

# ***GRAND CANYON UNIVERSITY®***



Information, Policy and Resources:  
**SEXUAL MISCONDUCT**



## INTRODUCTION

Grand Canyon University is committed to providing an academic environment free from gender-based discrimination and/or harassment. This includes sexual harassment, sexual misconduct, sexual assault, domestic/dating violence and stalking. GCU's Title IX and Non-Discrimination Policy applies to all university programs and activities, as well as all members of the GCU community, including campus guests.

This booklet intends to provide important information about procedures students should follow if one of these crimes has been committed, the university's responsibilities and most importantly – how we can help. The university determines whether or not a university policy has been violated and the subsequent sanctions assigned to breaches in policy.

## ASSISTANCE

Students who have experienced sexual misconduct (including sexual violence) have many services available to them so that they can obtain information and support. If you have experienced any type of sexual misconduct, know that we are here to help. There are a number of resources at GCU to assist you with your health and safety.

### Reporting the Incident

- **Emergency:** 911
- **Title IX:** 602-639-5900 or [TitleIX@gcu.edu](mailto:TitleIX@gcu.edu)
- **Grand Canyon University Department of Public Safety:**  
602-639-8100 or in person at the Public Safety office
- **Phoenix Police Department (non-emergency):** 602-262-6151
- **Residence Life:** 602-639-6244

### Preserving Evidence

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. See "Seeking Medical Assistance" below for information on where to go for an exam, typically within 120 hours of an assault. Such physical evidence is important to both a GCU investigation, as well as a police investigation and even if you showered or washed, evidence may still be collectible and medical conditions can be treated, even after 120 hours.

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 should be provided to the Title IX investigator or Public Safety for use in a university investigation.

## Seeking Medical Assistance

Seeking medical assistance in a timely manner is important in order to treat any possible injuries. In addition to receiving medical attention, you may wish to have a sexual assault forensic exam completed for evidentiary purposes in criminal or civil procedures.

For immediate medical attention, please contact 911 or go to a local hospital emergency room. The following locations can provide medical care and also preserve evidence through a sexual assault forensic exam:

- **Abrazo Central Campus:** 2000 W. Bethany Home Road, Phoenix, AZ 85015
- **Abrazo Maryvale Campus:** 5102 W. Campbell Ave., Phoenix, AZ 85031
- **HonorHealth John C. Lincoln Medical Center:** 250 E. Dunlap Ave., Phoenix, AZ 85020
- **St. Joseph's Hospital and Medical Center:** 350 W. Thomas Road, Phoenix, AZ 85013

RAINN, the National Sexual Assault Hotline at 800-565-HOPE (4673), can provide assistance with finding a local health facility that is trained to care for survivors of sexual assault and offers services like sexual assault forensic exams.

The following locations can provide medical care and may be able to assist with preserving evidence through a sexual assault forensic exam:

- **Phoenix Family Advocacy Center: 2120 N. Central Ave. (2nd Floor), Phoenix, AZ 85004**
- **Scottsdale Family Advocacy Center:** 10225 E. Via Linda, Scottsdale, AZ 85258
- **HonorHealth Forensic Nursing Services:** 10225 E. Via Linda, Scottsdale, AZ 85258
  - Call 480-312-6339 (available 24/7), enter a callback number and a nurse will call soon after to arrange an exam.

GCU's Health and Wellness Clinic can assist with basic medical needs but cannot perform sexual assault forensic exams. Anything reported to GCU's Health and Wellness Clinic can be done in **complete confidence**. Contact the clinic at 602-639-6215 or visit the office in Papago Apartments Monday through Friday, from 8:30 am - 4:30 pm.

## Crisis Hotlines

You can speak to one of the national hotlines specializing in assisting those in the immediate aftermath of sexual violence in **complete confidence**.

- **National Sexual Assault Hotline:** 800-656-HOPE or chat online at [online.rainn.org](https://online.rainn.org)
- **National Domestic Violence Hotline:** 800-799-SAFE
- **EMPACT Sexual Assault Hotline:** 480-736-4949

## Continuing Support

- **Counseling Services:** Make a counseling appointment at GCU's Student Care Office or call 602-639-7007. Anything discussed with a licensed mental health counselor or counseling center staff can be done in **complete confidence**.
- **No-Contact Order:** GCU can issue a "no-contact order" that prohibits all in person and electronic contact between the parties involved. We can also assist with changes to academic, living or work situations.
- **Protective Order:** You may be able to obtain a protective order from a court; a violation of the protection order can result in criminal charges being issued. GCU will enforce external protective orders. Call GCU's Department of Public Safety at 602-639-8100 for more information.

