduct an investigation of the report or any related hearings and (b) a law enforcement officer.

**Exceptions.** The mandatory reporting requirement does not apply to:

1. Employees who are themselves the victims of the Sexual Harassment, Sexual Assault, Dating Violence, or Stalking;
2. Instances when an employee receives information about Sexual Harassment, Sexual Assault, Dating Violence, or Stalking at a public awareness event sponsored by the University; or
3. Students enrolled at the institution;<sup>8</sup> or

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<sup>7</sup> For the purposes of Texas's mandatory reporting requirement only, "Sexual Harassment" means: unwelcome, sex-based verbal or physical conduct that (a) in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or (b) in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from the University's educational programs or activities.

<sup>8</sup> This exception applies to traditional "students-workers" working part-time at the University, and not full-time employees taking courses at the institution. The exception does not apply to students employed as Resident Assistants.

**Consequences of Non-Compliance.** An employee who fails to make a required report will be terminated following an investigation and any required process under the applicable personnel policy.<sup>9</sup>

**Immunity.** An employee who, in good faith reports or assists in the investigation of a report under this Policy, or who testifies or otherwise participates in a disciplinary process or judicial proceeding arising from a report of such an incident, will not be subject to disciplinary action for violations of the University’s administrative policies that are reasonably related to the incident. This immunity does not apply to a person who perpetrates or assists in the perpetration of the incident reported under this policy or who commits a criminal offense pursuant to Texas Education Code § 51.255(a).

***Reports to Law Enforcement***

The University recognizes and supports the right of a victim of a crime to choose whether to report the crime to law enforcement, to be assisted by the institution in reporting the crime to law enforcement, or to decline to report the crime to law enforcement. In addition, it is important for a victim of sexual harassment, sexual assault, dating violence, or stalking to go to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after an incident. Individuals experiencing sexual violence and/or sexual harassment will be notified by University personnel how to file a report with SAGU Safety & Security and other appropriate law enforcement agencies. The complainant will be allowed to decide if he/she wants to file a report with the University or local law enforcement agency.

***Crisis Counseling Assistance***

Campus Security, Vice-President for Student Development and or Residential Life, Staff and Faculty shall encourage the survivor to access support services from those specially trained to assist survivors of sexual assault or sexual violence.

Lifeline PCS	480 641-1165	17235 N 75th Ave F100 Glendale, AZ
PIMC Mental Health Center	602 263-1200	4212 N 16th St, Phoenix, AZ
Aurora Behavioral Health	623 344-4400	6015 W Peoria Ave, Glendale, AZ
Veronica Ramirez, M.S. Soul Therapy Christian Services, PLLC	480-359-7479	1710 W. Ranch Road, Suite 103 Tempe, AZ 85284 Licensed Clinical Christian Pastoral Counselor

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<sup>9</sup> Employees who fail to make a mandatory report under this provision may also be subject to criminal prosecution pursuant to AZ Revised Statutes

## **Complainant and Respondent Rights and Resources**

All members of the University community who have been involved in Title IX incidents are offered services provided by a counselor who does not provide counseling to any other person involved in a specific incident.

In addition, both the complainant and respondent have the following rights when a sexual violence or harassment complaint has been made:

- To be treated with respect and dignity.
- To assistance from the University in reporting the incident to law enforcement, if desired.
- To information about the process used in the investigation and appeal.
- To information about counseling support available.
- To privacy to the extent possible consistent with applicable law and University policy.
- To an advisor to be present throughout the investigation.
- If both parties are enrolled in the same class, the options to drop class without academic penalties.
- To protection from retaliation and harassment while the disciplinary process is pending.
- To have reasonable and equitable access to all evidence in the institution's possession which is relevant to the alleged violation, including any statements made by the alleged victim or by other persons, information stored electronically, written or electronic communications, social media posts, or physical evidence, redacted as necessary to comply with any applicable federal or state law regarding confidentiality.
- To choose whether or not to participate in the investigation process.
- To a prompt and thorough investigation of the allegations.
- To reasonable time to provide information to the investigator.
- To raise any question regarding a possible conflict of interest on the part of any person involved in the investigation or verdict.
- To appeal the decision and any sanctions made by the investigators.
- To written notification of the verdict and the outcome of any appeal.

If you are uncertain about your options and rights, contact one of the follow support persons:

Title IX Investigator (SAGU AIC) Sherry Jones, Ed.D. <a href="mailto:sjones@sagu.edu">sjones@sagu.edu</a>	602 944-3335 #238	Assistant Administrative Dean (SAGU AIC)
Title IX Investigator (SAGU AIC) Joseph J. Saggio, Ed.D. <a href="mailto:jsaggio@sagu.edu">jsaggio@sagu.edu</a>	602 944-3335 #244	Executive Vice-President & Administrative Dean (SAGU AIC)
Title IX Director (SAGU) Fred Gore, D.B.A., C.P.A. fgore@sagu.edu	972.825.4630, OR 888.937.7248 ext. 4630	Vice-President for Finance (SAGU)
Deputy Title IX Director (SAGU) Ruth Roberts, P.H.R. <a href="mailto:rroberts@sagu.edu">rroberts@sagu.edu</a>	972.825.4656, OR 888.937.7248 ext. 4656,	Director, Human Resources (SAGU)

### **Investigation Procedures for Sexual Harassment**

Once a complaint has been reported, the Title IX Coordinator will conduct an initial assessment to determine whether the conduct, as reported, constitutes or could constitute Sexual Harassment. If the Title IX Coordinator determines that the conduct reported could not fall within the scope of this Policy, and/or could not constitute Sexual Harassment, even if investigated, the Title IX Coordinator will close the matter and may notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act (“FERPA”). The Title IX Coordinator may refer the report to other University offices, as appropriate.

