



## SEXUAL MISCONDUCT POLICY

### I. INTRODUCTION

Palo Alto University (also referred to as “PAU” or “the University”) is committed to maintaining its campus and programs free from all forms of sexual misconduct.

This Policy prohibits all forms of sexual misconduct, including sexual and gender-related: violence, assault, harassment, domestic violence, dating violence, and stalking.

This Policy applies to misconduct directed against students occurring on PAU property or at PAU-sponsored events or programs, whether they take place on-campus or off-campus. Off-campus conduct that is likely to have a substantial effect on on-campus activity or that poses a threat or danger to the University community also may be addressed under this Policy.

**Getting Help:** The University encourages all members of the PAU community who believe they have been victims of sexual misconduct to report these incidents to local law enforcement authorities and to seek medical attention.

- For Emergencies call: 911
- City of Palo Alto Police Department: Emergency (650) 321-4433
- Rape Trauma Services 24-hour helpline: (650)-692-7273
- National Domestic Violence hotline: 1-800-799-SAFE (7233)
- For additional resources, please see section XIV below.
- For additional reporting options, please see section VI below.

### II. NOTICE OF NON-DISCRIMINATION

PAU does not permit discrimination or harassment in its programs and activities on the basis of race, color, national origin, ancestry, sex, gender, gender identification, sexual orientation, disability, age, religion, medical condition, veteran status, marital status or any other characteristic protected under law.

### **III. SCOPE OF THE POLICY**

This Policy sets forth the policies and procedures for reporting incident(s) of possible sexual misconduct that occurs toward any PAU student.

Persons who believe that an incident of possible sexual misconduct has occurred against a student of PAU, by another student, faculty member, administrator, or any other individual that a student comes into contact with by way of any University administered program, job or activity, should follow this Policy. Please see pages 7-9 for information on how to report incident(s) of possible sexual misconduct, against a student.

For information related to academic misconduct, or other misconduct that is not sexual misconduct, please refer to the applicable sections of the student handbook for your program.

As to Faculty and Staff who may have experienced sexual misconduct, please consult your faculty or staff handbooks for the relevant reporting policies and procedures that apply to them; and persons may also contact the Title IX Coordinator for assistance. See below.

### **IV. TITLE IX COORDINATOR AND INTAKE OFFICER**

Title IX of the Education Amendments of 1972 (“Title IX”) is a federal law that prohibits discrimination on the basis of sex (or gender) of students and employees of educational institutions that receive federal financial assistance.

“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 Title IX Coordinator is the person designated by the University to oversee the University’s Student Sexual Misconduct Policy and to whom anyone with questions about this Policy may be referred.

The University has designated Dr. Luli Emmons, Vice President for Professional Advising and Development and Professor, Clinical Psychology Ph.D. Program, as PAU’s Title IX Coordinator. Dr. Emmons can be reached at (650) 433-3845, [lemmons@paloinst.edu](mailto:lemmons@paloinst.edu), Palo Alto University, Allen Calvin Campus, Building 1, Room 113, 1791 Arastradero Road, Palo Alto, California 94304.

Besides herself as Intake Coordinator, Dr. Emmons may, on a case-by-case basis, designate another qualified individual from the University to serve as the Intake Officer for Student Sexual Misconduct.

In the event that the Title IX Coordinator is unavailable, students may direct inquiries relating to this Policy to Dr. James Breckenridge, Ph.D., Professor and Dean of Academic Administration and Operations, Palo Alto University, PGSP-Stanford Psy.D. Consortium Program. Dr. Breckenridge can be reached at (650) 433-3895 and [jbreckenridge@paloinst.edu](mailto:jbreckenridge@paloinst.edu).

## V. PROHIBITED CONDUCT AND DEFINITIONS

**Sexual Misconduct:** PAU prohibits all forms of sexual misconduct, which includes sexual and gender-related violence of any form: assault, harassment, domestic violence, dating violence, and stalking. Each of these terms encompasses a broad range of behavior.

The following are among the forms of sexual misconduct that violate University policy and the associated definitions:

1. **Sexual Assault:** Having or attempting to have sexual contact with another individual:
  - By force or threat of force;
  - Without effective consent; or
  - Where the individual is incapacitated.
2. **Non-Consensual Sexual Contact (or attempts to commit the same):** Any intentional sexual touching, however slight, with any object, by any person upon any other person, that is without consent and/or is by force. “Person” is regardless of gender status.
3. **Non-Consensual Sexual Intercourse (or attempts to commit the same):** Any sexual intercourse, with any object or body part, by any person upon any other person, that is without consent and/or is by force. “Person” is regardless of gender status.
4. **Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of another person for one’s own advantage or benefit, or to the benefit or advantage of another person. Examples of sexual exploitation include:
  - Causing or attempting to cause another person to become drunk, drugged or otherwise incapacitated with the intent of engaging in a sexual behavior;
  - Recording, photographing or transmitting images of sexual activity and/or the intimate body parts (groin, genitalia, breasts or buttocks) of another person without their consent;
  - Allowing third parties to observe sexual acts and voyeurism (spying on people who are engaging in sexual acts or who are doing other intimate activities such as undressing, showering, etc.);
  - Exposing one’s genitals in non-consensual circumstances or inducing someone to expose their genitals;
  - Knowingly transmitting a sexually transmitted disease or virus to another person without his or her knowledge; or
  - Sexually-based stalking and/or bullying.

