

Humphreys University

Sexual Misconduct & Sexual Harassment Policy

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Humphreys University

Sexual Misconduct & Sexual Harassment Policy

I. STATEMENT OF NON-DISCRIMINATION, TITLE IX & VAWA

Humphreys University (“University”) prohibits any form of discrimination and harassment on the basis of sex, race, color, age, religion, national or ethnic origin, sexual orientation, gender identity or expression, pregnancy, marital or family status, medical condition, genetic information, veteran status, or disability in any decision regarding admissions, employment, or participation in a University program or activity in accordance with the letter and spirit of federal, state, and local non-discrimination and equal opportunity laws, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, The Age and Discrimination in Employment Act, The Americans with Disabilities Act and ADA Amendments Act, The Equal Pay Act, and various California statutes including relevant California Education Codes. To view Humphreys University’s full statement on non-discrimination, see [Humphreys University General Catalog](#).

Humphreys University also complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Security Policy and Campus Crimes Statistics Act, as amended by the Violence Against Women Act (VAWA). Title IX prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. VAWA imposes additional duties on universities and colleges to investigate and respond to reports of sexual assault, stalking, and dating or domestic violence, and to publish policies and procedures related to the way these reports are handled.

The University has designated the Title IX Coordinator to coordinate its compliance with Title IX and VAWA and to respond to reports of violations. Humphreys University has directed the Title IX Coordinator to coordinate the University’s compliance with the Clery reporting related to VAWA requirements. The University will promptly and equitably respond to all reports of sex discrimination, sexual misconduct, and sexual harassment in order to eliminate the prohibited conduct, prevent its recurrence, and redress its effects on any individual or the community.

II. POLICY STATEMENT

Title IX of the Education Amendments of 1972 (“Title IX”) prohibits discrimination based on sex in education programs and activities that receive federal financial assistance. Humphreys University is committed to the principles of equal opportunity and seeks to establish and maintain an environment which ensures equal access to education for all University community members including students, applicants for admission, employees, applicants for employment, guests, and visitors. Humphreys University does not discriminate on the basis of sex in any education program or activity operated by the University including, but not limited to, admissions, employment, recruitment, compensation, and athletics as well as access to housing and facilities, classes and schools, counseling, employment assistance to students, health and insurance benefits and services, and fringe benefits. Humphreys University is required by Title IX and the regulations thereunder not to discriminate in such a manner.

For additional information or inquiries about the application of Title IX and the regulations thereunder, the responsibilities specified in SB493, contact Humphreys University's Title IX Coordinator and/or the Assistant Secretary of the United States Department of Education.

The Title IX Coordinator's contact information is as follows:

Carrie Castillon

Director of Administrative Services & Title IX Coordinator

6650 Inglewood Ave, Stockton, CA 65207

Phone: (209) 478-0800

Email: carrie.castillon@humphreys.edu

The contact information for the United States Department of Education, Office for Civil Rights regional office is as follows:

Office for Civil Rights,

San Francisco Office

U.S. Department of Education

50 United Nations Plaza

San Francisco, CA 94102

Telephone: (415) 486-5555

Facsimile: (415) 486-5570

Email: OCR.SanFrancisco@ed.gov

Complaints with the Office for Civil Rights must be filed within one hundred eighty (180) days of the last act that the complainant believes was discriminatory. There is no time limit for making a report to Humphreys University. You can find OCR complaint forms at:

<https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

III. THE POLICY

A. SCOPE OF POLICY & GENERAL REPORTING INFORMATION

This policy applies to prohibited conduct (as defined in this policy) that occurs in a Humphreys University educational program or activity that is likely to have a substantial adverse effect on any member of the University community. The institutions' primary concern is student safety. There is no time limit for reporting allegations of sex discrimination, sexual misconduct, and sexual harassment, however, the University strongly encourages the prompt reporting of incidents to allow the institution to respond promptly and effectively. If the reported respondent is not a member of the Humphreys University community or is no longer associated with the University at the time of the report or at the time in which a resolution process is initiated, the University may be unable to conduct an investigation or take disciplinary action. The appropriate grievance or complaint process regarding a report will depend upon the form of prohibited conduct and status of the complainant at the University.

Humphreys University provides the following information on how to report sex discrimination, sexual misconduct, and sexual harassment to the University and outlines Humphreys University's response to such reports.

