



Prohibited Sexual Misconduct and Title IX Administrative Policies and Procedures

This document discusses the Graduate Theological Union's (GTU) policies and procedures when addressing prohibited sexual misconduct and issues related to Title IX, the Campus SaVE Act, and the Violence Against Women Act. Title IX refers to a section of the Education Amendments of 1972 law that prohibits sex discrimination in educational programs and activities at schools that receive federal financial assistance. Title IX protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination, including discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. All students and other persons at the GTU are subject to and protected by this policy, regardless of their sex, sexual orientation, gender identity, part- or full-time status, disability, race, national origin or other protected category, in all aspects of the GTU's educational programs and activities.

The Violence Against Women Reauthorization Act of 2013 (VAWA) (20 U.S.C. 1092(f)) amended the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act (Clery) under the Campus Sexual Violence Elimination Act provisions (Campus SaVE Act). These laws changed the violations that must be reported by the GTU to include domestic violence, dating violence and stalking as well as to expand the categories of reportable hate crimes.

This document addresses the GTU's policy and complaint procedure for sexual harassment against any person in the United States in a GTU education program or activity, including sexual assault and sexual misconduct, dating violence, domestic violence, and stalking. This policy and procedure applies to any such sexual harassment involving students, faculty and staff of the Graduate Theological Union, regardless of whether the alleged perpetrator is a student, faculty, staff or third party.

All proceedings and actions under this policy by the Title IX Coordinator, any Deputy Coordinator, and the GTU shall be undertaken neutrally, objectively, and without favoring any party over any other party.

This policy is effective as of August 14, 2020. The GTU may review and revise this policy from time-to-time.

Non-Discrimination Policy

The GTU does not discriminate on the basis of race, color, national or ethnic origin, ancestry, sex, age, disability, religion, sexual orientation, gender identity or expression, veteran status, medical condition, marital status or any other characteristic protected by law in its programs or activities. The GTU prohibits unlawful harassment, including sexual harassment and sexual violence and will respond to complaints of potential violations of Title IX by conducting a prompt and thorough investigation and conducting an adjudicatory hearing when warranted.



As a community of scholars devoted to research, learning and teaching, the GTU is committed to creating and maintaining an environment free of all forms of harassment, exploitation, and intimidation. Every member of the GTU community should be aware that such behavior is prohibited by law and school policy. The GTU will not tolerate sexual misconduct or harassment in any form, including acquaintance or date rape or violence, sexual assault, stalking or domestic violence. The GTU will take appropriate action to prevent, correct, and discipline behavior that is found to violate school policy or laws proscribing such activity.

Authority

The GTU has a Title IX Coordinator whose responsibility it is to ensure that this policy is followed and all the requirements of Title IX are met. The Title IX Coordinator may have one or more deputy coordinators to assist in the reporting, investigating and determination of findings related to a concern addressed by this document. In dealing with allegations and alleged perpetrators (Respondents) or victims (Complainants) it may be appropriate for the Title IX Coordinator to consult with other GTU offices and departments.

Respondent is a Student

In cases where the Respondent and the Complainant are both GTU students, the Title IX Coordinator or Deputy Coordinator is responsible for coordinating investigations and resolution proceedings, and for making decisions on corrective action, if any. In cases where only the Respondent is a GTU student, the Title IX Coordinator or Deputy Coordinator is responsible for coordinating investigations and resolution proceedings, and for making decisions on corrective action, if any. In both these cases the Dean and Vice President for Academic Affairs will manage and decide appeals. In cases where the Complainant is a GTU student but the Respondent is a student of another member school of the GTU, the Title IX Coordinator or Deputy Coordinator is responsible for coordinating with the Title IX Coordinator or designee of the member school to ensure the complaint is heard and addressed at that school.

Respondent is a Staff Member

In cases where the Respondent is a member of the GTU staff, the Title IX Coordinator or Deputy Coordinator is responsible for coordinating investigations and resolution proceedings, and for making decisions on corrective action, if any. The Title IX Coordinator or Deputy Coordinator may consult with the supervisor of the Respondent. The President may designate one member of the Executive Leadership team of the GTU to manage and decide appeals, but not the executive overseeing the Respondent's department.

Respondent is a Faculty Member

In cases where the Respondent is a member of the faculty the Title IX Coordinator or Deputy Coordinator will work jointly with the Dean and Vice President for Academic Affairs to manage concerns and make decisions under this policy. The President will manage and decide appeals.



Respondent is from Another School

Cross registration of students in courses within the consortium is a valuable feature of the GTU, and students, faculty and staff from the schools of the consortium frequently interact with one another. Interactions may take place in shared classes, advising, student groups, meetings and events, and in shared facility spaces such as the library.

In cases where the Respondent is a member of another school or affiliated institution, the Title IX Coordinator or Deputy Coordinator will work jointly with the Title IX Coordinator or designee of the other school or affiliated institution to manage concerns and make decisions under this policy. In these cases the Complainant is encouraged to report the concern directly to the Title IX Coordinator of the other school or institution. If the other institution does not have a Title IX Coordinator the Complainant is encouraged to report the concern directly to the president, dean or chief administrator of the institution. In all cases, the Complainant should also report the concern to the GTU's Title IX Coordinator or a Deputy Coordinator. This also applies to cases where the Respondent is a member of another institution with which the GTU has cross registration agreements, such as UC Berkeley, Dominican University and Holy Names University.

While the GTU Title IX Coordinator or Deputy Coordinator will work jointly with officials of the other school or institution, the prohibited sexual misconduct and Title IX policies and procedures of the Respondent's institution will prevail and the Respondent's institution will have control over the proceedings. The GTU may, at its discretion, conduct an investigation and take corrective action separate from that of the Respondent's institution.

Respondent is a Vendor, Contractor or Third Party

The GTU encourages members of its community to report harassing or inappropriate conduct by a vendor, contractor or third party. In cases where the Respondent is not a student or employee of the GTU, but is on campus as a vendor or contractor or other party providing goods or services to the GTU, the Title IX Coordinator or Deputy Coordinator will work jointly with the Chief Operating Officer to address complaints and make decisions under this policy.

