



Grand Canyon University Policies and Standards

Policy Name:	Title IX Policy and Procedures	Page:	1 of 16
Department:	Academic Affairs	Policy Number:	001
Applies to:	Faculty, Staff, and Students	Effective Date	December 19, 2018
		Revised	December 14, 2018

Statement of Non-Discrimination:

Grand Canyon University does not discriminate on the basis of race, color, national or ethnic origin, sex, disability, age, sexual orientation, gender identity or any legally protected status. Title IX regulations require non-discrimination on the basis of sex or gender, which includes unlawful discrimination based on pregnancy and/or disability discrimination based upon complications related to pregnancy. As a religious institution, Grand Canyon University expressly reserves its rights, its understandings of, and its commitments to Christian principles, and reserves the legal right to hire and employ individuals who support the values of the University.

Objective:

Members of the Grand Canyon University community, guests and visitors have the right to be free from all forms of gender and sex-based discrimination, examples of which can include acts of sexual violence, sexual harassment, intimate partner violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The specific procedures for reporting, investigating, and resolving prohibited conduct are based upon the nature of the Responding Party's relationship to the University. Each set of procedures referenced below is guided by the same principles of fairness and respect. When an allegation of misconduct is brought to the University's attention, and a Responding Party is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

This policy prohibits any sex or gender-based discrimination and/or harassment by, of, and between members of the Grand Canyon University community.

For the purposes of this policy, prohibited sex-based discrimination includes discriminatory practices in:

- Admission, including recruitment and the counseling or guidance of students.
- Financial assistance
- Athletics
- Housing
- Access to educational programs, activities and resources
- Discipline
- Single-sex education
- Employment
- Accommodating pregnancy and pregnancy-related conditions: include (but are not limited to) pregnancy, childbirth, false pregnancy, termination of pregnancy, conditions arising in connection with pregnancy, and recovery from any of these conditions (see Temporary Accommodation Policy)
- Sexual harassment or sexual misconduct

- Other discriminatory offenses where sex or gender is the foundation.

Policy:

The University is able to respond to alleged incidents of sex and gender-based discrimination and/or misconduct:

- that occurred on campus,
- that were part of official University programs or activities (regardless of location), or
- where the Reporting Party and/or Responding Party are students, a member of the faculty, staff, administration or campus guest of the University.

Conduct that occurs off campus can be the subject of a complaint or report and will be evaluated to determine whether it violates this policy, e.g., if off-campus harassment has continuing effects that create a hostile environment on campus. Allegations of off-campus sexual misconduct are of particular concern and should be brought to the University's attention. The Title IX Coordinator (or designee) will assist individuals in identifying appropriate campus resources, including assistance in contacting local authorities if the individual would like to file a criminal report. In addition, GCU may take other actions to protect the individual and the campus community.

Retaliation Prohibited

The University prohibits retaliation against anyone who complains of, or is involved in the filing, investigation, or resolution of a sex-based harassment or discrimination claim. The University also will not retaliate against anyone who files a complaint, or otherwise participates in an investigation, proceeding or hearing conducted by an outside agency. Employees or students who believe they have witnessed or experienced retaliation in violation of this policy should report the retaliation pursuant to the Complaint Procedure outlined in this policy.

Mandatory Employee Reporting

To enable the University to respond effectively and to stop instances of sex-based harassment and sexual misconduct at the University proactively, University employees must promptly (normally within 24 hours) report information they have about alleged or possible sex-based harassment and sexual misconduct to the Title IX Coordinator or Deputy Title IX Coordinator. An employee's responsibility to report potential Title IX violations is dependent upon their designation as either a "Confidential Employee" or a "Responsible Employee".

Confidential Employees are employees who are licensed medical, clinical, or mental-health professionals, and who are acting in that professional role in the provision of services to a patient who is a student. Confidential Employees are also any employees providing administrative, operational and/or related support for such health care providers in their performance of such services. A Confidential Employee will not disclose information about a potential Title IX policy violation to the University's Title IX Coordinator without the student's permission.

A Responsible Employee is any University employee not designated as a Confidential Employee. Responsible Employees are required to report to the University's Title IX Coordinator all relevant details about an incident regarding a potential Title IX policy violation. Responsible Employees include student-employees, such as resident assistants, and teaching assistants.

Definitions:

Reporting Party - The student, employee, or third party who presents as the subject of any prohibited conduct under this policy, regardless of whether that person makes a report or seeks action under this policy.

Responding Party - The student, employee, or third party who has been accused of violating this policy. Responding Party may also be an individual designated to respond on behalf of a department, college, or the University if the allegation is discrimination in access to accommodations, athletics, housing, or other educational programs, activities, or resources.

