

Title IX Policy

Sex Discrimination, Sexual Violence and Sexual Harassment

University Commitment

California Baptist University (“CBU” and “University”) is committed to providing a learning, working and living environment that promotes personal integrity, civility and mutual respect in an environment free of discrimination on the basis of sex, which includes all forms of sexual misconduct. Sex discrimination violates an individual’s fundamental rights and personal dignity. CBU considers sex discrimination in all its forms to be a serious offense.

This policy refers to all forms of sex discrimination, including but not limited to: sexual harassment, sexual assault, and sexual violence by employees, students, or third parties.

This policy governs the conduct of University students, regardless of enrollment status; faculty; staff; and third parties (i.e., non-members of the University community, such as vendors, alumni, visitors, or local residents). Third parties are both protected by and subject to this policy. A third party may report or file a complaint concerning a violation of this policy committed by a member of the University community. A third party may also be permanently barred from the University or subject to other restrictions for failing to comply with this policy.

This policy applies to conduct that occurs on University property, and in certain circumstances, off University property (i.e., off campus). This policy applies to conduct that occurs off campus when the conduct is associated with a University-sponsored program or activity, such as travel, research, or internship programs; when it utilizes University-owned or provided technology resources; or when such conduct may have a nexus to campus, such as a continuing adverse effect or creation of a hostile environment on campus. Judgments about these matters will depend upon the facts of an individual case.

Title IX of the Education Amendments of 1972

Title IX of the Education Amendments of 1972 (“Title IX”¹) prohibits discrimination based on sex in educational programs and activities that receive federal financial assistance. Title IX states, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance” (20 U.S.C. § 1681). The Office of Civil Rights of the U.S. Department of Education defines sexual harassment under Title IX as consisting of “verbal or physical conduct of a sexual nature, imposed on the basis of sex, by an employee or agent of a recipient that denies, limits, provides different, or conditions the provisions of aid, benefits, services, or treatment protected under Title IX.” To ensure compliance with Title IX, CBU has developed policies and procedures that prohibit sex discrimination in all of its forms.²

¹ 20 U.S.C §§ 1681 *et seq.*

² 34 Code of Federal Regulations (C.F.R.) §106, Subpart (A) and (B), *et seq.*; April 4, 2011 Dear Colleague Letter (“DCL”) issued by the U.S. Department of Education required all universities receiving federal funding to craft and implement a written Title IX policy.

Title IX Statement on Non-Discrimination.³

CBU does not unlawfully discriminate on the basis of sex in its educational programs and activities.⁴ This policy extends to employment with and admission to the University, as well as access to facilities, financial aid and courses.

Guidance on Reporting.

CBU encourages those who have experienced any form of sex discrimination to report the incident promptly, to seek all available assistance, and to pursue University conduct charges and criminal prosecution of the offender. CBU takes complaints very seriously and will work with Complainants to ensure their safety and to remedy the situation.

Filing a Report or Making a Complaint

CBU encourages those who have experienced sex discrimination to report offenses to either the Title IX Coordinator, a Title IX Investigator, or the Department of Safety Services. The Title IX Coordinator can assist with all aspects of the reporting procedure and will conduct an investigation into a complaint. By law, a victim's identity may not be disclosed to local law enforcement unless the victim consents to being identified after being informed of his or her right to have identifying information withheld.⁵ If a victim does not consent to disclosing his or her identity, the alleged perpetrator's identity may not be disclosed either.⁶

Employees may also notify their immediate supervisor or any one of the following: the Title IX Coordinator, Director of Student Conduct, the Provost/Vice President of Academic Affairs, the Vice President for Enrollment and Student Services, the Vice President for Online and Professional Studies, the Vice President for Finance and Administration, the Vice President and General Counsel, the Vice President for Global Initiatives, the Vice President for Marketing and Communication, or the Vice President for University Advancement. If for any reason the employee is unable or unwilling to report the matter to any one of the individuals listed above, he/she may report the matter to the President of the University.

Anyone receiving a report of sex discrimination or other violation of this policy must immediately forward a copy of the report to the Title IX Coordinator.

³ 34 C.F.R §106.9.

⁴ Title IX; Title VII of the Civil Rights Act of 1964 42 U.S.C. § 2000(e) ("Title VII"); Title IV of the Civil Rights Act of 1964 (42 U.S.C. §2000c)("Title IV"); California Civil Code §51(b).