Applicability

The policies and procedures in this document apply to all students, faculty and staff of the GTU, and it applies to any alleged conduct occurring against any person in the United States in an education program or activity of the GTU, whether occurring on or off campus. Students enrolled in the common MA program and affiliated at a member school are covered under this policy, not that of the member school. Students who are enrolled in a member school but who work at the GTU are covered under this policy.

How to Report a Concern

The GTU encourages all individuals to seek assistance from a medical provider and law enforcement as soon as possible after an incident that may be sexual misconduct. Prompt reporting helps to ensure preservation of evidence and facilitates the identification and location



of witnesses. The GTU encourages anyone who has been a victim of conduct prohibited by this policy to report concerns immediately. Complaints should be filed as soon as possible.

A report of sexual misconduct or a Title IX concern may be reported by:

- Reporting directly to the GTU's Title IX Coordinator or one of the Deputy Coordinators, either in person, by telephone, by mail, or by email (address and contact information is provided at the end of this policy)

The GTU will promptly review and thoroughly consider all reports of incidents that may be sexual misconduct, violations of Title IX, or other matters addressed in this policy. The GTU will consider all complaints, and the GTU will take prompt action to investigate and resolve all complaints, and to prevent, correct and discipline behavior that is found to violate this policy, where appropriate, in the judgment of the GTU.

The making of a report or complaint under this policy is independent of any criminal investigation or proceeding that may take place by governmental authorities or law enforcement, and both the GTU and criminal investigations may be pursued simultaneously.

General Information About Addressing Title IX Complaints

Confidentiality

The GTU will make reasonable and appropriate efforts, consistent with applicable law and the obligation to take appropriate steps to address complaints under this policy, to preserve the Respondent's and Complainant's privacy and protect the confidentiality of information. The GTU will keep confidential from disclosure outside of the GTU and outside of the processes under this policy, the identity of the Complainant, the Respondent, and witnesses, except as may be permitted by FERPA, required by law, or necessary to carry out the requirements and procedures of this policy. Should the Complainant request confidentiality of his or her identity from the Respondent or other witnesses, the Title IX Coordinator or Deputy Coordinator will inform him or her that the GTU's ability to respond or take further steps under this policy will likely be very limited, but that where feasible, it will take reasonable steps to prevent prohibited conduct and limit its effects. The Title IX Coordinator or Deputy Coordinator will also inform the Complainant that it is not always possible to provide confidentiality and that the GTU's decision to share information with others is subject to other considerations.

The GTU is required by law to report certain types of reported sexual misconduct in its annual crime statistics report. Names and other identifying details of the incident are not made public in the annual crime report. The GTU may also be required by law under certain circumstances to report any incident which might be classified as a violent crime, hate crime, or sexual assault to law enforcement. While the GTU strongly encourages Complainants to file a report with law enforcement and/or other trauma services, ultimately it is up to the Complainant whether or not to take this action.

Except if required by law, the GTU will not disclose a victim's identity to governmental authorities 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.

Discussing 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 or other possible violation of this policy, 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, priests, or clergy members. These persons generally will maintain confidentiality if they are acting in their capacity as your physician, mental health therapist, or clergy member, except in extreme cases of immediacy of threat or danger, or abuse of a minor, or in the case of proper legal compulsion from a subpoena in a criminal or civil legal proceeding.

Generally speaking, the faculty and administrators of the GTU, even if they are ordained clergy or pastoral counselors, are not acting in their capacity as members of the clergy and do not have such a relationship with GTU students, and thus, they are required under this policy to promptly forward all reports of possible sexual misconduct or other violations of this policy to the Title IX Coordinator for consideration and response.

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 GTU's ability to respond to an anonymous report may be limited. The Title IX Coordinator or Deputy Coordinator will review anonymous reports received by GTU and determine whether an investigation and response is feasible and appropriate.

Alcohol, Drugs and/or Other Misconduct

The GTU encourages the reporting of all conduct prohibited under this policy. An individual who reports sexual misconduct or discrimination, either as a Complainant or a third-party witness, or who participates as a witness in an investigation or resolution process under this policy, will not be subject to disciplinary action by the GTU for his or 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 GTU finds the violation to be egregious. Egregious includes but is not limited to an action that places the health or safety of any other person at risk or involves plagiarism, cheating or academic dishonesty.

Prohibition Against Retaliation

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



Conflict of Interest

The GTU will take action to make sure that officials handling a complaint do not have a conflict of interest in the outcome of the complaint. Any Complainant or Respondent who has reason to believe that an official has conflict of interest, should bring that to the attention of the Title IX Coordinator or a Deputy Coordinator immediately.

What Happens When a Complaint is Made

Initial Intake

Upon receipt of a complaint or a report of an alleged violation of this policy, 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 available forms of non-punitive and non-disciplinary supportive services, and the Complainant's wishes in regard to support, with or without the filing of a formal complaint under this policy. The initial intake meeting shall be conducted by the Title IX Coordinator, Deputy Coordinator, or by an external designee selected by GTU, each of whom shall have training in the handling of Title IX and related matters (hereinafter, "Intake Officer").

At this meeting, the Intake Officer will consider whether there are any interim measures that should be implemented at the discretion of the GTU. The preferences of the Complainant and the Respondent on such measures may be stated and will be taken into consideration by the Intake Officer.

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

- The right to report the incident to local law enforcement agencies.
- The right to seek medical treatment and the importance of preservation of evidence.
- Requests for confidentiality, if any.
- The GTU's obligation to consider all reports of incidents and the inability of the GTU to guarantee complete confidentiality.
- The GTU'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 GTU.
- The possibility for sanctions as determined by the GTU.
- The use of an Advisor or Support Person in any meeting or proceeding under this Policy.
- The GTU's obligation to report crime statistics in its daily crime log.
- The process for filing a Formal Complaint.
- Whether the Complainant wishes to file a Formal Complaint under the policy.