Student - Student status, per the terms of this policy, is a person who is in active status defined as currently attending classes.

Proceeding - Any hearing where a determination is made on a complaint, including whether there is a finding and/or sanctions. This includes informal resolution, Administrative adjudication, and Title IX Hearing Board adjudication.

Result - Regulatory requirements stipulate that both Parties be notified, in writing, of the outcome of the complaint and any appeal. This includes information about the sanction imposed upon the Responding Party when the sanction directly relates to the Reporting Party. Compliance with these provisions does not constitute a violation of Section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

Sex-based harassment - A form of prohibited sex discrimination, which includes sexual harassment, sexual misconduct, including sexual assault, intimate partner violence, stalking, and other misconduct offenses when sex or gender is the foundation. Harassing conduct may take various forms, including, name-calling, graphic verbal or written statements (including those communicated through cell phones, social media, or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to be based on intent to harm, be directed at a specific target, or involve repeated incidents. Sex-based harassment includes sexual harassment, which is further defined below.

Sexual Misconduct Offenses - Sexual misconduct is a specific type of sex-based discrimination. Sexual misconduct offenses include, but are not limited to:

1. Sexual Harassment
2. Non-Consensual Sexual Contact (or attempts to commit same)
3. Non-Consensual Sexual Intercourse (or attempts to commit same)
4. Sexual Exploitation (or attempts to commit same)

1. Sexual Harassment

Sexual Harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment of a student can deny or limit, on the basis of sex, the student's ability to participate in or to receive benefits, services, or opportunities in the University's educational program and/or activities. Sexual harassment of students is, therefore, a form of sex discrimination prohibited by Title IX.

Quid pro quo sexual harassment exists when an individual in a position of power conditions a decision or benefit on another's submission to unwelcome sexual conduct.

A *Hostile Environment* based on sex exists when conduct of a sexual nature is sufficiently severe, persistent, or pervasive to interfere with an individual's employment and/or limit an individual's ability to participate in or benefit from education program, or to create a hostile or abusive educational environment.

A hostile environment can be created by anyone involved in a University program or activity (e.g., administrators, faculty members, students, and even campus guests). Mere offensiveness is not enough to create a hostile environment. Repeated incidents increase the likelihood that harassment has created a hostile environment. A serious incident, such as a sexual assault, even if isolated, can be sufficient.

In determining whether harassment creates a hostile environment, the harassment will be considered not only from the perspective of the individual who feels harassed, but also from the perspective of a reasonable person in a similar situation. Also, the following factors will be considered:

- The degree to which the conduct affected one or more students' education or individual's employment;
- The nature, scope, frequency, duration, and location of the incident or incidents;
- The identity, number, and relationships of the persons involved;
- The perspective of a "reasonable person" in the same situation as the person harassed; and
- The nature of higher education.

Retaliatory harassment is any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct. Retaliatory acts, which may include giving students failing grades, preventing students from participating in school activities, and threatening expulsion against any individual who exercises his or her rights under Title IX, are considered to be discrimination and are unlawful. Recipients of federal funds are prohibited from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX.

2. Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- by one person upon another,
- that is without consent and/or by force.

Sexual Contact includes:

Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

3. Non-Consensual Sexual Intercourse

Non-Consensual Sexual Intercourse is:

- any sexual intercourse
- however slight,
- with any object,
- by one person upon another,
- that is without consent and/or by force.

Intercourse includes:

Vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

4. Sexual Exploitation

Occurs when someone takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another student;
- Non-consensual video or audio-taping of sexual activity;
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);

- Engaging in voyeurism;
- Knowingly transmitting an SDI, STD or HIV to another student;
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

Additional Applicable Definitions:

Consent - an understandable exchange of affirmative words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

- Silence does not necessarily constitute consent.
- In the absence of mutually understandable words or actions, it is the responsibility of the initiator, or the person who wants to engage in the specific sexual activity, to make sure that he/she has the consent from his/her partner(s).
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- Effective consent may not be given by minors less than 18 years old.

Force - the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent ("Have sex with me or I'll hit you. Okay, don't hit me, I'll do what you want.").

- Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent.

Incapacitation - a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g. to understand the "who, what, when, where, why or how" of their sexual interaction).

- This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, alcohol or drug consumption, or from the taking of rape drugs.
 - Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy.
- Sexual activity with someone who one should know to be -- or based on the circumstances should reasonably have known to be -- mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.
- Use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.