⁵ California Education Code § 67383(b).

⁶ California Education Code § 67380(a)(6)(A).

Guidance on Taking Immediate Action.

Individuals who believe they have either witnessed or been subjected to unlawful sex discrimination should contact any of the following:

Title IX Coordinator Yeager Center, Room C105 Phone: 951.343.4948 Email: TitleIXCoordinator@calbaptist.edu	Counseling Center Wellness Center (3510 Adams Street) Phone: 951.689.1120 Email: ccrecept@calbaptist.edu
Department of Safety Services Lancer Arms 143 Phone: 951.343.4311 Email: SafetyServices@calbaptist.edu	Student Services Office Yeager Center, Room D247 Phone: 951.343.4217 Email: studentservices@calbaptist.edu
Residence Life Office The Village @ CBU, Room 215 Phone: 951.552.8000 Email: ResidenceLife@calbaptist.edu	Online and Professional Studies Office Tyler Plaza (10370 Hemet, Suite 200) Phone: 951.343.3900 Email: tmeyer@calbaptist.edu
Human Resources Office Lancer Palms 100 Phone: 951.343.4302 Email: jfresquez@calbaptist.edu	Riverside Area Rape Crisis Center 24-Hour Hotline: 951.686.7273

The Department of Safety Services and the Title IX Coordinator can provide immediate referral information, access to University counselors and/or investigation assistance.

In the event that a sexual assault or sexual violence has occurred, when necessary seek immediate medical attention at an area hospital. Everything possible should be done to preserve evidence by making certain that the crime scene is not disturbed. (The decision to press charges does not have to be made at this time. However, following these procedures will help preserve this option for the future). Complainants should not bathe, urinate, douche, brush teeth, or drink liquids. Clothes should not be changed but if this takes place, bring all original clothing to the hospital in a paper bag (plastic bags damage evidence). The Riverside Rape Crisis Center 24 Hour Hotline (951.686.7273) may be contacted to provide information and support in navigating the reporting process.

People under the age of eighteen (18) should be aware that, as a minor, their parent(s) may have the right to obtain information from their medical records.

Complainants may choose whether or not to speak to the police at the hospital. If they do, the option to choose whether to file charges against the Respondent still exists.

Physicians are required by law to notify the police. A physician may assist the complainant in completing a rape kit. Please keep in mind: having a rape exam does not mean that Complainants are mandated to press charges. This action only keeps the Complainant's options open.

Definitions and Examples.

A "Complainant" is any person who alleges that they are the victim of sexual discrimination.

A "Respondent" is any individual who is alleged to be the perpetrator of sexual discrimination.

"Sex Discrimination"⁷ is behaviors and actions that deny or limit a person's ability to benefit from, and/or fully participate in the educational programs or activities or employment opportunities because of a person's sex. Examples of sex discrimination under Title IX include, but are not limited to, sexual harassment, failure to provide equal opportunity in education programs and co-curricular programs including athletics, discrimination based on pregnancy, and employment discrimination.

"Sexual Harassment"⁸ is unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made a term or condition of employment or the educational relationship; (2) submission to or rejection of such conduct is used as a basis for employment or education decisions affecting the individual; or (3) such conduct has the effect of unreasonably interfering with a student's educational experience or employee's work performance or creating an intimidating, hostile, or offensive working, education, or living environment. While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

- Promising, directly or indirectly, a student or employee a reward, if the student or employee complies with a sexually oriented request.
- Threatening, directly or indirectly, retaliation against a student or an employee, if the student or employee refuses to comply with a sexually oriented request.
- Denying, directly or indirectly, a student or employee an employment or education related opportunity, if the student or employee refuses to comply with a sexually oriented request. Engaging in sexually suggestive conversation or physical contact or touching another student or employee.
- Displaying pornographic or sexually oriented materials, including, but not limited to, text messages, e-mails, and social media postings.
- Degrading words or offensive terms of a sexual nature.
- Engaging in indecent exposure.
- Making sexual or romantic advances toward a student or employee and persisting despite the student or employee's rejection of the advances.
- Physical conduct such as assault, touching, or blocking normal movement.
- Retaliation for making harassment reports or threatening to report harassment.
- Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment sometimes involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment.

⁷ 34 C.F.R. §108106, Subparts (Aa) and (bB); DCL

⁸ DCL.

- Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered separately would not rise to the level of harassment.