If the Title IX Coordinator determines that the conduct reported could fall within the scope of this Policy, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant. As part of the preliminary assessment, the Title IX Coordinator/Deputy may take investigative steps to determine the identity of the Complainant, if

#### ***Contacting the Complainant***

If a report is not closed as a result of the preliminary assessment and the Complainant’s identity is known, the Title IX Coordinator or their designee will promptly contact the Complainant to discuss the following:

- the availability of Supportive Measures with or without filing a Formal Complaint;
- the Complainant’s wishes with respect to such Supportive Measures;
- the process for filing and pursuing a Formal Complaint;
- the importance of going to a hospital for treatment and preservation of evidence as soon as practicable after the incident, if applicable;
- the right to report the incident to the institution and to receive a prompt and equitable resolution of the report;

- the right of a victim of a crime to choose whether to report the crime to law enforcement, to be assisted by the institution in reporting the crime to law enforcement, or to decline to report the crime to law enforcement; and
- information about resources that are available on campus and in the community.

### ***Supportive Measures***

Upon initial report, the complainant will be provided written information on options to change academic, living, transportation, and/or work environments if the circumstances are relevant to the complaint. SAGU AIC personnel can take immediate action to protect a potential complainant through providing assistance with protective orders and no contact orders, temporarily removing the complainant and/or respondent from campus, moving the complainant and/or respondent to a new residence, and/or relocating or changing the complainant's and/or respondent's class and/or work schedule. SAGU AIC personnel will discuss with complainants the importance of preserving evidence of the alleged offense. Methods of preserving evidence could be, but are not limited to: not showering or bathing, not discarding or washing clothing, not cleaning campus residence, and writing down all details of the incident and the name of the respondent.

Also, upon initial report by the complainant, he/she will be provided written information on counseling, mental health, physical health, victim advocacy, legal assistance, and other services available at SAGU AIC and at off-campus agencies. The respondent will also be provided with the availability of these services.

The Title IX Coordinator or their designee will coordinate all services for individuals impacted by Sexual Harassment. Any individual affected by or accused of Sexual Harassment will have equal access to support and counseling services offered through the University. In addition, all Parties are allowed to drop a course in which both Parties are enrolled without any academic penalty. The University will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the University's ability to provide the Supportive Measures in question.

### **Formal Complaint**

#### ***Filing a Formal Complaint***

A Complainant may file a Formal Complaint with the Title IX Coordinator requesting that the University investigate and adjudicate a report of Sexual Harassment in accordance with this Policy. Provided, however, that at the time the Complainant submits a Formal Complaint, the Complainant must be participating in, or attempting to participate in, one or more of the University's Education Programs or Activities.

A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by regular mail, or by email using the contact information specified in Section VI above. No person may submit a Formal Complaint on the Complainant's behalf.

In any case, including a case where a Complainant elects not to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of the University if doing so is not clearly

unreasonable. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the University Community. Factors the Title IX Coordinator may consider include (but are not limited to):

1. the seriousness of the alleged incident, including (a) whether a weapon was involved in the incident, (b) whether multiple assailants were involved in the incident, and (c) whether the incident poses a risk of recurrence;
2. whether the institution has received other reports of Sexual Harassment committed by the Respondent;
3. whether the alleged incident poses a risk of harm to others; and
4. any other factors the University determines relevant.

If the Complainant or the Title IX Coordinator files a Formal Complaint, then the University will commence an investigation and proceed to adjudicate the matter. If the University elects to proceed as a Complainant, the University will inform the alleged victim of the incident of that decision. In all cases where a Formal Complaint is filed, the Complainant will be treated as a Party, irrespective of the Party's level of participation.

### ***Equal Access***

When processing complaints, SAGU will ensure equal access to the greatest extent practicable for students or employees of the institution who are persons with disabilities. SAGU will make reasonable efforts to consult with a disability services office, advocacy groups for people with disabilities, and other relevant stakeholders to assist the institution with complying with the institution's duties under Senate Bill 1735.

### ***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 Complainant 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. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this policy to the singular "Party," "Complainant," or "Respondent" include the plural, as applicable.

### ***Dismissal Prior to Commencement of Investigation***

In a case where the Complainant files a Formal Complaint, the Title IX Coordinator will evaluate the Formal Complaint and must dismiss it if the Title IX Coordinator determines:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or

- The conduct alleged in the Formal Complaint falls outside the scope of this Policy (i.e., because the alleged conduct did not occur in the University’s Education Programs and Activities).