Other Misconduct Offenses When Based on Sex or Gender

Allegations of the following behaviors, regardless of whether they are based on discrimination, shall be addressed and considered in accordance with this policy and Grievance Procedures:

- Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1st Amendment).

- Intimate Partner Violence: Any act of abuse, violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Psychological abuse is a form of Intimate Partner Violence.
- Stalking: Engaging in a course of conduct directed at a specific person, on the basis of sex/gender, that is unwelcome, and would cause a reasonable person to fear bodily injury or to experience substantial emotional distress.
 - Stalking includes, but is not limited to acts in which a person directly, indirectly, or through third Parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property.
 - Stalking includes "cyber-stalking," a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

Sanction Statement

Consequences for violating this policy will depend upon the facts and circumstances of each particular situation. In determining the severity of sanctions or corrective actions, factors such as the frequency and severity of the offense and any history of past discriminatory, harassing or retaliatory conduct are relevant. The sanctions include, but are not limited to:

- Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous disciplinary violations.
- Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Intercourse will likely face a recommended sanction of suspension or expulsion.
- Any student found responsible for violating the policy on sexual harassment, sexual exploitation, or other misconduct or harassment offenses will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous disciplinary violations.

For employees, any finding that a policy violation occurred may be cause for disciplinary action up to and including termination.

For students transferring to GCU, the Title IX Coordinator may take action if the student transferred prior to completing their sanctions at their previous institution. If the student wishes to continue attending GCU, the Title IX Coordinator will evaluate the possibility of applying or upholding the incomplete sanctions.

Amnesty for Drug or Alcohol Possession and Consumption Violations

The University strongly encourages students to report instances of sex-based discrimination, sexual harassment, and sexual misconduct involving students. Therefore, students who provide information about sex-based discrimination, sexual harassment, sexual misconduct, dating violence, domestic violence, or stalking involving students will not be disciplined by the University for any violation of the University's drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident.

Consensual Relationships

In order to protect the integrity of the academic and work environment, it is essential that those in a position of authority do not abuse, or appear to abuse the power with which they are entrusted. Staff (including all employees who supervise other staff or students) and faculty members (including coaches and graduate assistants) exercise power over subordinates and students. Therefore, the University prohibits consensual relationships of an intimate, sexual or romantic nature between staff or faculty and any employee or student when unequal power exists in the relationship. Unequal power in the

relationship exists when the staff or faculty employee is in a position of actual or apparent professional or academic authority in activities including teaching, advising, mentoring, supervising, directing or evaluating the employee or student. Consensual relationships between Public Safety Officers and students are strictly prohibited due to the unequal power inherent in their interactions.

Furthermore, the University strongly discourages consensual relationships between staff or faculty and students even when no unequal power exists in the relationship since it may lead to unanticipated conflicts. Consensual relationships with students may lead to the perception by others that there is favoritism or bias in educational decisions undermining the spirit of trust and mutual respect that is important in an educational environment. Moreover, the fact that a relationship was initially consensual does not insulate the staff or faculty member from a claim of sexual harassment.

Grievance Procedures:

Upon receiving any formal or informal allegation or notice of sex-based discrimination or harassment, the University will take prompt and appropriate action to: (1) thoroughly, promptly, and impartially investigate complaints; and (2) prevent, correct and, if necessary, discipline individuals who engage in behavior that violates this policy. The grievance, investigation, and resolution procedures described below apply to all allegations of sex or gender-based discrimination or harassment. These procedures also apply to students and employees in our online environment.

Whenever possible and safe, the problematic behavior, conflict or misconduct should first be discussed by the impacted person and the person engaged in the problematic behavior, conflict or misconduct. However, if an individual is uncomfortable taking this action, or if the conduct does not stop after the offending person has been warned, the impacted person should immediately contact the Title IX or Deputy Title IX Coordinator. If the Reporting Party is an employee, he/she should report the conduct to a supervisor, Department Head/SVP, the division HR Business Partner, or the Title IX Coordinator.

Students and employees should report the offending incident or conduct promptly. Timely reporting is vital to the University's ability to investigate complaints and take appropriate action. Prompt reporting also discourages further misconduct. Students and employees are encouraged to report offensive conduct even if similar conduct was not reported in the past.

The complaint should specify:

- The name of the individual(s) against whom the complaint is made
- The nature of the alleged offense
- The specifics of the offending incident(s) with precise details (what happened, who was present, when, where, any reasons why they believe the action was taken)
- The date and signature of the person making the complaint

A person wishing to file a complaint should submit a written statement to the Title IX Coordinator or one of the Title IX Deputy Coordinators. It is recommended that as much information as possible be provided regarding the offending incident or conduct.