The Intake Officer will consider the nature of the report or complaint, the safety of the individuals involved and of the campus community, the Complainant and Respondent's expressed preferences for resolution, and if the Intake Officer is not the Title IX Coordinator, will make a recommendation to the Title IX Coordinator on whether interim measures should be taken and, in the event a Formal Complaint is filed, whether the matter should be considered for potential informal resolution. In the event law enforcement is conducting an investigation or other activity in connection with matters relating to or overlapping with allegations made under this policy, the Title IX Coordinator may temporarily delay or suspend proceedings under this policy while law enforcement activities occur, or may decide to conduct proceedings under this policy simultaneously.

Formal Complaint

A Formal Complaint is a written document, either filed by the Complainant or signed by the Title IX Coordinator, that sets forth the alleged incident and conduct constituting a violation of this policy, and that requests the GTU to investigate the matter. The Formal Complaint is the predicate step to proceeding with an investigation and an adjudicatory hearing under this policy. At the time the Formal Complaint is filed or signed, the Complainant must be participating in or attempting to participate in an educational program or activity of the GTU.

A Formal Complaint may be filed by a Complainant with the Title IX Coordinator in person, by mail, or by email. The Complainant's wishes regarding whether to file a formal complaint generally will be respected. In rare circumstances where, in the judgment of the Title IX Coordinator, the larger interests of the GTU community are deemed to be compelling and the signing of a Formal Complaint over the wishes of the Complainant is deemed not to be clearly unreasonable under the known circumstances, the Title IX Coordinator may sign and file a Formal Complaint in regard to the Complainant's allegations in order to initiate an investigation and other potential steps under this policy.

The Title IX Coordinator or the Deputy Coordinator will provide notice and a copy of the Formal Complaint to the Respondent, and will do so prior to proceeding with the informal resolution and/or investigation stage below. This notice will refer the recipient to this policy, will include a summary of the procedural steps (informal resolution, investigation, formal resolution) that may be taken under the policy, and will advise of the right to designate an advisor and support person.

In the event the allegations in the Formal Complaint do not meet the definition of sexual harassment or other prohibited conduct under this policy, the Formal Complaint will be dismissed by the Title IX Coordinator without further action under this policy.

The GTU may in its discretion dismiss a Formal Complaint at any time during the process under this policy in the event the Complainant informs the Title IX Coordinator or Deputy Coordinator in writing that he or she wishes to withdraw the Formal Complaint or the allegations therein, if the Complainant is no longer enrolled in or employed at the GTU, or if circumstance prevent the GTU from gathering sufficient evidence to reach a determination of the matter.



Dismissal does not preclude potential action that may be taken by the GTU under other policies or procedures.

Informal Resolution

Informal resolution may be offered by the GTU to the Complainant and Respondent in appropriate matters in the judgment of the Title IX Coordinator. The informal resolution process requires the informed written consent of both the Complainant and Respondent, and it will be conducted by an individual trained in alternative dispute resolution and Title IX. The process may take place at any stage of a matter under this policy, but only after a Formal Complaint has been filed. Participation in an informal resolution process is entirely voluntary, and there will be no consequences to any party for declining to participate, at any time, in the informal resolution process. Once started, either the Complainant or the Respondent may withdraw from, and the GTU may cancel, the informal resolution process at any time. Cases involving alleged sexual assault or rape generally will not be offered informal resolution, and cases involving alleged misconduct under this policy by a GTU employee against a student will not be offered an informal resolution process. If a matter is resolved informally, the agreed-upon terms of the resolution will be considered final and binding, and the matter will be deemed closed with no further action or proceedings to take place.

Possible Interim Measures

Interim measures will be considered and implemented at the discretion of GTU when deemed important to preserving safety, to maintaining an appropriate educational environment for the community, to maintaining access for the parties or others in the community to the GTU's educational programs or activities, and/or to preserve the status quo. Interim measures will not restrict a Complainant or Respondent's ability to discuss the allegations in the case or to gather evidence. Interim measures, which may be applied to the Complainant and/or the Respondent, include such things as:

- Issuance of a "no-contact" or "stay away" 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 GTU activities.
- Interim suspension or GTU 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 GTU activities.

Investigation

All matters in which a Formal Complaint is filed and not otherwise dismissed will be investigated. Investigations will be conducted in accordance with the procedures described below. All investigations will be conducted neutrally, objectively, and impartially.

The Title IX Coordinator or the Deputy Coordinator will inform the Complainant and Respondent of the investigation. They may also meet separately with the Complainant and the Respondent to provide information about the process of the investigation and the expectation that each will participate and cooperate in it.

Purpose of an Investigation

The purpose of an investigation of a Formal Complaint is to determine:

- The basic facts relating to the alleged incident(s) and conduct.
- Whether any conduct potentially occurred that is prohibited under this policy.
- Whether there is ongoing risk of harm of further prohibited conduct.
- Whether the GTU should implement an interim measures.

Conducting the Investigation

The GTU will endeavor to conduct an investigation that is prompt, thorough, and impartial. Under normal circumstances an investigation should be completed within two months' time. If the investigation involves a large number of witnesses, involves a matter that is unusually complex factually, or takes place over extended GTU breaks, the amount time for the investigation may extended.

Investigator and Investigation

The Title IX Coordinator or Deputy Coordinator will investigate or contract with an external investigator who has specific training and experience to conduct such an investigation. The investigator will be impartial, that is, not only will the investigator have the necessary skills to conduct the investigation, but they will also have no stake in the outcome of the matter. The investigation will also be conducted in good faith, and it will include an interview, or an attempt to interview, all of the critical witnesses in the matter. The role of the investigator is to be a neutral fact gatherer. The investigator may also designate other trained colleagues to assist in interviewing parties, identifying and locating witnesses, and in gathering other facts and evidence. The investigator will conduct an investigation in their good faith and experienced judgment in a manner deemed appropriate in light of the circumstances of the case and will cooperate with law enforcement authorities to the extent necessary or requested.