5. **Domestic Violence:** Violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
6. **Dating Violence:** Violence committed by a person:
  - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - (i) The length of the relationship.
    - (ii) The type of relationship.
    - (iii) The frequency of interaction between the persons involved in the relationship.
7. **Stalking:** A course of physical or verbal contact directed at another individual that would cause a reasonable person to:
  - (A) Fear for his or her safety or the safety of others; or
  - (B) Suffer substantial emotional distress.
8. **Retaliation:** Action which is taken against a person because of the person's participation in a complaint or investigation of sexual misconduct, including but not limited to, Complainants, Respondents, witnesses, or others involved in the complaint, investigation and/or resolution of the alleged sexual misconduct. Retaliation can take many forms, including threats, intimidation, pressuring, continued abuse, violence or other forms of harm to others.
9. **Sexual Harassment** is unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive to interfere with, deny or limit a person's ability to participate in or benefit from the University's education program and/or activities. Sexual harassment has many forms. Sexual harassment is harmful regardless of gender of the perpetrator or the victim.

One form is quid pro quo or "this for that." Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature constitutes sexual harassment when it is implicitly or explicitly suggested that submission to or rejection of the conduct results in adverse educational or employment action. An example is a Teaching Assistant asking a student to have sex in exchange for keeping quiet about a student's violation of the plagiarism policy.

Another form of sexual harassment involves hostile environment. It is sexual harassment when an individual receives unwelcome sexual advances, unwanted verbal, physical, or visual behavior of a sexual nature, or is made to feel uncomfortable because of their gender or sexual orientation. Conduct that may constitute sexual harassment may include one or more of the following:

- Physical conduct: unwanted touching, blocking normal movement, or interfering with studies or work;
- Verbal conduct: epithets, derogatory comments, slurs, or humor of a sexual nature;
- Visual conduct: leering, making sexual gestures, displaying suggestive objects or pictures, cartoon posters in a public space or forum;
- Written conduct: letters, notes, or electronic communications containing comments, words or images as described above.

10. **Close Personal Relationships Affecting University Teaching, Mentoring and Supervisory Functions.** Except where explicit and advanced authorization has been obtained in writing from the Provost, no person who is employed by the University may participate in a close personal relationship with an individual who is a member of the University community for whom the person provides or may (by virtue of University assigned position or functions) reasonably be expected in the future to provide teaching, mentoring or supervision. Supervision includes grading or other academic evaluation, job evaluation, decisions pertaining to promotion, the direct setting of salary or wages, and job, internship, educational, or employment references or recommendations.

Close personal relationships include dating, sexual and similar close personal relationships that are or are not consensually undertaken by the supervisor and the individual. Such relationships do not include the usual and customary socializing at the University of teacher-student; mentor-mentee; supervisor-employee; faculty member-graduate student; co-workers; and supervisor-student employee. A person provides supervision when s/he oversees, directs or evaluates the work of others, including but not limited to, managers, administrators, coaches, directors, deans, chairs, advisors.

The following are additional definitions used under this Policy:

1. **Consent** means “affirmative consent,” which means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

In the determination of whether consent was given to sexual activity, it shall not be a valid excuse to an alleged lack of affirmative consent that the person whose conduct is at issue (“Respondent”) believed that the person who experienced the Respondent’s conduct (“Complainant”) consented to the sexual activity under either of the following circumstances:

- (A) The Respondent’s belief in affirmative consent arose from the intoxication or recklessness of the Respondent.
- (B) The Respondent did not take reasonable steps, in the circumstances known to them at the time, to ascertain whether the Complainant affirmatively consented.

In the evaluation of complaints under this Policy, it shall not be a valid excuse that the accused believed that the Complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances:

- (A) The Complainant was asleep or unconscious.
- (B) The Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
- (C) The Complainant was unable to communicate due to a mental or physical condition.