Title IX Coordinator

Shanna Milonas, MBA
Assistant Vice President of Academic Compliance
3300 W. Camelback Road
Phoenix, AZ 85017
602-639-5900
TitleIX@gcu.edu

Duties and Responsibilities: Monitoring and oversight of overall implementation of Title IX compliance at the University, including coordination of training, education, communications, and administration of grievance procedures for faculty, staff, students, and other members of the University community.

Deputy Title IX Coordinator

Kelsey Cross, MBA
3300 W. Camelback Road
Phoenix, AZ 85017
602-639-5900
TitleIX@gcu.edu

The Deputy Title IX Coordinator reports to the Title IX Coordinator to assist with day-to-day leadership, coordination and oversight of the University Title IX program and assists with assuring institutional compliance with Title IX. The Deputy Title IX Coordinator assists the Title IX Coordinator by playing a lead role in monitoring and implementing Title IX compliance measures in accordance with applicable laws, regulations, and University policies.

Assistant Deputy Title IX Coordinators

The University has also designated Assistant Deputy Title IX Coordinators who may assist the Title IX/Deputy Coordinator with implementing and monitoring appropriate policies, procedures, training programs, best practices, and other items related to compliance with Title IX. Assistant Deputy Title IX Coordinators ensure potential Title IX issues are immediately reported to the Title IX/Deputy Title IX Coordinator.

For students:

Tim Griffin, Ed.D
Dean of Students
3300 W. Camelback Road
Phoenix, AZ 85017
602-639-6647
Tim.Griffin@gcu.edu

If the Responding Party participates in athletics:

Jamie Boggs
Deputy Director of Athletics
Senior Women's Administrator
3300 W. Camelback Road
Phoenix, AZ 85017
602-639-6611
Jamie.Boggs@gcu.edu

Complaints of alleged violations of Title IX may also be sent to:

U.S. Department of Education
Office for Civil Rights
Building 400 Maryland Ave., SW
Washington, D.C. 20202
Phone: 800-421-3481
Fax: 202-453-6012
TDD: 800-877-8339
ocr@ed.gov

Privacy/Confidentiality of Complaints and Reports

GCU will inform the Reporting Party before beginning an investigation. All Parties involved in the investigation process, including witnesses, have privacy rights and information will be shared only as necessary:

- To the Reporting Party, Responding Party, or witnesses, as necessary to give fair notice of the allegations and to conduct the investigation. This includes the complaint, investigation report and findings including sanctions, and any decision resulting from an appeal;

- To other University officials who have a need to know in performing their official University business;
- To law enforcement consistent with state and federal law and University Policy;
- To government agencies who review the University's compliance with federal law;
- As necessary to respond to litigation, formal investigation, or to respond to lawfully issued subpoenas.

Privacy and confidentiality have distinct meanings under this policy. Privacy applies to responsible employees and means that information related to the allegations will only be shared with a limited circle of University employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. Confidentiality refers to confidential employees in the context of laws that protect certain relationships, including medical and clinical care providers, mental health providers, and counselors (and those who provide administrative services related to the provision of those services).

Reporting Party Requests Confidentiality or No Investigation

If a Reporting Party requests confidentiality or asks that the complaint not be pursued, GCU will take reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality as long as doing so does not prevent the school from responding effectively to the harassment and preventing harassment of others. The Title IX Coordinator will evaluate the request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students, faculty, and staff. GCU reserves the right to initiate a formal or informal investigation. Should the University decide to initiate an investigation, the Reporting Party will be notified that the University intends to proceed with an investigation and confidentiality cannot be ensured. The Reporting Party is not required to participate in the investigation.

In cases where the Reporting Party requests confidentiality and the circumstances allow the University to honor that request, the University will offer interim supports and remedies to the Reporting Party and community, but will not otherwise pursue formal action.

Interim Measures

GCU will take whatever measures necessary to create a safe environment for all students. During the course of the investigation, various measures may be taken by the University in order to ensure the physical, mental, and emotional wellbeing of its students. A student may request some of these measures be taken on their behalf even if the University does not pursue a formal investigation, however, in general interim measures will not be applied retroactively. These measures include, but are not limited to:

- Academic accommodations, to include but not limited to:
 - Transferring to another section of a lecture or laboratory
 - Rescheduling an academic assignment or test
 - Accessing academic support (e.g., tutoring)
 - Arranging for incompletes, a leave of absence, or withdrawal from campus
 - Preserving eligibility for academic, athletic, or other scholarships, financial aid, internships, study abroad, or foreign student visas
- Providing medical and mental health services, including counseling.
- Arranging changes in campus housing and/or dining locations.
- Providing assistance in finding alternative housing.
- Assistance in arranging for alternative employment arrangements and/or changing work schedules.
- A "No contact" directive pending the outcome of an investigation. Such a directive serves as notice to both Parties that they must not have verbal, electronic, written, or third party communication with one another
- Providing an escort to ensure that the student can move safely between school programs and activities.
- Transportation accommodations or parking arrangements to ensure safety and access to other services.