In the event the Title IX Coordinator determines the Formal Complaint should be dismissed pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other University offices, as appropriate. A dismissal pursuant to this Section is presumptively a final determination for purposes of this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

***Notice of Formal Complaint***

Within five days of the Title IX Coordinator receiving a Formal Complaint, the Title IX Coordinator will transmit a written notice to the Complainant and Respondent that includes:

- A physical copy of or hyperlink to this Policy;
- Sufficient details known at the time so that the Parties may prepare for an initial interview with the investigator, to include the identities of the parties involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident (if known);
- A statement that the Respondent is presumed not responsible for the alleged Sexual Harassment and that a determination of responsibility will not be made until the conclusion of the adjudication and any appeal;
- Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice;
- Notifying the Complainant and Respondent of their right to inspect and review evidence;
- Notifying the Complainant and Respondent of the University’s prohibitions on retaliation and false statements; and
- Information about resources that are available on campus and in the community.

Should the University elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the University will provide a supplemental written notice describing the additional allegations to be investigated.

***Presumption of Non-Responsibility***

From the time a report or Formal Complaint is made, a Respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final.

***Interim Removal***

At any time after receiving a report of Sexual Harassment, the Title IX Coordinator may remove a student Respondent from the University’s education programs and activities on a temporary basis if an individualized safety and risk analysis determines 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. In the event the Title IX Coordinator imposes an interim removal, the Title IX Coordinator must offer to promptly meet with the Respondent to provide the Respondent an opportunity to challenge the interim removal.

In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, the University may place the Respondent on administrative leave at any time after receiving a report of Sexual Harassment, including during the pendency of the investigation and adjudication process.

For all other Respondents, including independent contractors and guests, the University retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

### ***Intersection with Law Enforcement Investigations***

Reporting an incident to the police and/or pursuing criminal charges are always available to a claimant, and SAGU AIC will help in accessing those resources, but it is separate and different from the University's Title IX process. A complainant can pursue both the criminal and SAGUAIC's process at the same time.

### **Investigation**

After the written notice of Formal Complaint is transmitted to the Parties, an investigator selected by the Title IX Coordinator (the "investigator") will undertake an investigation to gather evidence relevant to the alleged misconduct. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with the University and not with the Parties. The investigation will culminate in a written investigation report that will be submitted to the adjudicator during the selected adjudication process. Although the length of each investigation may vary depending on the totality of the circumstances, the University strives to complete each investigation within 60 days of the transmittal of the written notice of Formal Complaint.

University personnel trained in sexual assault and harassment investigation and complainant's rights will lead the investigation. The Title IX staff intentionally work to create a compassionate, sensitive environment to address the issues; offer an unbiased and transparent system for gathering facts; and connect all community members with appropriate support and resources.

SAGU AIC personnel will conduct a prompt, fair, confidential, and impartial investigation and resolution. The complainant and the respondent may have an advisor of their choice at all meetings regarding the complaint. During the investigation, the advisor may only speak privately to the person whom he or she accompanies (i.e., either the complainant or respondent), and may not ask questions, assert objections or otherwise speak or address the investigators or tribunal during meetings or hearings.

All efforts will be made by SAGU AIC personnel to protect the complainant's and respondent's confidentiality including but not limited to: holding meetings with the complainant and respondent in secure and private locations, redacting the complainant's and respondent's name from any



publicly available records, including required timely warning notifications, and only involving University personnel essential to the investigation process.

### ***Equal Opportunity***

During the investigation, the investigator will provide an equal opportunity for the Parties to be interviewed and to present witnesses and evidence. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

The investigation is a Party's opportunity to present testimonial and other evidence that the Party believes is relevant to resolution of the allegations in the Formal Complaint. A Party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.

### ***Witnesses and Evidence***

The investigator will make reasonable attempts to contact and interview individuals who are identified as witnesses with information relevant to the allegations of misconduct. The Investigator may elect not to interview witnesses whose sole purpose is to provide character information or who are otherwise unlikely to have relevant information as determined in the sole discretion of the Investigator. The Investigator will make reasonable attempts to obtain other relevant evidence available from the parties, witnesses, or other University departments.

At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the investigator will transmit to each Party and their advisor, in either electronic or hard copy form, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence the University may choose not to rely on at any hearing and inculpatory or exculpatory evidence whether obtained from a Party or some other source. The parties will have ten days in which to submit to the investigator a written response, which the investigator will consider prior to completing the investigation report.

The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not duplicate or disseminate the evidence to the public.

### ***Investigation Report***

After the period for the parties to provide any written response has expired, the investigator will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties

agree, and lists material facts on which the parties do not agree. The investigator will also provide a copy of the investigation report to each Party and their advisor.

## **Adjudication**

After the investigator has sent the investigation report to the parties, the Title IX Coordinator will transmit to each Party a notice advising the Party of the Hearing and Administrative Adjudication processes specified below. The hearing process will be used to adjudicate all Formal Complaints unless both parties timely consent to administrative adjudication or informal resolution.

### ***Hearing Process***

The University will utilize the following procedures to administer a hearing under this policy.

#### **1. Hearing Officer**

The Title IX Coordinator will promptly appoint one or more hearing officers who will oversee the hearing process and render a determination of responsibility for the allegations in the Formal Complaint at the conclusion of the hearing process. The Title IX Coordinator will ensure that the hearing officer is provided a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator.