“Domestic Violence”⁹ means a felony or misdemeanor crime of violence committed by: a current or former spouse or intimate partner of the Complainant; a person with whom the Complainant shares a child in common; a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner; a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the jurisdiction receiving grant monies under the VAWA; or any person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

“Dating Violence”¹⁰ means violence committed by a person: who is or has been in a social relationship of a romantic or intimate sexual nature with the Complainant; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

“Stalking”¹¹ means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: fear for his or her safety or the safety of others; or suffer substantial emotional distress, which includes, but is not limited to, the use of social media, the Internet, and other forms of technology.

“Consent.”¹² Affirmative consent is the basis of the analysis applied to unwelcome sexual contact. Lack of affirmative consent is the critical factor in any incident of sexual misconduct. For purposes of this policy, consent must be “affirmative consent” which is defined as conscious and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

- Consent is informed, freely and actively given and requires clear communication between all persons involved at each stage of the sexual encounter.
- Consent is active, not passive. Consent must be communicated verbally and it must be mutually understandable. Silence cannot be interpreted as consent.
- It is the responsibility of the initiator of sexual contact to make sure they understand fully what the person with whom they are involved wants and does not want sexually.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Previous relationships or consent does not imply consent to future sexual acts.
- Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another.
- Effective consent cannot be given by minors, mentally disabled individuals or persons incapacitated as a result of drugs or alcohol.

⁹ Term defined by the Violence Against Women Reauthorization Act of 2013 (“VAWA”) and its Section 304 Campus Sexual Violence Act (“SaVE Act”); 42 U.S.C. § 13925 *et seq.* Required by the U.S. Department of Education.

¹⁰ Term defined by VAWA/SaVE Act and required by the U.S. Department of Education; 42 U.S.C. § 13925 *et seq.*; 34 C.F.R § 668.46.

¹¹ Term defined by VAWA/SaVE Act and required by the U.S. Department of Education; 42 U.S.C. § 13925 *et seq.*; 34 C.F.R § 668.46.

¹² California Education Code § 67386; definition required by the U.S. Department of Education.

- If you have sexual activity with someone you know to be--or should know to be—mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), you are in violation of this policy.
- Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, when, where, why or how of their sexual interaction.
- This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of a so-called “date-rape” drug. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student for the purpose of inducing incapacity is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>.
- Use of alcohol or drugs will never function to excuse behavior that violates this policy.

“Sexual Assault” In general, any non-consensual physical contact of a sexual nature, however slight with any object or body part, by a man or a woman upon a man or a woman.

“Sexual Exploitation” Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.

Time Limitations.

In order to pursue action through CBU’s grievance procedure, an aggrieved student or employee should meet with the Title IX Coordinator as soon as possible after the alleged act of sex discrimination, harassment, violence or retaliation occurs, to discuss the complaint. In any case, there is no time limit for students to make a report. Employees who have experienced or witnessed conduct they believe is contrary to this policy have an obligation to make a report. An employee’s failure to fulfill this obligation may affect his or her rights in pursuing legal action. Timely reporting is necessary for employees.

Support Services.

There are various supportive measures available for those who have experienced sex discrimination. These support resources include:

- Title IX Coordinator: The Title IX Coordinator serves as the central reference person for information about reporting and the investigative procedure, as well as available support services.
- Counseling: Students who have experienced any form of sex discrimination, including sexual misconduct may receive free and confidential counseling at the University’s Counseling Center (951.689.1120) and/or the Riverside Area Rape Crisis Center (951.686.7273). CBU employees may contact the Human Resources Office or the Title IX Coordinator, or reference the Employee Manual for information regarding counseling options.
- Reassignments: When the Complainant and the Respondent participate in the same courses, reside in the same university residence or in proximity to one another, or participate in the same activities (e.g., sports teams) Complainants may request that a fair and immediate way to reassign and/or move one of the persons be decided upon by the Title IX Coordinator or a designee. The Title IX Coordinator will consult with the appropriate academic dean in making a determination regarding an alternative classroom assignment(s) for the respondent and/or the complainant who has experienced a sex offense and with the Director of Residence Life in making a determination regarding an alternative housing assignment. When a student employee makes a report and the respondent works in the same department or area, alternative

work assignments may be made by the appropriate administrator upon request by the student employee filing the complaint.

Grievance Procedure.