- Assistance identifying additional resources or assistance including off-campus and community advocacy, support, and services.
- In serious cases, an interim suspension may be considered in order to ensure overall campus safety.

Failure to adhere to the parameters of any University-directed interim measure may result in immediate action by the Title IX Coordinator for failure to comply with a reasonable directive, and failure to cooperate with officials in a University investigation.

Law Enforcement Investigations

Certain acts may constitute both a violation of University policy and criminal activity. The University encourages students to report such acts promptly to local law enforcement agencies, and will assist them in doing so if requested. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this policy, criminal investigations or reports are not determinative of whether a violation has occurred as it relates to this policy. The filing of a complaint of a sexual assault under this policy is independent of any criminal investigation or proceeding.

While the University's investigation may be delayed temporarily while the criminal Investigators are gathering evidence, the University will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and will issue immediate interim measures as necessary.

If police have not already been notified, the University may be obligated to contact law enforcement if it has reasonable belief that a crime has been committed. The Reporting Party will be notified if such a report is necessary. This does not mean charges will be automatically filed or that a Reporting Party must speak with the police, only that the institution is legally required to notify law enforcement authorities.

Preserving Evidence

Preserving evidence is important in cases of both sex-based discrimination and sexual misconduct. Electronic evidence can be extremely important for the outcome of an investigation. Save and/or screenshot any relevant text messages, social media posts, photos, snapchats, voicemails or emails. These can be provided to Public Safety or the Title IX investigator for use in a University investigation.

After a sexual assault, vital evidence may remain on your body or clothes. It is important to not shower, bathe, wash, change clothes, comb hair, eat or drink before a physical exam, if possible. Exams should typically be conducted within 120 hours of an assault. Such physical evidence is important to both a GCU investigation, as well as a police investigation. If you showered or washed, evidence may still be collectible, and medical conditions can be treated, even after 120 hours.

Preliminary Investigation

If the University receives a complaint or otherwise becomes aware of conduct that may constitute sex or gender-based discrimination, harassment, or sexual misconduct, a preliminary investigation will be conducted to assess whether the alleged facts, as immediately known, could rise to the level of prohibited conduct, and whether informal or formal resolution is appropriate. A preliminary investigation may include an initial meeting with the Reporting Party to:

- Review details of the allegation
- Provide a copy of this policy
- Explain avenues for resolution
- Explain the steps involved in an investigation
- Discuss confidentiality standards and concerns
- Determine whether the Reporting Party wishes to pursue a resolution through the University
- Referral to law enforcement, counseling, medical, academic, or other resources, as appropriate.
- Discuss interim measures that can be provided during the investigation and resolution process.

If the Reporting or Responding Party is an employee of GCU or one of its affiliates, the Title IX Coordinator, or designee, will notify Patti Stoner, Vice President of Human Resources for Grand Canyon Education, Inc.

If the Title IX Coordinator, or designee, determines that a full investigation is not warranted, the Reporting Party will be provided written notification of the decision and any remedial measures that the University plans to implement in order to ensure the concerns were reviewed and addressed. A determination that a full investigation under this policy is not warranted does not preclude the University from taking appropriate steps to eliminate, deter, remedy, or address prohibited or otherwise disruptive conduct.

Timeframes for Resolution of Complaints

A Title IX Investigation will normally be completed within 60 calendar days after the University has notice of an allegation of prohibited conduct. The Title IX Coordinator or designee may extend this timeframe for good cause, including but not limited to, law enforcement involvement, number of witnesses to be interviewed, and University breaks. The University will take all reasonable efforts to apprise the Parties of the progress of the investigation. Anyone with a perceived conflict of interest may not be a part of the fact finding or decision making process.

Investigation and Resolution Procedures:

Informal Resolution

Some complaints may allow for a voluntary informal resolution. After the Responding Party has the opportunity to review the written complaint, if informal resolution is appropriate, a resolution of the conflict that is agreeable to all Parties will be pursued. Under the informal process, GCU is required to only conduct such fact-finding as is useful to resolve the complaint, and to protect the interests of the Parties, the University, and the community. A formal investigation can be requested at any time by the Parties during the informal resolution process, or as initiated by GCU. If a satisfactory resolution is reached, the matter will be considered closed, and both Parties will be provided written notification of the outcome.