#### **2. Hearing Notice and Response to the Investigation Report**

After the hearing officer is appointed by the Title IX Coordinator, the hearing officer will promptly transmit written notice to the parties notifying the parties of the hearing officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing; and providing a copy of the University's Hearing Procedures. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten days from the date of transmittal of the written notice.

A Party's written response to the investigation report must include:

- To the extent the Party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history, or for any other reason;
- A list of any witnesses that the Party contends should be requested to attend the hearing pursuant to an attendance notice issued by the hearing officer;
- A list of any witnesses that the Party intends to bring to the hearing without an attendance notice issued by the hearing officer;
- Any objection that the Party has to the University's Hearing Procedures;
- Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
- Any other accommodations that the Party seeks with respect to the pre-hearing conference and/or hearing;

- The name and contact information of the advisor who will accompany the Party at the pre-hearing conference and hearing;
- If the Party does not have an advisor who will accompany the Party at the hearing, a request that the University provide an advisor for purposes of conducting questioning.

A Party's written response to the investigation report may also include:

- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

### **3. Pre-Hearing Conference**

Prior to the hearing, the hearing officer will conduct a pre-hearing conference with the parties and their advisors. By default, the pre-hearing conference will be conducted with the hearing officer, the parties, the advisors, and other necessary University personnel together in the same physical location. However, upon request of either Party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

During the pre-hearing conference, the hearing officer will discuss the hearing procedures with the parties; address matters raised in the parties' written responses to the investigation report, as the hearing officer deems appropriate; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the hearing officer determines, in the hearing officer's discretion, should be resolved before the hearing.

### **4. Issuance of Notices of Attendance**

After the pre-hearing conference, the hearing officer will transmit notices of attendance to any University employee (including administrator, faculty, or staff) or student whose attendance is requested at the hearing as a witness. The notice will advise the subject of the specified date and time of the hearing and advise the subject to contact the hearing officer immediately if there is a material and unavoidable conflict.

The subject of an attendance notice should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice.

The hearing officer will also communicate with necessary witnesses outside the University to request their appearance at the hearing.

## 5. Hearing Procedures

After the pre-hearing conference, the hearing officer will convene and conduct a hearing pursuant to the University's Hearing Procedures. The hearing will be audio recorded. The audio recording will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.

The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the hearing will be conducted with the hearing officer, the parties, the advisors, witnesses, and other necessary University personnel together in the same physical location. However, upon request of either Party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

While the Hearing Procedures and rulings from the hearing officer will govern the particulars of the hearing, each hearing will include, at a minimum:

- Opportunity for each Party to address the hearing officer directly and to respond to questions posed by the hearing officer;
- Opportunity for each Party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other Party and any witnesses, including questions that support or challenge credibility;
- Opportunity for each Party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing officer and a reason for the ruling provided;
- Opportunity for each Party to submit evidence that the Party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect;
- Opportunity for each Party to make a brief closing argument.

Except as otherwise permitted by the hearing officer, the hearing will be closed to all persons except the parties, their advisors, the investigator, the hearing officer, the Title IX Coordinator, and other necessary University personnel. With the exception of the investigator and the parties, witnesses will be sequestered until such time as their testimony is complete.

While a Party has the right to attend and participate in the hearing with an advisor, a Party and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the hearing officer.

Subject to the minimum requirements specified in this Section, the hearing officer will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The hearing officer will independently and contemporaneously screen questions for relevance in addition to resolving any contemporaneous objections raised by the parties and will explain the rationale for any evidentiary rulings. The hearing officer retains discretion to limit the number of witnesses

present at the hearing if the hearing officer finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. The hearing officer will have discretion to modify these Hearing Procedures, when good cause exists to do so, and provided the minimal requirements specified above are met.

## **6. Subjection to Questioning**

In the event that any Party or witness refuses to attend the hearing, or attends but refuses to submit to questioning by the Parties' advisors, the statements of that Party or witness, as the case may be, whether given during the investigation or during the hearing, will not be considered by the hearing officer in reaching a determination of responsibility.

Notwithstanding the foregoing, the hearing officer may consider the testimony of any Party or witness, whether given during the investigation or during the hearing, if the parties agree that the testimony may be considered or in the case where neither Party requested attendance of the witness at the hearing.

In applying this Section, the hearing officer will not draw an inference about the determination regarding responsibility based solely on a Party or a witness's absence from the live hearing and/or refusal to submit to questioning by the parties' advisors.

### ***Deliberation and Determination***

After the hearing is complete, the hearing officer will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The hearing officer will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, during the hearing, or otherwise. The hearing officer will resolve disputed facts using a preponderance of the evidence (i.e., "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the Policy as alleged in the Formal Complaint.

### ***Written Decision***

After reaching a determination and consulting with the appropriate University official and Title IX Coordinator as required above, the hearing officer will prepare a written decision that will include:

- Identification of the allegations potentially constituting Sexual Harassment made in the Formal Complaint;
- A description of the procedural steps taken by the University upon receipt of the Formal Complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to

gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing.