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 and the Respondent will have a full and equal opportunity to present fact and expert witnesses and any other evidence to the investigator for



consideration, and neither party shall have the burden of gathering facts and evidence for the investigation. Information collected during the initial intake and assessment will also be forwarded to the investigator. If any law enforcement agency is also investigating the incident, the GTU investigator may defer to the agency for the collection of some of the evidence. Medical treatment records of a party will not be considered or disclosed in the investigation or any subsequent process under this policy unless the treated party consents.

The investigator, the Title IX Coordinator, or the Deputy Coordinator will provide written notice to the Complainant and the Respondent of the investigative interviews and meetings being conducted in the investigation. They will also provide the Complainant and the Respondent and their advisors with an electronic or hard copy of all evidence directly relevant to the allegations in the Formal Complaint, and the parties will have ten (10) days to submit a response to that evidence. The response will be provide to the investigator.

The investigator will compile the details of the investigation into a written investigative report, which will contain summaries of the interviews of the parties and other witnesses, photographs (if any) and other relevant evidence, along with summaries of relevant portions of any responses to the directly relevant evidence received from the parties.

The investigative report will be prefaced with a summary of the allegations in the Formal Complaint and the steps taken to conduct the investigation

The investigator will provide the investigative report to the Title IX Coordinator or Deputy Coordinator, and the Title IX Coordinator or Deputy Coordinator will provide an electronic or hard copy of the investigative report the Complainant and the Respondent at the same time. The Complainant and Respondent will be given ten (10) days thereafter to submit a written response to the investigative report. .

Cooperation

All GTU faculty, staff and students are expected to cooperate with the investigation process. Students and others have the right not to incriminate themselves.

Participation

Both parties will have the right to request that the investigator meet with them to present facts directly to the investigator, to identify witnesses for the investigator to consider interviewing, and to present any documentary or other evidence to the investigator for consideration. An investigation will not be dependent on participation by either party, and the investigation will proceed irrespective of whether a party refuses to be interviewed or otherwise participate in the investigation.

Support

The Respondent and the Complainant have the right to have their advisor and/or support person accompany him or her at any step in the investigation and through any of the processes outlined in this policy. A support person may attend any meeting or other aspect of the procedures specified in this document, but may do so in an advisory or emotional support



capacity only, and may not directly participate or intervene in meetings, an investigation or other aspects of this process.

Formal Resolution

.Formal resolution of the allegations in a Formal Complaint is accomplished through an adjudicatory hearing. This is a live hearing conducted by a hearing officer who will hear and consider evidence, make fact and credibility determinations, and make a finding of responsibility or no responsibility under this policy with respect to the allegations set forth in the Formal Complaint. Only the alleged policy violations stated in the Formal Complaint may be decided in the formal resolution process, and the hearing officer(s) may not make determinations of responsibility or no responsibility on any alleged violation of this policy that is not identified in the Formal Complaint. The adjudicatory hearing and final determination of the hearing officer normally should be conducted and made within two months after the completion of the investigation.

The hearing officer may be an appropriately trained individual from within the GTU community or may be a contracted third party trained and experienced in conducting adjudicatory hearings and making decisions in Title IX matters. In the discretion of the Title IX Coordinator in matters involving more complexity or larger amounts of witnesses or facts, the adjudicatory hearing may be conducted and determined by a panel of three hearing officers, with any determination or decision of such a panel requiring a majority of at least two hearing officers. The hearing officers will be neutral and impartial, and will not be the Title IX Coordinator, a Deputy Coordinator, or anyone who conducted the investigation in the matter.

The Title IX Coordinator or Deputy Coordinator will provide at least two weeks' notice to the Complainant and Respondent of the adjudicatory hearing, the date of the hearing, and the identity of the hearing officer(s). The Title IX Coordinator or Deputy Coordinator will also provide the Complainant and the Respondent access to the investigative report and any other evidence that will be provided to the hearing officer(s) in advance of the hearing. This access to the investigative report and other evidence will be provided to both parties at least ten days prior to the date of the adjudicatory hearing and maintained for each of the ten days thereafter preceding the hearing. Access will be provided in a manner to help ensure its confidentiality, and the Complainant and the Respondent will maintain the materials in confidence and will not distribute or disclose them to anyone other than their advisor who shall also maintain the confidentiality of the materials. The investigative report provided to the hearing officer(s) will include any underlying interview summaries and other evidence obtained during the investigation as well as any responses to the directly relevant evidence or investigative report received from the Complainant and the Respondent.

At the request of either the Complainant or the Respondent, the adjudicatory hearing will be conducted with the parties in separate rooms and able to see and hear each other through remote electronic means. Although all aspects of the hearing will be conducted live and in real time, the GTU may conduct some or all of the hearing virtually in its discretion through the use of remote technology. The hearing will be video and sound recorded, and the recording may be transcribed by the Title IX office. The Complainant must attend the adjudicatory hearing unless



such attendance is physically impossible. In the event the Respondent refuses to attend, the adjudicatory hearing will proceed, and the Respondent's refusal to attend may be taken into account by the hearing officer(s) but may not, in itself, be determinative of the outcome or otherwise alter the standard of evidence.

The hearing officer(s) will conduct a prompt, thorough, and good faith adjudicatory hearing in accordance with the rules and requirements of this policy. The hearing will be convened live with testimony from the parties and other relevant witnesses. The parties will have until one week before the hearing to submit names of witnesses they would like to attend the hearing, and the Title IX Coordinator or Deputy Coordinator will request in writing the attendance of all witnesses with potentially relevant testimony identified by the parties and/or the hearing officer(s). The Title IX Coordinator or Deputy Coordinator may also request the attendance of other relevant witnesses in addition to those identified by the hearing officer(s) or a party. The Complainant and the Respondent may, but are not required to, personally deliver an opening statement at the beginning of the hearing and/or a closing statement at the end of the hearing. The Complainant and Respondent may present documents and other tangible evidence to the hearing officer(s) during the hearing for consideration in making a determination and decision.

The investigator generally will appear as a witness at the hearing to testify to the investigation conducted, the facts gathered, the responses to the evidence and investigative report given by the parties, and the matters as to which the facts gathered from the investigation were in accord or were in conflict.