2. **Coercion** is a form of force which comprises unreasonable pressure for sexual activity. When someone makes clear that they do not want to participate in a sexual activity, that they want to stop, or that their limit is at a certain point, continued pressure to act beyond that point can be coercive.
3. **Force** is the use of physical violence and/or imposing on someone physically to gain sexual access. Other forms of force include intimidation (implied threats), threats and coercion that overcome resistance or produce consent. For example, “Have sex with me or I’ll hit you.” “Okay, don’t hit me; I’ll do what you want.”
4. **Incapacitation** is a state where someone cannot knowingly give consent. It may occur as the result of alcohol or other drug use. This Policy also applies to a person who is incapacitated as a result of sleep, mental disability or from taking rape drugs (Rohypnol, GHB, Burundanga, Ketomine, etc.). Possession, use and/or distribution of any of these drugs or administering any of these drugs to another person is a violation of this Policy.
5. **Sexual Contact** is the intentional touching of the intimate body parts (breast, buttocks, groin, and genitalia) or touching another person intentionally with these body parts. It is also using force (physical force, violence, threat, intimidation, coercion) to cause a person to touch his or her or another person’s intimate body parts, or any intentional bodily contact in a sexual manner.

6. **Sexual Intercourse** is penetration (oral, anal or vaginal) by a tongue, mouth, penis, finger or an object.
7. **Complainant** refers to the individual who may identify him/herself as having experienced, or being a victim or survivor of possible sexual misconduct and who makes a report of sexual misconduct under this Policy. A Complainant can also be a person who reports his/her knowledge of an incident of possible sexual misconduct but is not a victim, such as a University student, staff member, faculty, teacher, or administrator.
8. **Respondent** refers to the individual whose conduct is at issue, under this Policy. A Respondent may be a current or former University student, staff member, faculty, teacher, administrator, visitor, alumni, contractor, or any other person. A Respondent may be a stranger or a non-stranger person.
9. **Witness** refers to any individual who either witnessed an incident or who has relevant information regarding a case that is being investigated under this Policy.
10. **Advisor or Support Person** is a person who provides emotional support to a Complainant or Respondent and who may be present in a non-participating role to provide moral support during any meeting or proceeding under this Policy. The advisor or support person may be a currently enrolled student, parent of the student, or a PAU faculty or staff member, including the Ombudsman or Academic Advisor. Non-participating means that the advisor or support person is silent and does not speak or present information during the meeting or proceeding under this Policy. [Attorneys are not permitted to participate in any Campus meeting or proceeding under this Policy, absent advance written consent of the Title IX Coordinator and agreement to terms.]

## **VI. REPORTING INCIDENTS THAT MAY BE SEXUAL MISCONDUCT**

### **1. General Information:**

**The University encourages all individuals to seek assistance from a medical provider and/or law enforcement as soon as possible after an incident that may be sexual misconduct. Prompt reporting is the best option to ensure preservation of evidence and for the identification and location of witnesses.**

The University also encourages all persons to make a report of the incident(s) to the University and to do so to the University's designated officers as described below. Making a report means telling someone in authority what is known or believed to have happened – either in person, by telephone or in writing (including by email). Persons should make reports of the incident(s) as soon as the incident(s) of sexual misconduct become known.

The University will promptly review and thoroughly consider all reports of incidents that may be sexual misconduct under this Policy, including any misconduct alleged to have been taken by PAU students, faculty, staff, or visitors, or by any student, faculty, staff or visitor of another

entity that is affiliated with PAU through one of its programs. Instructions for how to report these types of incidents are explained more fully below. The University will take action to correct and discipline behavior that is found to violate this Policy, where appropriate, in the judgment of the University.

The filing of a report under this Policy is independent of any criminal investigation or proceeding that may take place, and both University and criminal investigations may be pursued simultaneously.

## **2. Reporting Procedures:**

If you are a person who believes there has been an incident of possible sexual misconduct against a PAU student by another student, faculty or staff member, or visitor of PAU, or by a student, faculty, staff or visitor of a *PAU affiliated school or program*, you should report such conduct as follows:

### **A. Emergency and External Reporting Options (non-University):**

- Emergencies: 9-1-1
- City of Palo Alto Police Department: Emergency (650) 321-4433 or Non-Emergency (650) 329-2413
- Rape Trauma Services 24-Hour helpline: (650) 692-7273
- National Domestic Violence hotline: 1-800-799-SAFE (7233)
- Center for Domestic Violence and Prevention: (650) 312-8515
- Community Overcoming Relationship Abuse (CORA) 24-hour hotline: 1-800-300-1080
- National Sexual Assault hotline: 1-800-656-HOPE (4673)
- Stanford Emergency Department: 900 Quarry Road Extension, Stanford, CA 94304; (650) 723-5111
- Stanford Health Care: (650) 498-3333

Note: The Title IX Coordinator and/or the Title IX Intake Officer will assist persons who wish to make a report to law enforcement authorities in doing so if the person so chooses. Persons may also choose to decline to notify law enforcement authorities; however, as explained in Section G below, the University is required by law to report incidents that involve violence, hate violence, or sexual assault, to law enforcement authorities, including those incidents that occur on-campus and off-campus. Except if required by governmental agencies, the University will not disclose a victim's identity unless the victim consents to being identified after being informed of his or her right to have identifying information withheld. If a victim does not consent to disclosing his or her identity, the alleged perpetrator's identity will not be disclosed either, unless required by governmental authorities.