Responding Party Admits to Violation

If at any point during the investigative process the Responding Party admits to the Title IX policy violation, the investigation will conclude and be submitted for adjudication. The Title IX Coordinator will review the prepared investigative materials, along with the Responding Party's admission, and will determine sanctions accordingly.

The Role of Advisors/Support Persons

All Parties are entitled to an advisor of their choosing to guide and accompany them throughout the campus resolution process. The advisor may be a friend, mentor, family member, attorney or any other supporter. However, a witness may not also serve as advisor/support person.

The Parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, and hearings. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The University cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the University is not obligated to provide one.

All advisors are subject to the same rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting, interview or hearing unless invited to. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the Parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors are expected to refrain from interference with the University investigation and resolution. Any advisor who steps out of their role in any meeting under the campus resolution process will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX

Coordinator or a Deputy will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The University expects that the Parties will wish to share documentation related to the allegations with their advisors. The University provides a consent form that authorizes such sharing. The Parties must complete this form before the University is able to share records with an advisor. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with 3rd Parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University will restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

The University expects an advisor to adjust their schedule to allow them to attend University meetings when scheduled. The University does not typically change scheduled meetings to accommodate an advisor's inability to attend. The University will, however make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available. A party may elect to change advisors during the process, and is not locked into using the same advisor throughout.

False Reports

Any member of the University community who knowingly files a false complaint of sex or gender-based discrimination or harassment, or who knowingly provides false information to or intentionally misleads University officials who are investigating or reviewing a complaint of alleged prohibited conduct, is subject to disciplinary action up to and including discharge for employees and dismissal for students.

Formal Investigation and Adjudication Where the Responding Party is an Individual

If investigation is to commence, the Responding Party will receive a Notice of Investigation as notification that a report has been filed, and will have the opportunity to review the written complaint or otherwise be informed of the substance of the allegation. If the Responding Party cannot be located, attempts at notification will be documented and additional University actions may take place to ensure a documented response to the notification.

A trained Investigator will interview the Reporting Party, Responding Party, and, as applicable, any witnesses. The Reporting Party and Responding Party may each have an advisor of their choice present at all interviews in which they participate. The Investigator will also gather any pertinent evidentiary materials (this may include, but is not limited to, emails, written documents, or photographs). During the investigation process, both the Reporting Party and the Responding Party will have opportunity to provide the Investigator with evidence and/or specify witness information. The Investigator will then prepare a report detailing the relevant content of the interviews and the documentation materials gathered, which is submitted to the Title IX Coordinator for review. Directly following the submission of the investigative report, the Title IX Coordinator will determine sanctions if a policy violation has been found, or determine that no policy violation has occurred.

At any point during the investigation, if it is determined there is no reasonable cause to believe that University policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

During the course of an investigation, should the Responding Party withdraw from the University, official transcripts will not be released until the conclusion and adjudication of the investigation.

For all levels of adjudication, the rules of evidence, process and procedure used in civil or criminal court do not apply and will be based on the preponderance of the evidence standard (i.e. it is more likely than not that a policy violation occurred).

Adjudication Where the Responding Party is an Individual

Administrative Adjudication – No Policy Violation

Prior to submission to the Title IX Coordinator, or designee, both Parties will have the opportunity to review the investigative report and the documentation material. If no violation is found to have occurred, the Reporting Party will be given the opportunity to accept the finding of no violation. If the Reporting Party accepts, the decision of no violation will be communicated to both Parties in writing, and the decision is not appealable by the Reporting Party. The Reporting Party will have 3 days to decide to accept or reject the finding. If the Reporting Party does not submit a decision within the 3 days, the decision of no violation will be finalized. If the Reporting Party rejects the finding of no violation, the case will be forwarded to the Title IX Hearing Board. The Responding Party will be notified of the submission to the Title IX Hearing Board. GCU will continue to assist the Parties with resources as applicable.

Administrative Adjudication – Policy Violation Established

Prior to submission to the Title IX Coordinator, or designee, both Parties will have the opportunity to review the investigative report and the documentation material. If a violation is found to have occurred, the Responding Party will be given the opportunity to accept the findings and sanctions as issued by the Title IX Coordinator, or designee. If the Responding Party accepts, the decision and sanctions will be communicated to both Parties in writing, and the decision is not appealable by the Responding Party. The Responding Party will have 3 days to decide to accept or reject the finding. If the Responding Party does not submit a decision within the 3 days, the sanctions will be imposed as outlined in the decision letter. If the Responding Party rejects the findings and sanctions, the case will be forwarded to the Title IX Hearing Board. The Reporting Party will be notified of the submission to the Title IX Hearing Board. GCU will continue to assist the Parties with resources as applicable.