## **Filing a Complaint**

You have multiple options when reporting sexual misconduct. You can choose to pursue all, some or none of these options. While you are not required to file the report immediately after the incident, it is important to preserve any evidence. If you report the issue to GCU, we are obligated to investigate and respond, even if you also file a criminal complaint.

### ***Criminal Complaint:***

To file a criminal complaint, contact GCU's Department of Public Safety. Public Safety can help you obtain information regarding reporting to the police or obtaining an order of protection, as well as assist you with filing a criminal complaint. You may also contact the Phoenix Police Department directly at 602-262-6151. A criminal complaint is subject to the applicable criminal laws and statutes. A university Title IX policy violation does not always equate to a criminal violation, but in many cases, overlap may occur. It is important to note that GCU is required to conduct its own Title IX investigation, regardless of a criminal complaint being filed with the police.

### ***University Complaint:***

- The Title IX Coordinator: [TitleIX@gcu.edu](mailto:TitleIX@gcu.edu) or 602-639-5900
- The Deputy Title IX Coordinator
- An Assistant Deputy Title IX Coordinator
- Public Safety: 602-639-8100
- Any Resident Assistant (RA) or Resident Director (RD)
- Any staff or faculty member

This complaint process is governed by the Title IX and Non-Discrimination Policy. The standard of proof is "a preponderance of the evidence," which means "more likely than not." The university can institute penalties ranging from a formal warning to expulsion. For more information, visit [gcu.edu/TitleIX](https://www.gcu.edu/TitleIX)

### ***Anonymous Complaint:***

To file a complaint anonymously, use the TIPS Online Reporting Tool on the Public Safety website. If you choose to provide your contact information, the university will contact you to offer information and support. If you do not provide contact information, the university's ability to thoroughly investigate and offer support will be severely limited.

### ***For Confidential Assistance:***

If you do not wish to file a formal complaint but do want help with finding resources to assist you, contact GCU's Health and Wellness Clinic or Student Care Office. Anything discussed with medical personnel, licensed mental health counselors or office staff will remain completely confidential. In addition to offering medical and counseling services, both the Health and Wellness Clinic and the Student Care Office can connect you with other campus resources that may be beneficial to you. It is important to note that all other campus faculty and staff are mandatory reporters.

You may also report the incident directly to the Title IX Coordinator and request confidentiality or that the complaint not be pursued. GCU will take reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality, but GCU's ability to respond may be limited. 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. In cases where the circumstances allow the university to honor requests for confidentiality or no investigation, the University will offer interim support and resources, but will not otherwise pursue formal action.



# UNIVERSITY PROCEDURES

GCU's Institutional Access and Compliance Office thoroughly investigates sexual harassment and sexual violence complaints, regardless of whether the incident occurred on or off campus. The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving a complaint. At the time that supportive measures are offered, the university will inform the complainant that they may submit a formal complaint at that time or in the future, if they have not done so already. Investigations are required to utilize the preponderance of evidence standard ("more likely than not").

GCU is committed to:

- Following grievance procedures that provide for the prompt, effective and equitable resolution of sexual harassment and sexual violence complaints.
- Ensuring staff will thoroughly, reliably and impartially investigate all complaints.
- Taking prompt and immediate steps to end the harassment, prevent its recurrence and address its effects.
- Protecting the involved parties and campus community during and upon the conclusion of the investigation.

If the offender is unknown or is not a member of the GCU community, the Title IX Coordinator will assist individuals in connecting with 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 campus community. Specific information on how investigations are conducted is found in the Title IX and Non-Discrimination Policy available at [gcu.edu/TitleIX](https://gcu.edu/TitleIX)

## Confidentiality

GCU has a mandatory reporting policy for faculty and staff. If you would like the details of an incident to be kept confidential, you can seek help or advice from:

- **On-campus:** Medical providers and medical office staff in the Health and Wellness Clinic, as well as licensed professional counselors and counseling center staff in the Student Care Office
- **Off-campus:** Professional counselors, crisis counselors and other local agencies or resources

All other university staff and faculty are required to report any alleged or possible sexual harassment and sexual misconduct.