Regardless of whether a person consents to the disclosure of his or her identifying information, under state and federal law, a victim has: (1) the right to a Sexual Assault Forensic Medical



Examination at no cost to the victim/patient; and (2) the right to participate or not participate with the local law enforcement agency or the criminal justice system, either prior to the examination, or at any other time. Additionally, a victim may agree to engage with local law enforcement and participate in the investigation and prosecution using a pseudonym (i.e., Jane or John Doe) instead of his or her true name.

**B. Reporting Options at the University:**

- By submitting a report using the online reporting form available on PAU’s webpage, available at this link:

[https://paloaltou.co1.qualtrics.com/jfe/form/SV\\_3Faq3d6Kp5Ik1Y9](https://paloaltou.co1.qualtrics.com/jfe/form/SV_3Faq3d6Kp5Ik1Y9)

*Or*

- By submitting a written complaint by email to the Title IX Coordinator, Dr. Luli Emmons at [lemmons@paloaltou.edu](mailto:lemmons@paloaltou.edu).

All reports of incidents of possible sexual misconduct will be reported to the Title IX Coordinator.

**C. Specific Information Regarding Incidents Occurring at or in Regards to PAU Students at External Clinical Practice and Internship Sites, and at Affiliated Schools and Programs:**

In addition to PAU’s two main campuses in Palo Alto (Allen Calvin Campus) and Los Altos (Gronowski Clinic), PAU students conduct their clinical training at many external practicum sites and non-PAU training sites that are not operated by PAU. PAU also partners with several other community colleges and major universities to offer locations for its degree programs and class offerings.

In addition, PAU’s global online M.A. Counseling Program has on the ground clinical sites in China and Argentina through the Global Advancement of Counseling Excellence (GACE).

**The Reporting Procedures for students at all of these external sites and locations is the same as the Reporting Procedures outlined in Sections A and B above.**

The University will do everything feasible to address and prevent recurrence of any misconduct committed by members of another college, university or entity (such as a student, faculty or staff member), however, the University may be limited in what actions it can take.

The University will consider all reported incidents and will take interim measures and corrective action, as deemed appropriate by the University, for any sexual misconduct found to be in violation of this Policy, including such measures as no-contact orders, changes in employment or practicum assignments, temporary leaves of absence, termination of practicum assignments, and so forth. In addition, the University may work in conjunction with another college, university or entity in investigating and resolving reported incidents and will so notify the student if it does on a case-by-case basis.

Reported incidents of possible sexual misconduct involving students, employees or visitors of another college, university or entity, may be handled under this Policy, may be handled by PAU in conjunction with another college, university or entity, or the matter may be handled under the policies and procedures of another college, university or entity.

The following is a list of affiliated schools or programs of PAU, and their *external* locations for study:

- **PGSP-Stanford Psy.D. Consortium**
  - Stanford University School of Medicine, Department of Psychiatry and Behavioral Medicine, 401 Quarry Road, Palo Alto, CA 94304
  
- **M.A. Counseling Psychology**
  - Monterey Bay: Scotts Valley Cabrillo Community College, 104 Whispering Pines Drive, Scotts Valley, CA 95066
  - San Mateo: College of San Mateo, 1700 W. Hillsdale Boulevard, San Mateo, CA 94402
  
- **M.A. Counseling and M.S. Psychology PhD Preparation**
  - Global Online
  
- **B.S. Psychology and Social Action**
  - San Mateo: College of San Mateo, 1700 W. Hillsdale Boulevard, San Mateo, CA 94402
  - Cupertino: De Anza College, 21250 Stevens Creek Blvd., Cupertino, CA 95014
  
- **B.S. Business Psychology**
  - San Mateo: College of San Mateo, 1700 W. Hillsdale Boulevard, San Mateo, CA 94402
  - Los Altos: Foothill College, 12345 El Monte Road, Los Altos Hills, CA 94022
  
- **Joint J.D./Ph.D. Program in Psychology and Law**
  - Golden Gate University School of Law, 536 Mission Street, San Francisco, CA 94105
  
- For a list of current practicum and training sites, please check with the Office of Academic Affairs.

#### **D. Anonymous Reporting:**

Anonymous reports, or reporting without disclosing the reporter's name, can be made, but anonymous reporting is not the preferred way. Depending on the information received, the University's ability to respond to an anonymous report may be limited. The Title IX Coordinator or the person designated by the Title IX Coordinator will review anonymous reports received by the University and determine whether an investigation and response is appropriate.

#### **E. Alcohol, Drugs and/or Other Misconduct:**

The University encourages the reporting of conduct prohibited under this Policy. An individual who reports sexual misconduct, either as a Complainant or a third-party witness, will not be subject to disciplinary action by the University for his/her own personal consumption of alcohol or drugs, or other non-sexual misconduct, that happened at or near the time of the incident, unless the University finds the violation(s) to be 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 dishonesty.