Title IX Hearing Board Adjudication – Policy Violation Established

If the decision rendered through the Administrative Adjudication is rejected, the issue is forwarded to the University's Title IX Hearing Board for a formal hearing, which will be convened within 10 business days of the Reporting or Responding Party's rejection of the finding. The Parties will be notified of the date, time, and location of the hearing. One member of the Board will be designated as the Chair and responsible for administering the hearing and recording the decision. The Board members will be given timely and equal access to the information that will be used at the hearing.

A Title IX Hearing Board meeting regarding a violation under this policy will consist of the following components:

- Introduction of members and procedural rules
 - Reporting Party, Responding Party, and Advisors are to address the Board only.
 - Reporting Party, Responding Party, and Advisors cannot interact with and are not permitted to speak to or question opposing party.
 - Reporting Party, Responding Party, and Advisors cannot interject or correct the Investigator or opposing party during the presentation of the case.
- Presentation of the information and investigative report by the Investigator
- Questions asked by Board (directed toward Investigator, or the Parties as necessary)
- Closed deliberation, as determined by a majority vote, by Title IX Hearing Board.

The Reporting Party has the option to not be in the same room with the Responding Party during the hearing, and the University will accommodate and facilitate such requests to the extent practicable. It is not required that either Party attend the scheduled hearing; however, the hearing will proceed in their absence, and a determination will be made by the Title IX Hearing Board.

Where the preponderance of the evidence supports the findings against the Responding Party, the Title IX Hearing Board will institute penalties for the infractions in accordance with the sanction statement listed above. Notification of the decision will be provided in writing to both Parties within three (3) business days after the hearing has been completed. GCU will continue to assist the Reporting Party with resources as applicable.

Appeal Process

Either party will have three (3) business days to appeal the decision made during the hearing. All appeals must be made in writing, providing additional documentation for consideration. Appeals are not intended to be full re-hearings of the complaint, and as such, appeals will only be accepted based on one of the following factors:

- Procedural error or omission
- New evidence that was unknown or not available during the original hearing
- Substantially disproportionate sanctions

Disagreement with the findings or sanctions is not, by itself, grounds for an appeal. The request for an appeal, including the grounds upon which the request is based and the documentation thereof should be submitted in writing to the Title IX Coordinator:

Shanna Milonas, MBA
Assistant Vice President of Academic Compliance
3300 W. Camelback Road
Phoenix, AZ 85017
602-639-5900
TitleIX@gcu.edu

Both Parties will be notified in writing if an appeal is submitted. The appeal will be submitted for an initial review to the Title IX Appeal Committee, who will be given timely and equal access to the compliant, investigative report, appeal, and any other relevant documentation. One member of the Committee will be designated as the Chair and responsible for administering the hearing and recording the decision. The Title IX Appeal Committee will review the appeal and new documentation to determine if the appeal meets the limited grounds described above. If the Title IX Appeal Committee determines that grounds are met, it will review the appeal in light of the new information. Appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. Appeal decisions are to be differential to the original hearing body, making changes to the finding only where this is clear error, and only to the sanction if there is a compelling justification to do so. A decision will be issued within 15 business days of the appeal being accepted. Any sanctions will remain in place during the appeal process. The Title IX Appeal Committee's decision to deny an appeal request, or an appeal decision is considered the final decision of the University.

Investigation and Adjudication Where the University, College, or Department is the Responding Party

If an investigation is to commence, a representative of the University, College, or Department will receive a Notice of Investigation as notification that a report has been filed, and will have the opportunity to review the written compliant or otherwise be informed of the substance of the allegation.

A trained Investigator will interview an appropriate representative, other individuals as deemed necessary and appropriate by the Investigator, and any witnesses. The Investigator will also gather any pertinent evidentiary materials (this may include, but is not limited to, emails, written documents, or photographs). During the investigation process, both the Reporting Party and the representative from the Responding Party will have opportunity to provide the Investigator with evidence and/or specify witness information. The Investigator will then prepare a report detailing the relevant content of the interviews and the documentation materials gathered, which is submitted to the Title IX Coordinator for review. Directly following the submission of the investigative report, the Title IX Coordinator, or designee, will determine sanctions if a policy violation has been found, or determine that no policy violation has occurred.

At any point during the investigation, if it is determined there is no reasonable cause to believe that University policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

For all levels of adjudication, the rules of evidence, process and procedure used in civil or criminal court do not apply and will be based on the preponderance of the evidence standard (i.e. it is more likely than not that a policy violation occurred).