Questioning of the witnesses may be conducted by the hearing officer(s) and by the parties' advisors. Either party may elect to have the hearing officer(s) ask questions provided by that party in lieu of the party's advisor asking questions directly. Neither party will be permitted to question the other party or any witnesses directly as part of the hearing process. Only relevant questions are permitted to be asked and answered, and the hearing officer(s) will permit all relevant questions that a party wishes to ask to be asked. A repeat question by a party that has already been asked by that party and answered by the witness is not relevant. The hearing officer(s) will determine the relevancy of questions before the party or other witness answers them and, in the event of a decision that the question is not relevant and should be precluded, will explain the basis for that decision.

Both the Complainant and the Respondent will be expected to submit to questioning by the other party (either through the advisor or the hearing officer(s) but not by the party directly) as part of the hearing process. If a party refuses to submit to questioning by the other party, the hearing officer(s) will not rely on any statement of that party in making a determination on responsibility, and the hearing officer(s) will not draw an inference about responsibility based solely on a party's refusal to submit to questioning by the other party.

The hearing officer(s) will determine the specific order of the proceedings, and will be empowered to control the procedural and evidentiary aspects of the hearing so that it runs fairly, impartially, efficiently, professionally, and in accordance with the requirements and objectives of this policy. This will include decisions regarding the potential exclusion of evidence or the limiting of witness examination that is clearly not relevant to any issue in the



case or is excludable for other reasons (such as the Complainant's sexual history or prior sexual behavior, which should be excluded unless it is offered to prove consent or to prove that someone other than Respondent committed the alleged misconduct). Information that is subject to a legally protected privilege will not be used, requested, or relied upon in connection with the hearing or determination unless the privilege is waived by the holder of that privilege.

The standard of evidence for a finding of responsibility will be a "preponderance of the evidence" standard, meaning that the hearing officer(s) must find that, based on the evidence and record as a whole, it is more likely than not in the judgment of the hearing officer(s) that one or more of the alleged policy violations occurred.

Upon the conclusion of the adjudicatory hearing, the hearing officer(s) will deliberate in private, make a determination of responsibility or no responsibility on the allegations in the Formal Complaint, and prepare and submit to the Title IX Coordinator or Deputy Coordinator a written decision setting forth in the detail the determination and basis for the decision, including findings of fact, conclusions about whether the alleged conduct occurred, and the basis and rationale for each such conclusion.

Sanctions

After completion of the adjudicatory hearing, the Title IX Coordinator (and Deputy Coordinator, if involved) will review the written determination of the hearing officer and consult as appropriate. The Title IX Coordinator or Deputy Coordinator will issue the Respondent and Complainant a written Outcome Letter that states the determination of the hearing officer, provides information on how to submit an appeal, and if applicable, describes any actions the GTU will take to provide accommodations to the Complainant, and any safety measures taken or to be taken by the GTU. The Outcome Letter may also include a recommendation that the matter be referred for corrective action and disciplinary review by other GTU offices, such as the Dean of Students, Academic Dean, or Human Resources. If prohibited conduct has been determined to have occurred and responsibility has been found against the Respondent, the matter will be referred to the Respondent's Dean, supervisor, and/or HR office for corrective action. At the time of sending the Outcome Letter, the Title IX Coordinator or Deputy Coordinator will also simultaneously provide the Complainant and the Respondent a copy of the written adjudicatory hearing determination.

The Title IX Coordinator or Deputy Coordinator can also issue or recommend to a GTU officer any sanctions or other corrective action he or she believes appropriate based on the results of the adjudicatory hearing, including but not limited to warnings, censure, disciplinary probation, extension or imposition of interim measures, suspension, expulsion, revocation of admission or degree, withholding a degree, and termination of employment.

Past violations of the Respondent may be considered in the determination of appropriate corrective action. The GTU will also consider whether the sanctions or other corrective action will bring an end to the violation in question, whether it will reasonably deter and prevent a recurrence of a similar violation, or whether it will remediate or mitigate any effects the violation had on the Complainant and/or the GTU community.



Any sanctions or other corrective action imposed under this Policy will be effective immediately. In event sanctions or other corrective action are taken against the Respondent, these will be communicated in writing simultaneously to the Respondent and to the Complainant.

Appeal

Either the Respondent or Complainant may appeal the final determination of the hearing office from the adjudicatory hearing or the earlier dismissal of a Formal Complaint. An appeal must be made in writing within two (2) weeks of the date of the Outcome Letter. The appeal should follow the standards for review outlined in this document and should clearly state the grounds for the appeal and the relief sought by the appealing party. The written appeal should be delivered to the President of the GTU, who will assign an appeal officer to review and make a determination on the appeal. The appeal officer will be a faculty member or administrator from within the GTU trained in this policy and Title IX matters or, in the discretion of the President, an outside professional trained and experienced in deciding Title IX matters. In determining the appeal, the appeal officer will recommend that the underlying decision should be affirmed and the appeal dismissed, or that the appeal should be sustained and certain relief (e.g., a rehearing should be conducted, the hearing officer(s) should re-evaluate or reconsider a determination, finding, or other aspect of the case without a full re-hearing, etc.).

Appeals should normally be completed within three weeks unless there is good reason to extend the time necessary to review the appeal. Normally, the grounds for granting an appeal will be limited to the following considerations:

- Newly discovered evidence that was not available previously that could have affected the outcome of the matter.
- One or more procedural irregularities occurred that affected the outcome of the matter.
- Personnel involved in coordinating, investigating, or determining the matter had a conflict of interest or bias that affected the outcome of the matter.

False Accusations and False Statements

While the GTU encourages everyone to report harassing or inappropriate conduct, anyone who knowingly makes a false accusation of harassment, discrimination, sexual misconduct, retaliation, or other conduct prohibited under this policy will be subject to appropriate sanctions. Failure to prove a claim of harassment, discrimination or retaliation under this policy, or a finding of no responsibility, does not itself constitute proof of a knowingly false or bad faith accusation. The Complainant, the Respondent, and all witnesses are obligated under this policy to tell the truth, and knowingly making a false factual statement within the process for addressing complaints and concerns under this policy is grounds for disciplinary action.