#### **F. Prohibition Against Retaliation:**

It is a violation of University policy to retaliate against any person making a report of possible sexual misconduct, or against any person cooperating in the investigation of any report of possible sexual misconduct. Retaliation against any member of the PAU community may result in disciplinary action, including termination of employment or expulsion from the University.

#### **G. Possible Disclosure By the University of Information Pertaining to Reports of Possible Sexual Misconduct:**

The University is committed to assisting students throughout the processes outlined in this Policy. Efforts will be made to respect the privacy of all individuals involved in this process in a manner consistent with the need for a thorough review of the report and carrying out the processes.

This means that the information related to a report under this Policy will only be shared with a limited circle of individuals who, in the University's judgment, have a "need to know" basis in order to assist the University and/or its designees in its investigation and response and to prevent the recurrence of any such conduct found to have been committed.

If there is a request that the names remain confidential, the University will take steps to investigate and respond to the report in a manner that is consistent with that request. However, the University's ability to fully respond to the incident may be limited and the University thereby cannot guarantee complete confidentiality.

The University is required by law to report certain types of reported sexual misconduct in its annual crime statistics report. Neither names, nor other identifying details of the incident, will be made public in the annual crime report.

The University also may report any incident which might be classified as a violent crime, hate crime, or sexual assault to law enforcement and/or as required by law. However, it is up to the Complainant on whether or not to separately file his or her own report with the Police and/or to contact Rape Trauma Services.

#### **H. Discussing An Incident(s) of Possible Sexual Misconduct, Without Making a Report or Record of the Incident**

If a person would like to discuss the details of an incident of possible sexual misconduct, without making a report or record of the incident, or in an otherwise confidential manner, the person should speak with persons who hold a relationship with the person of which there is a legal duty of confidence, such as with their physicians, mental health therapists, priest, chaplain, etc. These persons generally will maintain confidentiality if they are acting in their capacity as your physician, mental health therapist, priest, or chaplain, except in extreme cases of immediacy of threat or danger, or abuse of a minor.

Generally speaking, the faculty and administrators of the University, even if they are licensed mental health therapists or psychologists, are not acting in their capacity as mental health therapists or psychologists and do not have such a relationship with University students, and thus, they are required under this Policy to promptly forward all reports of possible sexual misconduct to the Title IX Coordinator or the Title IX Intake Officer for consideration and response.

### **VII. INTAKE MEETINGS BY THE UNIVERSITY**

#### **1. Intake Meeting With Complainant**

Upon receipt of a report of an incident, a designated person will promptly schedule a meeting with the Complainant to take place as soon as possible to go over this Policy and to identify possible forms of support for the student (see the Resources section below). The initial intake meeting shall be conducted by the Title IX Coordinator, an Intake Coordinator designated by the Title IX Coordinator, or by an external designee selected by the University, each of whom shall have training in victim-centered approaches.

At this meeting, the Intake Officer will discuss whether there are any interim measures (see Interim Measures section below) that may be implemented at the discretion of the University, taking into consideration the preferences of the Complainant and the Respondent.

At the intake meeting, the Intake Officer will also discuss the following:

- A student's right to report the incident(s) to local law enforcement agencies;
- A student's right to seek medical treatment and the importance of preservation of evidence;
- Requests for confidentiality, if any;
- The University's obligation to consider all reports of incidents and the inability of the University to guarantee complete confidentiality;

- The University's policy against retaliation of any person making a report or participating in the investigation or adjudication of an incident under this Policy;
- The possibility of an investigation by an outside impartial and neutral fact-finder selected by the University;
- The possibility for sanctions;
- The use of an Advisor or Support Person; and
- The University's obligation to report crime statistics into its daily crime log.

## 2. Intake Meeting With Respondent

If the Respondent is a student of PAU, the Intake Officer will also meet with the Respondent after receiving the report of the incident. If the Respondent is a faculty or staff member of PAU, either the Intake Officer or another designee of the University will meet with the Respondent.

At this meeting, the Intake Officer will go over this Policy and also discuss whether there are any interim measures that may be implemented at the discretion of the University during the investigation and resolution of the report. The preferences of the Complainant and the Respondent on such measures may be stated.

At the intake meeting, the Intake Officer will also discuss the following:

- A student's right to report the incident(s) to local law enforcement agencies;
- A student's right to seek medical treatment and the importance of preservation of evidence;
- Requests for confidentiality, if any;
- The University's obligation to consider all reports of incidents and the inability of the University to guarantee complete confidentiality;
- The University's policy against retaliation of any person making a report or participating in the investigation or adjudication of an incident under this Policy;
- The possibility of an investigation by an outside impartial and neutral fact-finder selected by the University;
- The possibility for sanctions;
- The use of an Advisor or Support Person; and
- The University's obligation to report crime statistics into its daily crime log.