Any person may experience sex discrimination, sexual misconduct, or sexual harassment, irrespective of the identity of the complainant or respondent, and is encouraged to report such incidents to Humphreys University. Any person, regardless of whether or not the person reporting the alleged incident is the person alleged to be victimized by the incident, may report sex discrimination, sexual misconduct, or sexual harassment to the Title IX Coordinator. Reports may be made in person, by mail, by telephone, by email, or any other means that result in the Title IX Coordinator receiving a person's written or verbal report. Individuals may also download and submit the [Incident Report](#) by email, mail, or in-person to the Title IX Coordinator.

Reports may be made at any time, including during non-business hours, by using the telephone number or email address or by mail to the office address listed for the Title IX Coordinator.

The Humphreys University Title IX Coordinator is:

Carrie Castillon

Director of Administrative Services & Title IX Coordinator

6650 Inglewood Ave, Stockton, CA 65207

Phone: (209) 478-0800

Email: carrie.castillon@humphreys.edu

When the Title IX Coordinator receives a report (either written or oral) of sexual misconduct or sexual harassment, they will contact the complainant to provide supportive measures. For more information about [Supportive Measures](#), see Section III.D.

Upon receipt of a report, complaint, or formal complaint, the Title IX Coordinator will review the details of the alleged incident and conduct a preliminary assessment to determine which of the University's grievance procedures will be applied to address the report. Regardless of the type of incident, Humphreys University applies prompt and equitable grievance procedures to resolve complaints of sex discrimination,

sexual misconduct, and sexual harassment. The University's grievance procedures apply equally to all persons regardless of sex, gender, sexual orientation or gender identity.

Formal complaints of incidents of [sexual harassment](#) as defined under Title IX involving Humphreys University students or employees will be addressed using [Process A: Title IX Formal Complaint & Grievance Process](#), found in Section VI. of this policy.

Complaints of incidents of [sexual misconduct](#) as defined in Section III.C. of this policy will be addressed using [Process B: Sexual Misconduct Complaint Resolution Process](#), found in Section VI. of this policy.

Incidents of sex discrimination which do not involve sexual harassment as defined under Title IX or sexual misconduct will be addressed using the procedures outlined in the Humphreys University General Catalog or appropriate Employee Handbook.

If known, the Title IX Coordinator will notify the complainant of the University's grievance procedures which correspond to the alleged incident.

See Section V. [Reporting Sex Discrimination, Sexual Misconduct & Sexual Harassment](#) to make a report of prohibited conduct.

B. TITLE IX COORDINATOR RESPONSIBILITIES

All educational institutions receiving federal financial assistance must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX of the Education Amendment of 1972, which prohibits sex discrimination in education programs and activities. These designated employees are generally referred to as Title IX Coordinators.

The following person has been designated as the Title IX Coordinator at Humphreys University:

Carrie Castillon

Director of Administrative Services & Title IX Coordinator

6650 Inglewood Ave, Stockton, CA 65207

Phone: (209) 478-0800

Email: carrie.castillon@humphreys.edu

The Title IX Coordinator is responsible for responding to reports and complaints of sex discrimination, sexual misconduct, and sexual harassment on behalf of Humphreys University. The Title IX Coordinator's responsibilities include, but are not limited to:

- Receiving the required training in relevant state and federal laws, as well as the University's policies and procedures;
- Advising an individual, including a complainant, third-party reporter, or respondent, about the University's policies and procedures related to sex discrimination, sexual misconduct, and sexual harassment as well as explaining courses of action available at the University and the courses of action available externally regarding any such incidents, including reporting to law enforcement;

- Providing complainants with information about the existence of criminal and civil prosecutions as well as civil law remedies, including but not limited to, injunctions, restraining orders, or other remedies or orders that may be available, if appropriate;
- Receiving incident reports of sex discrimination, sexual misconduct, and sexual harassment;
- Informing complainants of the availability of supportive measures;
- Informing complainants of the process for filing a formal complaint under Title IX;
- Offering supportive measures to complainants designed to restore or preserve equal access to the University's education program or activity;
- Conducting Title IX investigations;
- Working with respondents to provide supportive measures, as appropriate;
- Coordinating the effective implementation of both supportive measures (to one or both parties) and remedies to a complainant as well as disciplinary sanctions which may be imposed upon a respondent after the formal complaint process;
- Handling other tasks and responsibilities as determined by the Title IX Coordinator.

C. PROHIBITED CONDUCT

Humphreys University prohibits a broad spectrum of behavior, including sex discrimination, sexual misconduct, and sexual harassment.

Sexual misconduct and sexual harassment may also encompass criminal conduct under California and/or federal law. Additionally, sexual misconduct and sexual harassment under this policy may result in civil and/or administrative legal consequences.