- Articulate findings of fact, made under a preponderance of the evidence standard, that support the determination;
- A statement of, and rationale for, each allegation that constitutes a separate potential incident of Sexual Harassment, including a determination regarding responsibility for each separate potential incident;
- The discipline determined by the appropriate University official;
- Whether the Complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator; and
- A description of the University's process and grounds for appeal.

The hearing officer's written determination will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal.

Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, the University strives to issue the hearing officer's written determination within 15 days of the conclusion of the hearing.

### **Possible Sanctions for Students Committing Sexual Violence and/or Sexual Assault**

In the event the hearing officer determines that the Respondent is responsible for violating this Policy, the hearing officer will, prior to issuing a written decision, consult with an appropriate University official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed. The hearing officer will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant.

A student who is found to have violated the SAGU Sexual Assault and Violence Policy may be subject to one or more of the following sanctions.

#### ***Disciplinary Probation***

An official notification from the Residential Life Office explaining the serious nature of the violation and outlining the terms of the disciplinary probation status. This condition serves to notify the student that he/she is not in good standing with the University for a stated period of time. Additional sanctions may be placed on the student during the time of probation. Any subsequent violation of University regulations during the probationary period will be evaluated within the context of the student's probationary status.

#### ***Mandatory Counseling, Discipleship, and/or Education/Treatment Programs***

University personnel may require a person who has committed sexual assault or sexual violence to participate in mandatory counseling sessions through the SAGU Counseling Center or designated off-campus treatment facility. Participation in intentional Christian discipleship may also be required of students who violate this policy. Participation in on-campus or off-campus programs may also be required.

### ***Restrictions from Extracurricular Activities***

A person who is found to have committed sexual assault or sexual violence may be restricted from participating in and attending any University sponsored event, program, activity, service assignment, and/or ministry occurring on-campus or off-campus.

### ***Community Service***

An individual who has committed sexual assault or sexual violence may be sanctioned to participate in a determined amount of community service or ministry hours at a location to be determined by SAGU personnel.

### ***Parental Notification***

When appropriate and in accordance with the Family Educational Rights and Privacy Act, SAGU personnel may notify a student's parents as a sanction in the disciplinary proceedings regarding a violation of the Sexual Assault and Violence Policy.

### ***Dismissal from the Residence Halls/Apartments***

An official notification will be sent from the Office of Student Development and or Residential Life informing the student that his/her housing agreement has been terminated for a specified period of time. The student may also be restricted from visiting the residence halls or apartments.

### ***Move to Online Classes***

A student who is found to have committed sexual assault or sexual violence may be required to move to online classes to complete a semester or be restricted to taking only online classes for a specific period of time. The student may also have their campus access restricted or prohibited. A student who is required to transfer to online classes may be issued a criminal trespass order upon authorization by the SAGU AIC Vice-President for Student Development who would then contact law enforcement to obtain the order.

### ***Termination of Student Employment or Training Assignment***

A student who is found to have committed sexual assault or sexual violence may be terminated from University student employment, or may be separated from their internship, student teaching assignment, or field-based training assignment.

### ***Removal or Reduction of Institutional Scholarship***

A student who is found to have committed sexual assault or sexual violence may have their institutional scholarship reduced or removed for a specified term or semester or for the duration of their University enrollment.

### ***Suspension***

An official notice will be sent from the Office of Residential Life terminating the student's status from the University for a specified or indefinite period of time during which the student may or may not be permitted on campus. During the time of suspension, the student may be issued a criminal trespass order by the SAGU AIC Vice-President for Student Development after consulting with law enforcement, thereby prohibiting the student's access to the SAGU AIC campus.

### ***Expulsion***

An official notice will be sent from the Residential Life office permanently terminating an individual's student status from the University, including a possible restriction that the student will not be permitted on campus. An expelled student can be issued a criminal trespass order by the SAGU AIC Vice President for Student Development, after consulting with law enforcement, thus prohibiting their campus access.

### ***Transcript Notation***

The Registrar's Office will place a notation on the official transcript of a student who is found to have committed sexual assault or sexual violence and whose individual student status is permanently terminated. If a student withdraws from classes during an investigation of sexual assault or sexual violence and the student has pending disciplinary charges, the disciplinary process will move forward even when the student withdraws. Upon request by another postsecondary education institution, SAGU AIC will provide information relating to the determination by SAGU AIC that the enrolled student violated SAGU AIC's code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking.

### **Administrative Adjudication**

In lieu of the hearing process, the Parties may consent to have a Formal Complaint resolved by administrative adjudication. Administrative adjudication is voluntary and must be consented to in writing by both parties and approved by the Title IX Coordinator. At any time prior to the issuance of the administrative officer's determination, a Party has the right to withdraw from administrative adjudication and request a live hearing.

If administrative adjudication is selected, the Title IX Coordinator will appoint an administrative officer. The Title IX Coordinator will see that the administrative adjudicator is provided a copy of the investigation report and a copy of all the evidence transmitted to the parties by the investigator.

The administrative officer will promptly send written notice to the Parties notifying the parties of the administrative officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; and setting a date and time for each party to meet with the administrative officer separately. The administrative officer's meetings with the parties will not be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this paragraph.