## 3. Initial Witness Interviews

The Intake Officer may also collect additional information or speak with any person(s) he or she thinks may have relevant information concerning a reported incident, in an effort to gather preliminary information to make an initial assessment of the matter. **The preferences of the Complainant and the Respondent on witnesses to be interviewed may be stated.**

#### **4. Initial Assessment By The Title IX Coordinator**

The Intake Officer will then consider the nature of the report, the safety of the individuals involved and of the campus community, and the Complainant and Respondent's expressed preferences for resolution, and if the Intake Office is not the Title IX Coordinator, they will make a recommendation to the Title IX Coordinator on whether the matter can be resolved informally, or whether to refer the matter for external investigation. Sexual assault cases will not be resolved through mediation.

The Title IX Coordinator will make the final decision on whether to refer the matter for external investigation. If the matter is resolved informally, the matter will be deemed closed, and the decisions final and binding, with no further rights of appeal. If the matter is referred for external investigation, the matter will follow the procedures for investigation and resolution described below.

#### **5. Possible Interim Measures**

Interim measures will be considered and implemented at the discretion of the University. Interim measures, which may be applied to the Complainant and/or the Respondent, include such things as:

- Issuance of a “no-contact” order or directive that restricts persons from having contact with one another in person or through electronic means;
- Change in class schedule;
- Change in student-related employment;
- Rescheduling of exams or assignments (in conjunction with appropriate faculty);
- Voluntary leave of absence;
- Providing escort services for movement between classes and University activities;
- Interim suspension or University-imposed leave;
- Administrative hold on student accounts, including a hold on the release of transcripts while an investigation is pending;
- Denial of access to campus, campus facilities and/or University activities; and
- Other measures.

### **VIII. EXTERNAL INVESTIGATIONS INITIATED BY THE UNIVERSITY**

Following the initial assessment, the Title IX Coordinator shall decide whether to refer the matter for investigation, and if so, will designate an impartial investigator who has specific training and experience. The investigator will be an external investigator engaged to assist the University in fact gathering. The University retains the right to designate an external investigator of its own choice at all times.

The role of the investigator is to be a neutral fact-finder. The investigator may also designate another trained colleague to assist in interviewing parties, identifying and locating witnesses, and in gathering other facts and evidence. The investigator will conduct an investigation in a manner deemed appropriate in light of the circumstances of the case and will cooperate with law enforcement authorities to the extent necessary.

A typical investigation will include interviews with the Complainant, the Respondent and third-party witnesses, and of the collection of available physical, documentary and other evidence. Photographs may be taken. The Complainant, the Respondent and any third-party witnesses may present witnesses or other evidence to the investigator for consideration. Information collected during the initial intake and assessment will be forwarded to the investigator. If any law enforcement agency is also investigating the incident, the University investigator may defer to the police department for the collection and preservation of evidence.

The investigator will compile the details of the investigation into an investigative report, which will contain summaries of the interviews, photographs (if available) and other related evidence or duty logs and also a detailed analysis of the events. Before finalizing a witnesses' statement, the investigator may send a draft of the statement to the individual to allow them a chance to add to it or make any suggested changes to their statement.

The investigative report will be prefaced with a summary of findings and recommended actions. In this summary the investigator will:

- State the initial complaint;
- Outline the details of the investigation;
- State, whether, using a preponderance of the evidence standard, it is more likely than not that policy violation(s) occurred; and
- If requested by the Title IX Coordinator, include any recommended sanctions or corrective actions to be taken.

If requested by the Title IX Coordinator to make a recommendation, the investigator may recommend that the University impose certain sanctions or take certain corrective action, the decision to select and implement, appropriate sanctions or corrective action, if any, remains at all times within the authority of the University.

The completed investigative report normally will be submitted to the University within thirty (30) days of the intake. However, depending on the complexity of the case, additional time may be needed to complete the investigation.

## **IX. RESOLUTION**

The investigative report will be forwarded to the Title IX Coordinator of the University and the Provost, if he or she is a different person. They will review the fact-finding determination by the impartial investigator and take any recommendations for sanctions or corrective action into consideration.

They will jointly decide whether the matter requires further proceedings; whether to accept the recommendations for sanctions/corrective action (if any); whether to issue different or alternative sanctions/corrective action; or whether to refer the matter to the University's Student Evaluation Committee (SEC) for input on a recommended sanction/corrective action. The SEC is a committee that considers, among other things, a students' progress within a PAU program, including such things as academic course work and progress, professional behavior, and conduct of research. Note: In some cases, there is no need for further proceedings.

If the matter of sanctions has been referred to the SEC, the SEC will review all of the information pertaining to the matter, including the summary of the investigative report, and shall issue a written recommendation as to an appropriate sanction or corrective action to the Title IX Coordinator and the Provost. The Provost will then decide on the appropriate sanction(s) or corrective action(s) to be taken.