GCU is required to investigate all allegations of sexual misconduct and violence, as well as take any actions necessary to maintain your safety and that of the university community. If a formal investigation takes place, only a certain degree of confidentiality can be assured. The students and/or employees involved, including witnesses, will be informed of the investigation to the degree necessary. University officials will be informed on a need-to-know-basis. If a complainant requests confidentiality, the university will do its utmost to respect their wishes, but ultimately it is at the Title IX Coordinator's discretion to determine if a formal investigation will take place.

To the extent permitted by law, publicly available recordkeeping will be accomplished without identifying the involved parties. Reports of crimes to the campus community will withhold the names of victims. Examples include Clery Act reporting and Timely Warning obligations.

## Non-Retaliation

GCU does not tolerate retaliation. Retaliation is any adverse effect against any person

who is involved with the filing or investigation claim of sexual harassment or sexual misconduct. Retaliation includes, but is not limited to, threats, menacing behavior, coercion or discriminatory actions. Retaliation is a serious violation and may result in immediate removal from the university.

## **STUDENT RIGHTS**

GCU responds to all complaints involving sexual discrimination, sexual harassment or sexual violence regardless of whether the incident occurred on or off campus. Students who report that they experienced these crimes, domestic violence, dating violence and stalking are afforded rights and options, regardless of where the incident occurred.

### **Reporting**

- Students have the right to have their cases reviewed by the Title IX Coordinator for university investigation and review.
- Students have the right to notify law enforcement authorities and be assisted by Public Safety in notifying law enforcement.
- Students may decline to report to law enforcement. Declining to take legal action does not mean that a student cannot pursue a university investigation.

### **Fair Process**

- All students can report instances of sexual misconduct for review through the university.
- The complainant and respondent will both have the opportunity to name witnesses and provide evidence.
- Both parties will have the opportunity to review the investigative report and documentation materials from the investigation.
- The complainant and respondent will both be notified in writing as to the outcome of any investigation the university conducts.
- Students will receive amnesty for minor student conduct violations (e.g. alcohol or drug violations) in relation to the alleged incident when reporting or participating in a sexual misconduct investigation.
- All parties involved in the investigation can do so without fear of retaliation. Any instances of retaliation will be investigated and addressed by the university.

### **Advocacy and Support**

- Campus counseling, medical, academic and spiritual services are available to all students.
- The university will assist students in reporting to local law enforcement if they request help.
- All parties are entitled to an advisor/support person to be present at any point in the investigation.

### **Interim Measures**

Complainants may obtain assistance from the university in order to feel safe and comfortable on campus. This includes, but is not limited to, no contact orders, adjustments to academic, housing and work arrangements and counseling. These services are offered regardless of whether or not a formal investigation takes place.

The respondents also have the right to be informed of, and have access to, campus resources for medical, counseling and other services as needed or requested.

## **INTERIM MEASURES AND CAMPUS RESOURCES**

### **Interim Measures**

GCU will take whatever measures necessary to create a safe environment for all students. During the course of the investigation, and upon its completion, various supportive measures

may be taken by the university in order to ensure the physical, mental and emotional well-being of its students. A student may request some of these measures be taken on their behalf, even if the university does not conduct a formal investigation; however, interim measures cannot be applied retroactively from the reporting date. These measures may include, but are not limited to:

- Academic accommodations include, but are 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, as well as 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
- Upon availability, providing an escort to ensure that the student can move safely between school programs and activities
- Upon availability, 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

## **Campus Resources**

- Medical assistance is available at GCU’s Health and Wellness Clinic. All discussions with medical professionals and medical office staff are considered completely confidential.
  - Monday - Friday: 8:30 am - 4:30 pm
  - Papago Apartments
  - For appointments and information, call 602-639-6215
- Counseling services are also offered through the Student Care Office. Male and female counselors are available. All conversations with licensed professional counselors and counseling center staff are considered completely confidential.
  - Monday - Friday: 8 am - 5 pm
  - Student Life Building (Floor 2)
  - For appointments and information, call 602-639-7007
- Further academic assistance can be obtained through GCU’s Student Disability Services (SDS). Contact them directly at 602-639-6342 or [DisabilityOffice@gcu.edu](mailto:DisabilityOffice@gcu.edu).
- The Safety Escort Program provides a public safety officer to escort you upon request. Call 602-639-8100 and provide them with your name, location and destination.
- Emergency Blue Light Phones serve as a direct connection to public safety officers and should be used if you are feeling scared or have an immediate safety concern.