All incidents of sex discrimination, including sexual misconduct or retaliation, should be reported. The Title IX Coordinator will provide for the adequate, reliable, and impartial investigation of all complaints.

Once a complaint of sex discrimination is made, an investigation of the report shall be pursued toward completion typically within sixty (60) calendar days.

To ensure a prompt and thorough investigation, the Complainant should provide as much of the following information as possible.

- The name, department, and position of the person or persons allegedly causing the sex discrimination (which includes: sexual misconduct, sexual violence, and harassment) or retaliation.
- A description of the incident(s), including the date(s), location(s), and the presence of any witnesses.
- If the Complainant is an employee: the alleged effect of the incident(s) on the Complainant's position, salary, benefits, promotional opportunities, or other terms or conditions of employment.
- The names of other students or employees who might have been subject to the same or similar sex discrimination or retaliation.
- Any steps the Complainant has taken to try to stop the sex discrimination or retaliation.
- Any other information the Complainant believes to be relevant to the sex discrimination, harassment, or retaliation.

Investigation.

An investigation into the report shall be conducted by the Title IX Coordinator or assigned deputies. The investigation shall be concluded as quickly as possible, typically within sixty (60) days or within a reasonable amount of time required to complete the investigation. The investigation will be conducted in a manner so that it is adequate, reliable and impartial.

The investigation may include any of the following: interviews of the parties involved, including witnesses, and the gathering of other relevant information.

- Parties to the complaint will be afforded equal opportunities to recommend witnesses for interviews and present other relevant evidence.
- At any time during the investigation, the investigator may recommend that interim protections or remedies for the parties involved or witnesses be provided by appropriate University officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative workplace or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of the Standard of Student Conduct.

Cooperation with Law Enforcement

The University will comply with law enforcement request for cooperation and such cooperation may require the University to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence. The University will promptly resume its Title IX investigation as

soon as notified by the law enforcement agency that it has completed the evidence gathering process, which typically takes three (3) to ten (10) calendar days, although the delay in the University's investigation may be longer in certain instances.

The University will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the Complainant(s) and the campus community and the avoidance of retaliation.

The standard used to determine accountability will be whether it is more likely than not that the Respondent has violated CBU's Title IX Policy.¹³ A resolution shall be determined at the conclusion of the investigation. The parties involved will be given notice of the outcome in writing within one (1) day of the determination. If it is determined that a student has violated CBU's Title IX Policy, these findings will be forwarded to the Dean of Students and/or Director of Student Conduct for disciplinary action. CBU policies related to Hearing and Appeal for students will apply. If it is determined that an employee has violated CBU's Title IX Policy, these findings will be forwarded to the vice president overseeing the employee's area and the Director of Human Resources for disciplinary action. CBU policies related to Hearing and Appeal for employees will apply.

The University shall take reasonable steps to prevent the recurrence of sex discrimination or retaliation in any form. If the reoccurrence takes place, those responsible for such behavior may be subject to Judicial Action under the Standard of Student Conduct or disciplinary action under Employee Handbook if the person is an employee.

The University will take all necessary steps to remedy the discriminatory effects on the complainant(s) and others. Examples of such remedies may include: order of no contact, residence hall relocation, classroom re-assignment, or other appropriate remedies.¹⁴

Retaliation.

CBU strictly prohibits retaliation against any person for using this reporting procedure, or for filing, testifying, assisting or participating in any manner in any investigation or proceeding involving allegations of sex discrimination. Any person who violates this policy will be subject to discipline, up to and including termination if they are an employee, and/or dismissal if they are a student. Retaliation is any action by any person that is perceived as: intimidating, hostile, harassing, retribution, or violent that occurred in connection to the making and investigation of the report.

¹³ DCL; Provision required by VAWA/SaVE Act and the U.S. Department of Education; 34 C.F.R § 668.46.

¹⁴ DCL; Provision required by VAWA/SaVE Act and the U.S. Department of Education; 34 C.F.R § 668.46.

Confidentiality.

Those who have experienced sex discrimination should know that all University employees (Residence Directors, Safety Service Officers, staff members, etc.) excluding University Counseling Center staff, University Officials who are ordained ministers, and other University Officials bound by confidentiality standards, must report known felonies to the police, either directly or through Safety Services. University Counseling Center staff, University Officials who are ordained ministers, and other University Officials bound by confidentiality standards are not required to disclose knowledge of felonies reported to them except when necessary to prevent harm.