Coordination with Law Enforcement

The GTU encourages everyone in this community to report criminal actions that are violations of California law, such as sexual assault, to the Berkeley Police Department. The GTU will



cooperate with law enforcement agencies to the extent permitted by law and requested by the agency.

Legal actions that may be taken by local law enforcement agencies, including criminal investigations, work independently of the GTU's obligation to conduct its own investigation and grievance processes. If requested by law enforcement authorities, or otherwise in the GTU's discretion in the event law enforcement activities are occurring in regard to matters that relate to or overlap with a complaint or concern raised under this policy, the GTU may pause or extend its investigation and grievance process. The GTU's internal grievance processes are not subject to change, and the GTU's decision on a Formal Complaint is not determined, by the outcome of any criminal proceeding, including a decision by law enforcement authorities not to bring criminal charges against the Respondent, or because any such charges are dismissed.

Accommodations

If prohibited conduct is found to have taken place the GTU will, to the extent reasonable and feasible, consult with the Respondent and Complainant in determining accommodations and safety measures. Appropriate actions may include:

- Class reassignments
- No contact letters and directives
- Limitations on non-course activities
- Removal from the GTU community
- Referral for disciplinary processes
- Review of GTU policies, practices, procedures and training
- Other appropriate actions necessary to lessen the incidence of prohibited conduct

Retaliation

Retaliation against any person making a complaint of prohibited conduct, or against any person participating in an investigation, hearing, or any other process under this policy, is a violation of GTU policy. Retaliation by any student, faculty or staff member is grounds for disciplinary action, up to and including dismissal from the GTU and/or termination of employment for cause. A complaint filed in good faith will not be considered as retaliation, nor will the exercise of rights protected under the First Amendment of the United States Constitution or principles of academic freedom. A good faith complaint or charge of making a knowingly false accusation of under this policy or knowingly making a false statement in connection with a matter being addressed under this policy will not be considered as retaliation. However, a complaint or charge of misconduct not involving sexual harassment or other misconduct addressed by this policy, even if arising from the facts and circumstances of a complaint made under this policy, will be considered as retaliation if it made for the purpose of interfering with or impairing any rights provided under this policy or under Title IX.



Berkeley Police Department and Criminal Investigations

Since the GTU does not maintain a police force it encourages everyone to report all violations of the law involving sexual assault, rape, domestic violence, stalking and any other violation to the Berkeley Police Department. The Berkeley Police Department is not required to notify the GTU of violations of the law that involve GTU students, faculty or staff, so the GTU will not have notice of the incident unless it is also reported as indicated elsewhere in this document. The GTU will, to the extent allowed by law, cooperate with any investigation by the Berkeley Police Department.

Privacy of Records

The Title IX Coordinator will retain records of reports and related documents under this policy for at least seven years. In addition, records relating to a determination of misconduct under this Policy may become a part of a students' academic record.

Documents which are prepared in anticipation of and in connection with the investigation and resolution/determination of the matter (including the investigative report, adjudicatory hearing determination, and any other documents) will not be disclosed outside of the processes under this policy, except as required by law. The Complainant and the Respondent are required to maintain the confidentiality of these documents as well.

The final Outcome Letter will be issued concurrently to both the Complainant and the Respondent. The GTU neither encourages nor discourages the further disclosure of the Outcome Letter by either the Complainant or the Respondent.

Prevention, Training and Dissemination of this Policy

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

The Title IX Coordinator is responsible for overseeing the GTU's efforts at training, prevention and education as it relates under this Policy. The Title IX Coordinator and the Deputy Coordinators 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.

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

In addition, in an effort to deter and prevent all forms of sexual misconduct from occurring on the GTU campus or within the GTU community, the GTU will provide 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, sexual harassment, and stalking, and shall be



designed to deter and prevent all misconduct prohibited under this Policy from occurring, to empower victims, 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 of GTU are all encouraged to take part in education and training designed to prevent sexual misconduct.

Prohibited Conduct, Definitions and Examples

The GTU prohibits all forms of sexual misconduct, including sexual and gender related violence of any form, assault, sexual harassment, domestic violence, dating violence, and stalking. These terms each encompass a broad range of behavior. The following behaviors are among the forms of sexual misconduct that violate GTU policy. Definitions and examples are provided to assist in the understanding of prohibited conduct.

CLOSE PERSONAL RELATIONSHIPS AFFECTING TEACHING, MENTORING AND SUPERVISORY FUNCTIONS — Except where explicit and advanced authorization has been obtained in writing from the Chief Operating Officer, no person who is employed by GTU may participate in a close personal relationship with an individual who is a member of the GTU community for whom the person provides or may (by virtue of GTU 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 GTU of teacher-student; mentor-mentee; supervisor-employee; faculty member-graduate student; co-workers; and supervisor-student employee. A person provides supervision when she or he oversees, directs or evaluates the work of others, including but not limited to, managers, administrators, directors, deans, chairs, advisors.

DATING VIOLENCE — means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

DOMESTIC VIOLENCE — This is a form of sexual violence and is abuse committed against someone who is a current or former spouse, current or former cohabitant, someone with whom the abuser has a child, someone with whom the abuser has or had a dating or engagement relationship, or someone similarly situated under California domestic or family violence law.

FORCE — is the use of physical violence 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.”

FORCIBLE FONDLING — The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of youth or because of temporary or permanent mental or physical incapacity.

FORCIBLE SEX OFFENSE — Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

FORCIBLE RAPE— (EXCEPT STATUTORY RAPE) The carnal knowledge of a person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because temporary or permanent mental or physical incapacity.

FORCIBLE SODOMY — Oral or anal sexual intercourse with another person, forcibly or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of youth or because of temporary or permanent mental or physical incapacity.