A Party's written response to the investigation report must include:



- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that a particular piece or class of evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history, or for any other reason;
- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence;
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

After reviewing the Parties' written responses, the administrative officer will meet separately with each party to provide the Party with an opportunity make any oral argument or commentary the Party wishes to make and for the administrative officer to ask questions concerning the Party's written response, the investigative report, and/or the evidence collected during the investigation.

After meeting with each Party, the administrative officer will objectively reevaluate all relevant evidence, including both inculpatory and exculpatory evidence and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The administrative officer will take care to exclude from consideration any evidence that the administrative officer determines should be ruled inadmissible based on the objections and arguments raised by the Parties in their respective written responses to the investigation report. The administrative officer will resolve disputed facts using a preponderance of the evidence (*i.e.*, "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the Policy as alleged in the Formal Complaint.

Thereafter, the administrative officer will consult with any University official and the Title IX Coordinator and will prepare and transmit a written decision which shall serve as a resolution for purposes administrative adjudication. Transmittal of the administrative officer's written determination concludes the administrative adjudication, subject to any right of appeal. Although the length of each administrative adjudication will vary depending on the totality of the circumstances, the University strives to issue the administrative officer's written determination within forty-five days of the transmittal of the initiating written notice.

### ***Dismissal During Investigation or Adjudication***

The University may dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that any one or more of the following is true:

- The Complainant provides the Title IX Coordinator written notice that the Complainant wishes to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);
- The Respondent is no longer employed by the University; or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

In the event the Title IX Coordinator determines that a Formal Complaint should be dismissed pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other University offices, as appropriate. A dismissal pursuant to this Section is presumptively a final determination as it pertains to this Policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

## **Appeal**

Either Party may appeal the determination of an adjudication, or a dismissal of a Formal Complaint, on one or more of the following grounds:

1. A procedural irregularity affected the outcome;
2. There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;
3. The Title IX Coordinator, investigator, hearing officer, or administrative officer had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome.
4. The sanctions imposed are substantially disproportionate to the severity of the violation.

Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation and evidence available at the time of the Investigation, and pertinent documentation regarding the grounds for appeal.

### ***Deadline to File Appeal***

A Party must file an appeal within seven days of the date they receive notice of dismissal or determination appealed from or, if the other Party appeals, within three days of the other Party appealing, whichever is later. The appeal must be submitted in writing to the Title IX Coordinator, who will assign one or more appeal officers. The appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing Party believes the appeal should be granted, and articulate what specific relief the appealing Party seeks.

### ***Resolution of Appeal***

Promptly upon receipt of an appeal, the appeal officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and provide written notice to the parties.

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other Party that an appeal has been filed and that the other Party may submit a written opposition to the appeal within seven days. The

appeal officer will also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the appeal officer will promptly decide the appeal and transmit a written decision to the parties that explains the outcome of the appeal and the rationale. The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no Party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision. No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, the University strives to issue the appeal officer's written decision within 10 days of an appeal being filed.

### ***Sanctions During Appeal***

All sanctions imposed by the original hearing body will be in effect during the appeal. A request may be made to the Title IX Coordinator for special consideration in exigent circumstances, but the presumptive stance of the institution is that the sanctions will stand. Graduation, study abroad, internships/externships, etc. do not in and of themselves constitute exigent circumstances, and the Respondent may not be able to participate in those activities during their appeal.

### **Informal Resolution**

The University may, in the Title IX Coordinator's discretion, facilitate an Informal Resolution in accordance with the protocol outlined below.

Generally, informal resolution involves a structured, supervised interaction between the Parties and/or other affected community members that seeks to identify and meet the needs of the Complainant while providing an opportunity for the Respondent and/or other affected community members to accept responsibility and repair harm (to the extent possible). Informal resolution may not include an investigation, hearing, or disciplinary action against a Respondent (including transcript notations), but may include imposing appropriate and reasonable remedies as agreed to by the Parties. All informal resolutions are facilitated by a trained administrator or outside expert.

### ***Availability of Informal Resolution***

Informal resolution is available in matters in which the Title IX Coordinator, in the Title IX Coordinator's discretion, determines it is appropriate. Factors the University will consider when determining whether a report of Prohibited Conduct is suitable for Alternative Resolution include, but are not limited to:

- the nature and severity of the conduct, including whether the use of force or a weapon was involved;

- the Respondent’s prior known disciplinary or criminal conduct, including whether the University has received other reports of Prohibited Conduct committed by the Respondent;
- whether the alleged incident poses a risk of harm to other individuals or the community;
- the dynamics of power or control commonly associated with the alleged conduct or the nature of the parties’ relationship;
- whether multiple parties are affected or involved;
- any admissions of responsibility by the Respondent; and
- any other factor deemed relevant by the Title IX Coordinator or their designee in the interest of overall campus safety or safety of the parties involved.

Informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

### ***Informal Resolution Process***

At any time after the parties are provided written notice of the Formal Complaint, and before the completion of any appeal, the parties may voluntarily consent, with the Title IX Coordinator’s approval, to engage in mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties.