Persons who would like to report an incident or speak to someone about something that happened and desire that details of the incident be kept confidential, should speak with staff members of the Counseling Center, the Dean of Spiritual Life, or off-campus rape crisis resources, who will maintain confidentiality. Campus counselors are available to help students and employees free of charge, and can be seen on an emergency basis. In addition, off-campus clergy and chaplains will also keep reports made to them confidential.

All inquiries, complaints, and investigations are treated with discretion. Information is revealed as law and policy permit. However, the identity of the Complainant is usually revealed to the Respondent(s) of such conduct and any witnesses with the consent of the Complainant. Publicizing information about alleged sex discrimination or retaliation is strictly prohibited and may be considered a violation of University policy.

The Title IX Coordinator shall maintain all information in secure files pertaining to a complaint or investigation.

Federal Statistical Reporting Obligations: Certain campus officials (campus security officials) have a duty to report violations of this policy for federal statistical reporting purposes. All personally identifiable information is kept private, but statistical information must be passed along to campus safety services regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given), for publication in the annual Campus Security Report.¹⁵ This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

Federal Timely Warning Reporting Obligations: Complainants of sex discrimination should also be aware that University administrators must issue timely warnings for certain types of incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community.¹⁶ The University will make every effort to ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

¹⁵ Required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"), 20 U.S.C. § 1092(f).

¹⁶ Required by the Clery Act; 20 U.S.C. §1092(f).

Intersection with the Student Conduct Process.

For reports of violations of this policy, in which the complaint involves student(s) as Respondent(s), the judicial process outlined in the Student Handbook will be followed. Key terms associated with this process are “Students”, “Hearings” and “Appeal” and for purposes of this policy the definitions for each shall be the same as those provided in Section 1.1 of the Student Handbook.

The Complainant and the Respondent have the opportunity to have someone present during a Hearing in cases involving alleged sexual offenses. If a Student chooses to be accompanied to a Hearing associated with alleged sexual offenses, the individual who accompanies the Student will not be permitted to speak on behalf of the Student and/or take an active role in the Hearing.¹⁷

The standard used to determine accountability will be whether it is more likely than not that the Respondent has violated the Standard of Student Conduct. Complainants and Respondents will be granted equitable treatment throughout the investigation and Hearing process. All members of the University community found to have violated this policy will be sanctioned, up to expulsion from the University.

The Complainant’s rights in a Hearing:

- An explanation of available options for redress
- Freedom from harassment by the Respondent (or supporters)
- Use of all available internal and external support services in dealing with the aftermath of the offense
- Ability to speak on their own behalf during the disciplinary proceedings, including making a “Complainant impact” statement to a Hearing board or University disciplinary panel
- The presence of an advisor from the University community and/or a support person during the Hearing
- The opportunity to present witnesses who can speak about the charges, character witnesses excluded
- Testify on his/her own behalf
- Freedom from having irrelevant sexual history discussed during the Hearing
- Information about the outcome of the Hearing, and
- Opportunity to appeal the outcome of the Hearing.
- The Respondent’s rights in a Hearing. The University will treat a Respondent person with fairness throughout the disciplinary proceedings. Specifically, Respondents are entitled to:
 - An explanation of the charge(s)
 - Freedom from harassment by the complainant (or supporters)
 - An explanation of the University discipline system
 - The presence of an advisor from the University community
 - Testify on his/her own behalf
 - Present witnesses who can speak about the charges, character witnesses excluded
 - Freedom from having irrelevant sexual history discussed during the Hearing
 - Information about the outcome of the Hearing, and
 - Opportunity to Appeal the outcome of the Hearing.

¹⁷ Provision required by VAWA/SaVE Act; 34 C.F.R § 668.46.

At the conclusion of the Hearing process, the University will provide written notification to the parties involved of the outcome and resolution of the Hearing within five (5) business days.

Once written notification of the resolution has been received, the parties involved will have the opportunity to appeal the findings. The desire to appeal should be submitted in writing to the appropriate office within five (5) business days.

Student appeals shall follow the Appeal procedure outlined in Section 7 of the Student Handbook.

Employee appeals shall follow procedures outlined in Section 2.16.1 of the Employee Manual.

Consequences.

The University reserves the right to take whatever measures it deems necessary in response to an allegation of sex discrimination in order to protect an individual's rights and personal safety.