- Spiritual Life on campus is available to address any spiritual needs or concerns. Spiritual Life can be reached at 602-639-6750 or [SpiritualLife@gcu.edu](mailto:SpiritualLife@gcu.edu). You can also submit a prayer request to [PrayerRequest@gcu.edu](mailto:PrayerRequest@gcu.edu).
- Tutoring is offered through the Academic and Career Excellence (ACE) Centers. You can book a tutor online at [gcu.tutortrac.com](http://gcu.tutortrac.com)



## CONSENT

### What is Consent?

Consent is knowing, voluntary and clear permission by word or action to engage in mutually agreed upon sexual activity or contact. In order for consent to be valid, the parties involved must understand the “who, what, when, where, why and how” of their sexual interaction. Silence does NOT necessarily mean consent. If consent has not CLEARLY been given, it is the responsibility of the person who wants to engage in the sexual activity to make sure that consent has been given.

- Consent to one form of sexual activity does NOT mean consent to any other form of sexual activity.
- Prior consent does NOT imply consent to the present or future.
- Consent can be withdrawn at any time during the sexual activity.
- Consent CANNOT be given by anyone under the age of 18.
- Drinking alcohol does not excuse you from your responsibilities under the policy. If you have sex with someone who is too drunk to give consent, you are violating the policy. If you have sex with someone without their clear consent, you may be in violation of the law and University Policy. Being under the influence of alcohol or drugs does NOT excuse violations of this policy. You are responsible for your behavior regardless of the circumstances.

### Force

Force can be physical violence, threats, intimidation and/or coercion that overcome resistance to gain consent. Any unreasonable pressure for sexual activity can be considered force. Consent is not valid if it is obtained through force.

### Incapacitation

If a person is in a state where they cannot make rational, reasonable decisions, they are NOT able to give consent. Incapacitation may result from mental disability, sleep, physical restraint or alcohol or drug consumption. Mutual use of drugs or alcohol cannot be used in defense of any behavior that violates GCU’s Title IX Policy.



# SEXUAL MISCONDUCT VIOLATIONS

## **Sexual Harassment is defined by the following:**

- It is an umbrella term that includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence and stalking.
- It is defined as any unwelcome, gender/sex-based verbal or physical conduct that is so severe, persistent or pervasive that it creates a hostile environment.
- It interferes with or limits someone's ability to participate in any university program and/or activity.
- Quid pro quo sexual harassment occurs when there are unwelcome sexual advances by a university employee and rejection or refusal results in a negative educational or employment action.

## **Sexual Assault (or attempts to commit)**

- Sex Offenses, Forcible: Any sexual act directed against another person, without consent, including instances in which the Complainant is incapable of giving consent.
- Forcible Rape: 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 individual, without consent.
- Forcible Sodomy: Oral or anal intercourse with another individual, forcibly and/or non-consensually.
- Sexual Assault with an Object: The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or non-consensually.
- Forcible Fondling: Any touching of the private body parts of another person, for the purpose of sexual gratification, forcibly and/or non-consensually.
- Includes contact with the buttocks, groin, or breasts of another person.
- Sex Offenses, Non-Forcible: Includes the sexual acts of incest and statutory rape.

## **Sexual Exploitation**

Sexual exploitation occurs when someone takes non-consensual or abusive sexual advantage of another for their own benefit (or for the benefit of anyone other than the one being exploited), and the behavior does not otherwise constitute sexual harassment.

Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy
- Prostituting another student
- Engaging in sex trafficking
- Non-consensual pictures, video or audio-taping of a sexual activity
- Forcing a person to take action against their own will by threatening to post, show, or share information, images, audio, or video that depicts their nudity or sexual activity
- Non-consensual voyeurism of otherwise consensual sexual activity
- Engaging in voyeurism
- Knowingly transmitting an STI, STD or HIV without informing the other person
- Causing or attempting to cause the incapacitation of another person in order to compromise their ability to consent or make them vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites or other venues designed for the purpose of dating or sexual connections Exposing one's genitals or breasts in non-consensual circumstances
- Inducing another to expose their genitals or breasts
- Soliciting a minor for sexual activity
- The creation, possession or dissemination of child pornography

## **Other Sex or Gender-Based Misconduct Offenses**

- **Dating Violence:** Any act of violence, on the basis of sex, committed by an individual who is in or has been in a social relationship of a romantic or intimate nature with another. This includes, but is not limited to, threats or the presence of sexual or physical abuse.
- **Domestic Violence:** Any act of violence, on the basis of sex, committed by a current or former spouse or intimate partner of the complainant.
- **Stalking:** Engaging in a course of conduct directed at a specific person, on the basis of sex/gender, that is directed at a specific person and would cause a reasonable person to fear for their safety, the safety of others or results in substantial emotional distress.
  - Stalking includes, but is not limited to, two or more 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.
  - Substantial emotional distress is defined as significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.
- **Bullying:** Repeated and/or severely aggressive behavior that is likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally.

## **Risk Reduction and Bystander Intervention Tips**

### ***How to help as a bystander:***

- Talk to your friends honestly and openly about sexual assault.
- Don't be just a bystander. If you see something, intervene in any way you can.
- Trust your gut. If something looks like it might be a bad situation, it probably is.
- Be direct. Ask someone who looks like they may need help if they're okay.
- Get someone to help you if you see something unusual or suspicious. Enlist a friend, residential advisor, teacher or parent to help step in.
- Keep an eye on someone who has had too much to drink.
- If you see someone who is too intoxicated to consent, enlist their friends to help them leave safely.
- Recognize the potential danger of someone who talks about planning to target another person at a party.
- Be aware if someone is deliberately trying to intoxicate, isolate or corner someone else.
- Create a distraction, draw attention to the situation or separate the people whom you are concerned about.
- Understand that if someone does not or cannot consent to sex, it is rape.
- Never blame the victim.

### ***How to keep yourself safe:***

- Be aware of your surroundings.
- Try to avoid isolated areas. Don't allow yourself to be isolated with someone whom you don't know or trust.
- Walk with a purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts.
- Make sure your cell phone is with you.
- Try to stick with your friends. You can help keep each other safe.
- Don't leave your drink unattended. Don't accept drinks from people whom you don't know or trust.

- Be true to yourself. Don't feel obligated to do anything you don't want to do.
- Lie. If you are uncomfortable or afraid, make an excuse to leave.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct.

***It is important that you fully understand the impact that these choices can have on your ability to attend or complete school, in addition to any legal ramifications that can result in a criminal record:***

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent, someone's sexual availability, whether they are attracted to you, how far you can go or whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully. Pay attention to verbal and non-verbal communication and body language.



# [gcu.edu/TitleIX](https://gcu.edu/TitleIX)

## **TITLE IX COORDINATOR**

**SHANNA MILONAS, MBA**

*Vice President of Academic Compliance*

3300 W. Camelback Road

Phoenix, AZ 85017

602-639-5900 | [TitleIX@gcu.edu](mailto:TitleIX@gcu.edu)

## **U.S. DEPARTMENT OF EDUCATION**

### **OFFICE FOR CIVIL RIGHTS**

**Lyndon Baines Johnson Department of Education Building**

Building 400, Maryland Ave., SW

Washington, D.C. 20202-1100

800-421-3481 | Fax: 202-453-6012 | TDD: 800-877-8339 | [OCR@ed.gov](mailto:OCR@ed.gov)



**INSTITUTIONAL ACCESS & COMPLIANCE**

Grand Canyon University is accredited by the Higher Learning Commission ([HLCommission.org](https://hlcommission.org)), an institutional accreditation agency recognized by the U.S. Department of Education. The information printed in this material is accurate as of NOVEMBER 2023. Approved by the Director of Institutional Access and Compliance Office on Nov. 2, 2023. ©2023 Grand Canyon University 23COM0118