The specific manner of any informal resolution process will be determined by the Parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the Parties that:

- Describes the parameters and requirements of the informal resolution process to be utilized;
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another University official, or a suitable third-Party);
- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a Party’s ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and
- Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

After receiving the written notice specified in this paragraph, each Party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence. The University will not pressure or compel any individual to engage in mediation, to directly confront the other, or to participate in any particular form of informal resolution. Individuals may be accompanied by an adviser or support person at any meetings related to the informal resolution process.

If the Parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for

their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, appeal, remediation, or discipline by the University, except as otherwise provided in the resolution itself, absent a showing that a Party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either Party or to the University.

Any final resolution pursuant to the informal resolution process will be documented and kept for at least seven years as required by law. However, no recording of the informal resolution process will be made and all statements made during the informal resolution process and may not be used for or against either party (and the hearing officer and appeal officer may not consider any such statement made during informal resolution) should the parties resume the grievance process. Failure to comply with an informal resolution agreement may result in disciplinary action.

### ***Termination of Informal Resolution***

A Party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

### ***Deadlines for Informal Resolution***

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within 30 days. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution. During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

## **Other Investigation and Adjudication Considerations**

### ***Advisor of Choice***

From the point a Formal Complaint is made, and until an investigation, adjudication, and appeal are complete, the Complainant and Respondent will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be, an attorney. Except for the questioning of witnesses during the hearing, the advisor will play a passive role and is not permitted to communicate on behalf of a Party, insist that communication flow through the advisor, or communicate with the University about the matter without the Party being included in the communication. In the event a Party's advisor of choice engages in material violation of this Policy, the University may preclude the advisor from further participation, in which case the Party may select a new advisor of their choice.

In the event a Party is not able to secure an advisor to attend the hearing, and requests the University to provide an advisor, the University will provide the Party an advisor, without fee or charge, who will conduct questioning on behalf of the Party at the hearing. The University will have sole discretion to select the advisor it provides.

### ***Treatment Records and Other Privileged Information***

During the investigation and adjudication processes, the investigator and adjudicator are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use:

- a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party; or
- information or records protected from disclosure by any other legally-recognized privilege, such as the attorney client privilege

unless the University has obtained the Party's voluntary, written consent to do so for the purposes of the investigation and adjudication process.

Notwithstanding the foregoing, the investigator and/or adjudicator, may consider any such records or information otherwise covered by this Section XIX if the Party holding the privilege affirmatively discloses the records or information to support their allegation or defense.

### ***Sexual History***

During the investigation and adjudication processes, questioning regarding a Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Notwithstanding the foregoing, a Complainant who affirmatively uses information otherwise considered irrelevant by this Section for the purpose of supporting the Complainant's allegations, may be deemed to have waived the protections of this Section.

### ***Student Withdrawal or Graduation Pending Disciplinary Charges***

If a student withdraws or graduates from the University pending an investigation of a complaint of Sexual Misconduct under this Policy, the University will expedite the disciplinary process as necessary to accommodate both the Complainant and the Respondent's interest in a speedy resolution and continue the investigation with or without the participation of the Respondent.

### ***Education and Training for Sexual Assault and Sexual Violence***

SAGU AIC provides education and prevention programs related to sexual assault, sexual violence and sexual harassment.

Prevention programs are provided for new, incoming students and new employees of SAGU AIC and ongoing prevention programs for students, faculty, and staff. Primary prevention programs for new students are completed during the S3 class for new students and other training classes are led by the Dean of Students and Residential Life personnel. Prevention strategies are also discussed

at mandatory housing meetings that occur annually. These mandatory housing meetings include new and returning students. Each of these education programs include the reading of the official SAGU AIC statement prohibiting sexual assault, sexual violence and sexual harassment. The definitions of consent, domestic violence, dating violence, stalking, and sexual assault are provided to all students during each of these prevention sessions. At each of these primary prevention discussions, students are also informed of how they are able to report domestic violence, dating violence, stalking, and sexual assault to University officials and the choose whether to report or decline to report the crime to local law enforcement. The primary prevention sessions also provide students with possible warning signs of abuse in a relationship, the importance of going to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident, the right of a victim to report the incident to SAGU AIC and receive a prompt and equitable resolution of the report.

The appropriate definitions of sexual assault, sexual violence and sexual harassment are also provided to all students annually in writing along with the official University statement prohibiting these offenses and the safe and confidential ways to report possible offenses.

Prevention programs for new employees occur during new faculty and staff orientation annually and are led by the University Title IX Coordinator. Special faculty and staff meetings are held each year to discuss prevention of sexual assault and the role of faculty and staff in reporting these offenses in a safe and confidential manner. Each of these employee meetings include the reading of the official SAGU AIC statement prohibiting sexual assault, sexual violence and sexual harassment. The definitions of these offenses are also provided to all faculty and staff during each of these prevention sessions. Faculty and staff are provided with possible warning signs of abuse in a relationship in order to quickly recognize potential issues among students.

Each year, the Title IX Coordinator sends a letter to all faculty and staff with the appropriate definitions of sexual assault, sexual violence and sexual harassment along with the official University statement prohibiting these offenses and the safe and confidential ways to report possible offenses.

### ***Position Statement on Preventing Sexual Assault and Sexual Violence***

Sexual violence is a serious problem that can have lasting, harmful effects on victims and their family, friends, and communities. The purpose and end objective of sexual violence prevention is simple—to stop it from happening before it ever begins.