INCEST— Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

PROHIBITED CONDUCT — In the context of this policy, Prohibited Conduct refers to matters of sexual assault, sexual harassment, sexual misconduct, dating violence, domestic violence, stalking, discrimination based on race, color, national or ethnic origin, sex, age, disability, religion, sexual orientation, gender identity or expression, veteran status, or any other characteristic protected by law.

RAPE — is defined as “penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.” This definition includes any gender of victim or perpetrator. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

The following scenarios illustrate incidents that are classified as Rape:

- A female college student attended an off-campus party. She drank heavily until she had difficulty standing and was slurring her speech. Two male students offered to walk her home. Once in her dorm room, she passed out. She awoke the next day in pain and found used condoms in her bed. She reported that she was raped to the local police department.



- One night, a woman's husband was very drunk and he accused her of sleeping around. He became enraged and pushed her onto the bed and penetrated her with an object. She was too afraid to struggle.
- A student was drinking with a classmate. The classmate gave her a pill that he said would make her "feel really good." After taking the pill, the woman did not recall what happened. A rape kit indicated semen from sexual penetration.

RAPE - ATTEMPTS TO COMMIT RAPE — are assaults or attempts to commit rape and are classified as Attempts to Commit Rape.

The following scenarios illustrate incidents that are classified as Attempts to Commit Rape:

- A man attacked a woman on the street, knocked her down, and attempted to rape her. A pedestrian frightened the man away before he could complete the attack.
- At a local bar, a man slipped gamma-hydroxybutyrate (GHB), a drug sometimes used to facilitate sexual assault, into the drink of his date. However, the man could not convince the woman to leave her friends and go home with him. After an investigation, detectives concluded that the man intended to rape the woman.

SEX OFFENSES, NONFORCIBLE— (Except Prostitution Offenses) Unlawful, non-forcible sexual intercourse.

SEXUAL ASSAULT — is defined as the imposition of non-consensual sexual conduct excluding rape, including but not limited to oral copulation, penetration by a foreign object, or touching, caressing, fondling, or touching of a person's genitalia, buttocks, or breasts.

SEXUAL ASSAULT WITH AN OBJECT— To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of youth or because of temporary or permanent mental or physical incapacity.

SEXUAL CONTACT - NON-CONSENSUAL— Any intentional sexual touching, however slight, with any object, by any person upon any other person, that is without consent or is by force. "Person" is regardless of gender status.

SEXUAL EXPLOITATION — is defined as taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit or advantage of another person. The following scenarios illustrate incidents that are sexual exploitation:

- 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.
- Sexually-based stalking and bullying.

SEXUAL HARASSMENT — consists of unwelcome conduct of a sexual nature falling into one of the two categories below (“quid pro quo” and “hostile environment”) and can include unwelcome sexual advances, requests for sexual favors, and other visual, verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment includes any actual or attempted instance of sexual assault, sexual violence, rape, dating violence, domestic violence, or stalking as more specifically defined herein. Sexual harassment can take different forms depending on the harasser and the nature of the harassment. The conduct can be carried out by school employees, other students, and non-employee third parties, such as a visiting speaker. Students of any sex can be victims of sexual harassment and the harasser and the victim can be of the same sex.

The conduct can occur in any GTU program or activity and can take place in school facilities or at off-campus locations such as a member school classroom, office or apartment.

One category of sexual harassment is quid pro quo or “this for that.” This consists of any instance of unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature submission to which is implicitly or explicitly conditioned on access to or benefits in education or the avoidance of adverse educational action. An example is a student advisor asking a student to have sex in exchange for keeping quiet about a student’s violation of the plagiarism policy. Another example is a faculty member telling a student that his or her grade can be improved if the student performs a sexual act for the faculty member.

Another category of sexual harassment is hostile environment sexual harassment. This consists of any unwelcome conduct of a sexual nature that is so severe and pervasive and objectively offensive to a reasonable person that it denies a person equal educational access. In addition to conduct of a sexual nature, such conduct can include unwanted verbal, physical, or visual behavior that makes someone feel uncomfortable because of their gender, gender identity, 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 sexually suggestive or explicit 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.

SEXUAL INTERCOURSE, NON-CONSENSUAL (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 or is by force. “Person” is regardless of gender status.

STALKING — is the act of willfully, maliciously, and repeatedly following or willfully and maliciously harassing another person and making a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family or suffer substantial emotional distress. For the purpose of determining whether stalking has occurred, harass means “engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose. Course of conduct means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Credible threat means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct.

STATUTORY RAPE—Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Other Definitions

ADVISOR – IS A PERSON WHO PROVIDES ADVICE AND SUPPORT TO A COMPLAINANT OR A RESPONDENT AND WHO MAY BE PRESENT IN A PARTICIPATING ROLE DURING ANY MEETING OR PROCEEDING UNDER THIS POLICY. The advisor may be a currently enrolled student, parent or other family member of the student, a GTU faculty or staff member, or other individual designated by the Complainant or Respondent, including an attorney. The advisor will generally be copied on notices and other communications sent in connection with proceedings under this policy. Participating means that the advisor may speak at the meeting or proceeding and, during the adjudicatory hearing process, may examine the other party and witnesses with relevant questions. Advisors are not permitted to disrupt, interfere with, or impair any of the processes under this policy. Advisors are not permitted to function as substitutes for the Complainant and the Respondent providing their percipient account of what occurred and other relevant facts during an investigation or adjudicatory hearing under this policy. If a party does not have an advisor at the adjudicatory hearing, the GTU will provide an advisor of GTU’s choice (who may or may not be an attorney), without charge, to the party to conduct questioning of the other party and witnesses on his or her behalf at the hearing.

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 support person may be a currently enrolled student, parent or other family member of the student, a GTU faculty or staff member, or other individual designated by the Complainant or Respondent. Non-participating means that the support person is silent and does not speak or present information during the meeting or proceeding under this policy. Support persons are not generally copied on notices and other communications sent in connection with proceedings under this policy.