The Provost can issue any sanctions which he or she believes is appropriate based on the results of the investigation, including but not limited to, warnings, censure, disciplinary probation, suspension, expulsion, revocation of admission and/or degree, or withholding a degree.

However, if the Provost decides that dismissal is the appropriate action, a recommendation from the Provost will be forwarded to the President of the University. The President will make a final determination. The decision is final and binding, with no right of appeal, except as described in sections X and XI below.

A preponderance of the evidence standard will be used under this Policy, that is, whether it was more likely than not that the conduct prohibited under the Policy occurred. All proceedings under this Policy will be prompt, fair, impartial, and conducted by those who are adequately trained.

Past violations of the responsible student may be considered in the determination of an appropriate resolution. The University will also consider whether the action will bring an end to the violation in question, whether it will reasonably prevent a recurrence of a similar violation and/or whether it will mediate any effects the violation had on the Complainant and the University community.

Within ten (10) business days of the decision, both the Complainant and the Respondent will be notified in writing of the results of the investigation, including any sanctions or remedies imposed, and with notification that the decision is final and binding with no right of appeal, except as described in section X below.

The Title IX Coordinator, or any designee of the Title IX Coordinator, also may meet separately with the Complainant or the Respondent to discuss the results of the investigation and explain any resolution action that will be taken or imposed. The summary of the investigative report will be available for review by both the Complainant and the Respondent, if so requested.

Any sanctions under this Policy are effective immediately.



## **X. APPEALS**

A student may appeal a resolution resulting in academic probation, dismissal or suspension under the auspices of the Institutional Grievance and Appeals Policies Procedure, as stated in the respective student handbooks for their program of study. Students must do so within the quarter following notification of a final decision of probation, suspension, or dismissal.

Resolutions that do not involve academic probation, suspension, or dismissal will not be appealed, except as described in section XI below.

### **Procedures for Initiating Grievances:**

Students may submit a written grievance to the PAU Provost within the quarter following notification of a final decision of probation, suspension, or dismissal.

All grievances will be heard by the Institutional Appeals Committee, unless informally resolved, which is composed of faculty and staff members selected by the President, with consultation and recommendations of the faculty and staff members. The Institutional Appeals Committee shall hear the complaint and receive testimony and information from such witnesses as it deems appropriate in order to evaluate the complaint. After the hearing is complete, the Committee will forward its findings and recommendations to the President and to the parties. The Committee will attempt to do this within 14 days of the Committee's conclusion of hearings. Either party may forward to the President his or her comments on the findings and recommendations of the Committee. Such comments must be submitted within seven days following receipt of the panel's recommendations. The President will make a decision within 14 days of receipt of the panel's recommendations and findings.

## **XI. ARBITRATION**

If either the Complainant or the Respondent is not satisfied with the final University resolution, s/he may request review by an impartial arbitrator under the Rules of the American Arbitration Association by submitting a request in writing to the President of the University, no later than forty-five (45) calendar days after issuance of the final University outcome.

The request shall consist of a plain, concise and complete written statement outlining the grounds for disagreement with the outcome and all relevant information to substantiate the basis for doing so.

The President of the University will then decide whether the case is suitable for arbitration; if so, under written agreement between the University and the party seeking arbitration review, providing as a final and binding alternative to civil litigation, an arbitrator will be mutually selected between the parties, and the costs of the arbitrator's fees shall be agreed to in writing by an authorized representative of the parties.

Any matter submitted to binding arbitration under this Policy shall be submitted in accordance with the Rules of the American Arbitration Association. Attorneys or advisors of the party's choice may be present at and participate in the binding arbitration review process. This binding arbitration review process is the exclusive method of external review and is final and binding on

both PAU and the student, and the arbitrators' award shall be final, binding and conclusive upon the parties and may be entered in any state or federal court having jurisdiction.

## **XII. PRIVACY OF RECORDS**

The Office of the Provost will retain records of all reports and complaints, regardless of whether the matter is resolved informally or after an external investigation. In addition, records relating to reports of incidents of possible sexual misconduct under this Policy may become a part of a student's academic record.

Documents which are prepared in anticipation of the investigation and resolution of the matter (including the investigative report and any other documents) will not be disclosed outside of the review process, except as required by law.

The final outcome letter will be issued concurrently to both the Complaining and the Respondent. The University neither encourages nor discourages the further disclosure of the final outcome letter by either the Complainant or the Respondent. The University acknowledges that sharing the final outcome letter with others may be an important part of a student's healing process.

## **XIII. DISSEMINATION OF POLICY; TRAINING AND PREVENTION**

As a part of the University's commitment to maintaining its campus and programs free from sexual misconduct, this Policy shall be disseminated widely to the University community through publications, websites, student orientations, and other appropriate channels of communication.