Prevention efforts should ultimately decrease the number of individuals who perpetrate sexual violence and the number of individuals who are sexual violence victims. Many prevention approaches aim to reduce risk factors and promote protective factors for sexual violence. At SAGU AIC, comprehensive prevention strategies are designed to address factors at each of the levels that influence sexual violence—the individual, relationship, community, and society.

The most common prevention strategies currently focus on the victim, the perpetrator, witnesses, or bystanders. Strategies that aim to equip the victim with knowledge, awareness, or self-defense skills are referred to as risk reduction techniques. Strategies targeting the perpetrator attempt to change risk and protective factors for sexual violence in order to reduce the likelihood that an

individual will engage in sexually violent behavior. All levels of prevention are necessary to stop the occurrence of sexual violence and to significantly improve the health status of our SAGU AIC campus community. True primary prevention is population-based using environmental and system-level strategies, policies, and actions that prevent sexual violence from initially occurring.

Sexual violence prevention activities include those that are aimed at addressing the domains of influence of potential victims, perpetrators, and bystanders. The creation of a living and learning environment free of sexual violence is the ultimate goal. This vision requires a cultural shift that moves beyond the mere prevention of violence towards a community that adopts healthy and caring sexual attitudes and practices. Faculty, staff, administrators, and students must play key roles in the creation of a campus culture that reflects civility, honor, respect, and nonviolence.

The goal of bystander prevention strategies is to change social norms supporting sexual violence and empower men and women to intervene with peers to prevent an assault from occurring. Bystander techniques are skills that allow students, faculty, and staff to recognize the continuum of violence and empower them to intervene, prevent, or stop inappropriate comments and actions. SAGU AIC's bystander prevention measures foster a culture shift from bystander apathy to bystander intervention, thus creating a culture in which violence cannot occur.

Successful primary prevention of sexual violence requires recognition of the problem at the highest levels of campus leadership. Efforts to prevent sexual violence are multifaceted and include but not be limited to such strategies as classroom discussions, health promotion programs, publicity, peer education, and discussions during student health, mentoring, and counseling services visits.

A critical component of SAGU AIC's successful primary prevention of sexual violence is its recognition as a public health issue that involves both men and women. We encourage the commitment of men to serve as positive role models for other men to be intolerant of sexual violence. SAGU AIC promotes a campus culture with programs that provide continuous opportunities that empower women to develop self-respect, self-esteem, and assertiveness.

Alcohol and drug use and abuse are associated with the majority of incidents of campus sexual assaults. The University promotes awareness initiatives related to alcohol and drug use/abuse and their relationship to sexual violence.

This position statement on sexual assault and interpersonal violence prevention was adapted from the American College Health Association's Toolkit, *Shifting the Paradigm: Primary Prevention of Sexual Violence*.

### ***Guiding Principles***

Prevention is the cornerstone of SAGU AIC's sexual assault and interpersonal violence prevention and education program. Program activities are guided by a set of prevention principles that include:

- Preventing first-time perpetration and victimization
- Reducing modifiable risk factors while enhancing protective factors associated with sexual violence perpetration and victimization



- Using the best available evidence when planning, implementing, and evaluating prevention programs
- Incorporating behavior and social change theories into prevention programs
- Using population-based surveillance to inform program decisions and monitor trends;
- Evaluating prevention efforts and using the results to improve future program plans

### ***Preventing Sexual Violence through Empowering Campus Bystanders***

A promising approach to preventing interpersonal violence is to teach and encourage bystanders to intervene with peers and support potential or actual victims. A “bystander” is a friend, classmate, teammate, coworker, teacher, family member, or stranger who is aware of or observes situations and interactions that could lead to sexual harassment, intimidation, coercion, or assault.

The purpose of bystander intervention education is to increase awareness and understanding of the problem, increase feelings of responsibility to solve this problem, increase commitment to act, and to empower people to act both individually and collectively. By fostering a sense of caring and community, campus cultures can be transformed and become safer.

Everyone in the campus community has a role to play, including professors, administrators, healthcare professionals, student leaders, graduate assistants, clerical staff, etc. Student behavior is greatly determined by prevailing cultural and social norms governing sexual attitudes and behaviors in society.

### ***Bystander Intervention Key Components***

- Role modeling is crucial
- Entire campus community has a stake
- Support bystander intervention on campus
- Teach skills to intervene
- Obtain commitment to intervene
- Teach how to interrupt a possible sexual assault
- Reduce defensiveness to the message

Bystander interventions includes a full range of options and levels of action, from speaking to a resident assistant about an encounter in a residence hall to calling the police. Interventions can occur with friends, acquaintances, strangers, professors, crisis hotline staff, counselors, roommates, and others. Some interventions are best done by a group of friends and others are more effective in private, side conversations. Staying safe is always emphasized and balanced with

keeping others safe. When people feel seriously threatened, authorities such as campus Security should be called.

### **Approval and Biennium Review of Title IX Policy**

The Title IX policy has been presented to and approved by the Board of Regents of Southwestern Assemblies of God University. The Board of Regents will review the Title IX policy each biennium and revise the policy as necessary.