Administrative Adjudication – No Policy Violation

If no violation is found to have occurred, such outcome will be communicated in writing to both Parties. If the Reporting Party rejects the findings, they may have the investigation reviewed as outlined below. GCU will continue to assist the Reporting Party with resources as applicable.

Administrative Adjudication – Policy Violation Established

Prior to submission to the Title IX Coordinator, or designee, both Parties will have the opportunity to review the investigative report and the documentation material. If a violation is found to have occurred, such outcome will be communicated in writing to both Parties, along with the recommended corrective action. The Responding Party will have 3 days to decide to accept or reject the corrective action. If the Responding Party does not submit a decision within the 3 days, the corrective actions will be imposed as outlined in the decision letter.

Title IX Hearing Board Adjudication – Policy Violation Established

If either Party rejects the Title IX Coordinator findings and corrective action, the case will be forwarded to the University's Title IX Hearing Board, which will be convened within 10 business days of the Party's rejection of the findings and/or corrective actions, and the other Party will be notified of the submission to the Title IX Hearing Board. GCU will continue to assist the Reporting Party with resources as applicable.

A Title IX Hearing Board meeting regarding a violation under this policy will consist of the following components:

- Introduction of members and procedural rules
 - Reporting Party, Responding Party, and Advisors are to address the Board only.
 - Reporting Party, Responding Party, and Advisors cannot interact with and are not permitted to speak to or question opposing party.
 - Reporting Party, Responding Party, and Advisors cannot interject or correct the Investigator or opposing party during the presentation of the case.
- Presentation of the information and investigative report by the Investigator
- Questions asked by Board (directed toward Investigator, or the Parties as necessary)
- Closed deliberation, as determined by a majority vote, by Title IX Hearing Board.

The Reporting Party has the option to not be in the same room with the Responding Party during the hearing, and the University will accommodate and facilitate such requests to the extent practicable. It is not required that either Party attend the scheduled hearing; however, the hearing will proceed in their absence, and a determination will be made by the Title IX Hearing Board.

Where the preponderance of the evidence supports the findings against the Responding Party, the Title IX Hearing Board will institute penalties for the infractions in accordance with the sanction statement listed above. Notification of the decision will be provided in writing to both Parties within three (3) business days after the hearing has been completed. GCU will continue to assist the Reporting Party with resources as applicable.

Appeal Process

Where the Responding Party is the University, College, or Department, and a policy violation has been found to have occurred, the decision of the Title IX Hearing Board is final; there are no grounds for an appeal. If no policy violation has been found to have occurred, the Reporting party will have three (3) business days to appeal the decision made during the hearing. All appeals must be made in writing, providing additional documentation for consideration. Appeals are not intended to be full re-hearings of the complaint, and as such, appeals will only be accepted based on one of the following factors:

- Procedural error or omission
- New evidence that was unknown or not available during the original hearing
- Substantially disproportionate sanctions

Disagreement with the findings or sanctions is not, by itself, grounds for an appeal. The request for an appeal, including the grounds upon which the request is based and the documentation thereof should be submitted in writing to the Title IX Coordinator:

Shanna Milonas, MBA
Assistant Vice President of Academic Compliance
3300 W. Camelback Road
Phoenix, AZ 85017
602-639-5900
TitleIX@gcu.edu

Both Parties will be notified in writing if an appeal is submitted. The appeal will be submitted for an initial review to the Title IX Appeal Committee, who will be given timely and equal access to the compliant, investigative report, appeal, and any other relevant documentation. One member of the Committee will be designated as the Chair and responsible for administering the hearing and recording the decision. The Title IX Appeal Committee will review the appeal and new documentation to determine if the appeal meets the limited grounds described above. If the Title IX Appeal Committee determines that grounds are met, it will review the appeal in light of the new information. Appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. Appeal decisions are to be differential to the original hearing body, making changes to the finding only where this is clear error, and only to the sanction if there is a compelling justification to do so. A decision will be issued within 15 business days of the appeal being accepted. Any sanctions will remain in place during the appeal process. The Title IX Appeal Committee's decision to deny an appeal request, or an appeal decision is considered the final decision of the University.

Enforcement:

Any question of interpretation or application of this policy will be referred to the Title IX Coordinator, or designee, for final determination.

University students are responsible for knowing the information, policies, and procedures outlined in this document.

The University may, at any time, in its sole discretion, change, modify or vary from anything stated in this policy, with or without notice. Nothing contained in this or any other policy, procedure or work rule of the University shall affect the "at will" status of any employee.