The Title IX Coordinator is responsible for overseeing the University's efforts at training, prevention and education as it relates under this Policy. The Title IX Coordinator and the Intake Coordinator will receive appropriate training for the intake and handling of reports of sexual misconduct under this Policy, including those that are victim-centered and trauma informed.

The University will also provide all other employees with online training relating to this Policy every two years.

In addition, in an effort to prevent all forms of sexual misconduct from occurring on PAU campus or within the PAU community, the University will provide all incoming students and faculty, at the start of the academic year, with a copy of this Policy, and may also provide additional materials designed to educate students on sexual misconduct and how to prevent it from occurring. Education programs shall promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, and shall be designed to prevent all misconduct prohibited under this Policy from occurring, to identify safe and positive options for bystander intervention, and to help recognize warning signs of abusive behavior and how to avoid potential attacks.

Students, faculty and staff are all encouraged to take part in education and training designed to prevent sexual misconduct that is provided by the University.

#### **XIV. RESOURCES**

*Getting Help:* The University encourages all members of the PAU community who believe they have been victims of sexual misconduct to report these incidents to local law enforcement authorities and to seek medical attention where appropriate.

The University also encourages all members of the PAU community to report any incident(s) of possible sexual misconduct to the University and to get help from as many resources as possible.

##### *For Emergency Needs:*

- **911** – Police
- City of Palo Alto Police Department: Emergency (650) 321-4433
- Rape Trauma Services 24-hour helpline: 650-692-7273
- National Domestic Violence Hotline: 1-800-799-SAFE (7233)

##### *For Emergencies That Take Place on PAU's Campus or on the Campus of an Affiliated School of PAU:*

- Allen Calvin Campus, dial 9-1-1.
- Gronowski Clinic, dial 9-1-1.
- Stanford University, Stanford University Department of Public Safety (SUDPS): 650-329-2413, or 9-1-1.
- Scotts Valley Cabrillo Community College: Dial 9-1-1 or contact the Santa Cruz County Sheriff's Office dispatch at (831) 471-1121 (for non-emergency) or the Aptos and Scott's Valley Campus Deputy at (831) 471-8464.
- De Anza College and Foothill College, De-Anza-Foothill Police Department: from campus phones, dial 9-1-1 or from cell phones (408) 924-8000; for non-emergencies, call 650-949-7313 or dial extension 7-3-1-3 from campus phones.
- College of San Mateo, Department of Public Safety: from campus phones: Dial 9-1-1 or from cell phones: (650) 574-6415.
- Golden Gate University, Security Officer: from campus phones, dial "0" and from all other locations, dial 9-1-1.

##### *For Medical Needs:*

- Stanford Emergency Department: 900 Quarry Road Extension, Stanford, CA 94304; (650) 723-5111
- Stanford Health Care: (650) 498-3333

##### *Other Off-Campus Services:*

- Stanford Medical Social Work: (650) 723-5091

- City of Palo Alto Police Department: Non-Emergency (650) 329-2413
- Rape Trauma Services Center 1860 El Camino Real, Suite 406, Burlingame, CA 94010
- Center for Domestic Violence Prevention: (650) 312-8515
- Community Overcoming Relationship Abuse (CORA) 24-hour hotline: 1-800-300-1080
- National Sexual Assault hotline: 1-800-656-HOPE

*PAU Campus Services:*

- Title IX Coordinator: Dr. Luli Emmons, Vice President for Professional Advising and Development Professor, Clinical Psychology Ph.D. Program,, Building 1, Room 113, 1791 Arastradero Road, Palo Alto, California 94304; Phone: (650) 433-3845; Email: [lemmons@palolaltou.edu](mailto:lemmons@palolaltou.edu)
- For counseling services, see below.

*Counseling Services for Students:*

Each person experiences trauma differently. You may experience any or all of the following:

- Anger
- Embarrassment
- Anxiety, panic or worry
- Fear of being alone, being harmed or not being believed
- Guilt or self-blame
- Loss of trust or vulnerability
- Sadness, depression or hopelessness
- An urge to use alcohol or drugs
- Post-traumatic stress

For assistance with locating mental health services, students should contact or visit the Gronowski Clinic, at (650) 961-9300, 5150 El Camino Real, Los Altos, California 94022. A student will be referred to an external counselor.

*Confidential Reporting Options:*

Persons who would like to speak to someone in confidence about an experience of sexual misconduct or about another's experience of sexual misconduct, should contact off-campus rape

crisis counselors, domestic violence resources, private agencies, external mental health agencies and external members of the clergy/chaplains. Please see above for a list of possible resources.

*Academic Support or Other Student Services:*

Students may wish to explore the possibility of extra academic support, flexibility, accommodations or other student services. To do so, please contact the Vice President of Student Services at 650-433-3818 or the Associate Director of Student Services at 650-433-3836.