Such measures include, but are not limited to, modification of living arrangements, interim suspension from campus pending a Hearing, and reporting to the local police.

Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the University reserves the right to impose differing sanctions, ranging from a warning to expulsion, depending on the severity of the offense.¹⁸

Special Provisions.

Attempted Violations. In most circumstances, the University will treat attempts to commit any of the violations listed in this policy or in the Standard of Student Conduct as if those attempts had been completed.

The University as Complainant. As necessary, the University reserves the right to initiate a student conduct complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the complainant.

False Reports. The University will not tolerate intentional false reporting of incidents. It is a violation of the Standard of Student Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

Immunity for Complainants and Witnesses. The University community encourages the reporting of sex discrimination and Code of Conduct violations. Sometimes, Complainants are hesitant to report to University officials because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. It is in the best interest of this community that as many Complainants as possible choose to report to University officials. To encourage reporting, the University pursues a policy of offering Complainants of sex discrimination and sexual misconduct limited immunity from being charged with policy violations related to the particular incident. While violations to policy cannot be completely overlooked, the University will provide educational options rather than punishment, in such cases. An individual who participates

¹⁸ Provision required by VAWA/SaVe Act; 34 C.F.R § 668.46.

as a complainant or is a witness in an investigation of Sexual Assault, Domestic violence, Dating violence, or Stalking will not be subject to disciplinary sanctions for a violation of the University's Student and/or employee conduct policy at or near the time of the incident, unless the institution determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic honesty.

Bystander Intervention.¹⁹ The welfare of students in our community is of paramount importance. At times, students on campus and off campus may need assistance. The University encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a complainant of sexual misconduct to the Department of Safety Services). The University pursues a policy of limited immunity for students who offer help to others in need. While policy violations cannot be overlooked, the University will provide educational options, rather than punishment, to those who offer their assistance to others in need.

Parental Notification. The University reserves the right to notify parents/guardians of dependent students regarding any health or safety emergency, change in student status or conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. When a student is not a dependent, the University will contact parents/guardians to inform them of situations in which there is a health and/or safety risk. The University also reserves the right to designate which University officials have a need to know about individual conduct complaints.²⁰

Notification of Outcomes.

The outcome of a Title IX investigation involving students is part of the education record of the student parties involved, and is protected from release under FERPA. However, the University observes the legal exceptions that allow for notification of the parties involved and others whom the University determines to inform based on the law and this policy.

Students who bring any sort of sex discrimination complaint against faculty or staff may be informed of the outcome of the investigation and the resolution.

The University may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a University policy that is a "crime of violence," including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. The University will release this information to the complainant in any of these offenses regardless of the outcome.

offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. The University will release this information to the complainant in any of these offenses regardless of the outcome.

Past Sexual History/Character in Hearings.

¹⁹ Provision required by VAWA/SaVe Act; 34 C.F.R. § 668.46.

²⁰ Required pursuant to the Family Educational Rights and Privacy Act ("FERPA"); 34 C.F.R. 99.31

The past sexual history or sexual character of a party will not be admissible in Hearings unless such information is determined to be highly relevant by the Dean of Students or Director of Student Conduct. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be included in the complaint/response or a subsequent written request, and must be reviewed in advance of the Hearing by the Dean of Students or Director of Student Conduct. While previous conduct violations by the respondent are not generally admissible as information about the present alleged violation, the Dean of Students or Director of Student Conduct may supply previous complaint information to the conduct board, or may consider it him/herself if he/she is hearing the complaint, only if:

- The Respondent was previously found to be in violation of a policy in a Hearing;
- The previous incident was substantially similar to the present allegation;
- Information indicates a pattern of behavior and substantial conformity with that pattern by the Respondent.

Sex Offense Educational Programming.²¹

Because CBU recognizes sex discrimination as an important issue, the University offers educational programming to faculty, staff, and students.

Sex Discrimination educational programming may address matters such as: a definition of what constitutes sex discrimination, the causes of sex discrimination, myths involved with sex discrimination, the relationship between sex discrimination and alcohol use, what to do if you are assaulted, the nature of a rape examination, an explanation of the University sex discrimination policy, how to file charges within the University, its conduct system, and/or with the local police department, men's issues and sexual assault, and campus community resources to assist both the Complainant and the Respondent.

²¹ DCL; VAWA/SaVE Act and required by U.S. Department of Education; 34 C.F.R § 668.46