CLERGY MEMBER — means “ a priest, minister, religious practitioner, or similar functionary of a church or of a religious denomination or religious organization.” Communications made in confidence with a clergy member may be privileged under the “clergy-penitent privilege” described in Evidence Code sections 1032-1034. A person who meets this statutory definition may also meet the definition of a pastoral counselor for purposes of Title IX and Clery Act, which dictate various campus officials’ obligations to report sexual assault to campus authorities.

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.

COMPLAINANT — A student, faculty or staff member who has made an allegation against another person of Prohibited Conduct.

CONSENT — is defined as affirmative, conscious, and voluntary agreement to engage in sexual activity. The individuals consenting must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating relationship is not sufficient to constitute consent. Lack of protest or resistance does not mean consent, nor does silence mean consent. Consent must be affirmative and be ongoing throughout a sexual activity and can be revoked at any time. 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 to engage in the sexual activity.

INCAPACITATION — is a state where someone cannot knowingly give consent, such as where the individual is unconscious or is conscious but is unable to appreciate the nature and significance of what is occurring or is about to occur. It may arise 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 or being given rape drugs (Rohypnol, GHB, Burundanga, Ketamine, etc.)

PASTORAL COUNSELOR — means a person who is associated with a religious order or denomination, is recognized by that religious order or denominations as someone who provides confidential counseling, and is functioning within the scope of that recognition. 34 C.F.R. §§ 668.46(a). In this context, a pastor who is functioning as an administrator of GTU or as a student advocate would not be exempt from the reporting obligations under Clery and Title IX.



PREPONDERANCE OF EVIDENCE — The standard used by the GTU. Preponderance of evidence means the greater weight of evidence, that the evidence on one side outweighs the evidence on the other side.

RESPONDENT — A student, faculty or staff member who is accused of engaging in Prohibited Conduct.

RETALIATION — Retaliation means any adverse action taken against a person because, in whole or in part, he or she reported a concern or conduct that may be prohibited or participated in an investigation of such a report or assisted another person in making such a report.

STANDARD OF EVIDENCE — In determining whether the elements of a complaint of sexual harassment or any other conduct prohibited by this policy (or a complaint for the same alleged conduct under any other GTU policy) are sustained and support a finding of responsibility, the GTU will use a “preponderance of evidence” standard.

VAWA — refers to the Violence Against Women Reauthorization Act of 2013 (20 U.S.C. 1092(f)). This act amended the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act (Clery) under the Campus Sexual Violence Elimination Act provisions (Campus SaVE Act).

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.

Resources

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

For Emergency Needs

- **911** – Police
- City of Berkeley Police Department: Emergency 510/981-5911
- Rape Crisis Center 24-hour helpline: 800/670-7273
- Bay Area Women Against Rape 24-hour hotline: 510/845-7273
- National Domestic Violence Hotline: 800/799-SAFE (7233)

Other Resources

GTU does not maintain an on-campus counseling center or staff with professional qualifications to provide counseling. There are however, other services available in the Berkeley area, including:



- Bay Area Women Against Rape provides free 24-hour comprehensive services to victims of sexual assault. Website: <http://www.bawar.org> Telephone: 510/845-7273 or 510/845-RAPE.
- Alameda County Medical Center, Highland Hospital Sexual Assault Center, 1411 E. 31st Street, Oakland provides 24-hour assistance, including medical treatment and examination, advocacy and counseling support for victims of sexual assault. Website: <http://www.highlandahs.org/our-services/specialty-services/medical-counseling>. Telephone 510/437-4688.
- City of Berkeley Adult Clinic, 2640 Martin Luther King Jr. Way 510/981-5290.
- City of Berkeley Domestic Violence Crisis Line 510/562-3731.
- City of Berkeley Mobile Crisis Team (MCT) is available every day from 10:30 AM to 11:00 PM at 510/981-5254.
- East Bay Crisis Support Services and Suicide Prevention 800/309-2131.
- Men Overcoming Violence, 1385 Mission Street, Suite 300, San Francisco 415/626-6704.

There are also several national organizations that may be able to provide the GTU community with important information and assistance:

- National Domestic Violence Hotline, 800/799-SAFE (7233)
- National Sexual Assault Hotline, 800/656-HOPE (4673)
- Stalking Resource Center, 202/467-8700
- National Teen Dating Abuse Helpline, 866/331-9474

GTU Campus Services

- Title IX Coordinator: Marie Lucero, Chief Operating Officer, mlucero@gtu.edu, 2400 Ridge Road, Berkeley, CA 94709, 510/649-2437,
- Deputy Coordinator (for students): Wendy M. Arce, PhD, Associate Dean of Students, warce@gtu.edu, 2400 Ridge Road, Berkeley, CA 94709, 510/649-2440; and
- Deputy Coordinator (for faculty and staff): Sylvie Tisnado, Manager of Human Resources, stisnado@gtu.edu, 2400 Ridge Road, Berkeley, CA 94709, 510/649-2577.

Off Campus Counseling Services

While there are many Bay Area resources for counseling services, two counseling centers may be of interest to the GTU community.

The Interfaith Counseling Center of the Bay Area <http://interfaithcc.org/> offers a variety of services including psychotherapy, pastoral counseling, spiritual direction, and other counseling



services. Trained and licensed therapists and counselors are available. Reduced fees may be available to GTU students, faculty, staff and families. There are two Bay Area locations. An office is located in San Anselmo at 15 Austin Avenue, San Anselmo, CA 94960 and may be reached at 415/256-9701. In Berkeley the offices are at Durant House at First Congregational Church of Berkeley, 2345 Channing Way, Berkeley, CA 94709 and may be reached at 510/225-5595

4614 California, formerly the California Counseling Institute, is a collective of psychotherapists in private practice who share in a mission to aid the healing transformation of individuals, couples, and families from all backgrounds through the integration of psychotherapy and spirituality. 4614 California is not itself a business, but rather it is a place for independently operating therapists to work in community. 4614 California has offices in San Francisco at 4614 California Street and in Kensington at 4562 Oakview Avenue. Call 415/379-4591 to speak with someone to set up an appointment or visit <http://www.4614california.com/>.

Confidential Discussion 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 clergy members.