The following conduct is specifically prohibited under this policy:

i. Sex Discrimination

Discrimination against an individual based on that person's sex, gender, gender identity or sexual orientation.

ii. Sexual Misconduct

1. Sexual Harassment under California Law¹

Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

- Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.

¹ CA SB493 and California Education Code § 66262.5 and § 212.5

- Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work, living, or educational environment.
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Sexual Violence: Physical sexual acts perpetrated against a person without the person's affirmative consent, as defined in [Section III.D.](#) of this policy. Physical sexual acts include both of the following:

Rape: Penetration, no matter how slight, of the vagina or anus with any part or object, or oral copulation of a sex organ by another person, without the consent of the victim.

Sexual Battery: Intentional touching of another person's intimate parts without consent, intentionally causing a person to touch the intimate parts of another without consent, or using a person's own intimate part to intentionally touch another person's body without consent.

Sexual Exploitation: Person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, including, but not limited to, any of the following acts:

- The prostituting of another person.
- The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion.
- The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent.
- The distribution of images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure.
- The viewing of another person's sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire.

2. Other Forms of Sexual Misconduct

Sexual misconduct also includes inappropriate contact or communication of a sexual nature. The following list includes terms and examples of sexual misconduct:

- Verbal conduct such as epithets, derogatory comments or slurs;
- Visual displays such as derogatory or offensive posters, drawings or images;
- Obscene communications, or bullying based on gender or sexual orientation;
- Persistent, unwelcome flirtation, advances and/or propositions of sexual nature;
- Repeated insults, "wolf-whistling," humor, jokes and/or anecdotes that belittle or demean an individual's or a group's sexuality or sex;
- Repeated, unwelcome comments of sexual nature about an individual's body or clothing;

- Unwarranted displays of sexually suggestive objects or pictures;
- Inappropriate touching, such as patting, pinching, hugging, or repeated brushing against an individual's body that interferes with study, work or activities;
- Pressure for sexual favors;
- Threats or demands to submit to sexual requests;
- Administration of date rape drug(s);
- Non-consensual sexual contact;
- Invasion of sexual privacy;
- Prostitution;
- Non-consensual video or audiotaping of sexual activity;
- Going beyond the boundaries of conscience, such as letting your friends hide in a closet to watch consensual intercourse;
- Knowingly transmitting an STI or HIV to another individual;
- Possession of child pornography;
- Promotion of human sex trafficking;
- Forced Oral Copulation, defined as the act of copulating the mouth of one person with the sexual organ or anus of another person;
- Committing, attempting, or inciting another to commit sexual contact with another member of the University community without that person's consent, including but not limited to, rape and other forms of sexual assault; and
- Other behaviors defined as Title IX Sexual Harassment Section III.C.iii. of this policy which occur outside of Humphreys University education program or activity and/or the United States.

*Note: Certain acts defined in this section may overlap with the definitions of conduct described in Section III.C.iii. of this policy as Title IX Sexual Harassment (e.g. rape). In these instances, and if the conduct occurred in a University education program or activity as well as in the United States, Humphreys University will consider such conduct Title IX Sexual Harassment rather than Sexual Misconduct, requiring the University to address formal complaints of such conduct using Process A: Title IX Formal Complaint & Grievance Process. The Title IX Coordinator will assist individuals in understanding the differences between Sexual Harassment under California Law and Title IX Sexual Harassment.

iii. Title IX Sexual Harassment

Sexual Harassment is a form of sex discrimination. Title IX defines sexual harassment as conduct on the basis of sex that satisfies **one or more of the following three types of behavior**:

1. Quid pro quo harassment

A Humphreys University employee conditioning provision of an aid, benefit or service of the University on an individual's participation in unwelcome sexual conduct. For example, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational or employment progress, development or performance. This

includes when submission to such conduct would be a condition for access to receiving the benefits of or opportunities in any educational or employment program.

Quid pro quo harassment does not need to be severe and pervasive, as required under Paragraph iii.2 below, because the abuse of authority in the form of even a single instance is inherently offensive and serious enough to jeopardize equal educational access.

2. Davis Standard: Denial of Equal Educational Access due to Severe, Pervasive, and Objectively Offensive Conduct

Unwelcome conduct determined by a reasonable person to be so **severe, pervasive and objectively offensive** that it effectively denies a person equal access to Humphreys University's education program or activity.

Signs of enduring *unequal* educational access due to severe, pervasive, and objectively offensive sexual harassment may include skipping class to avoid a harasser, a decline in a student's grade point average, or having difficulty concentrating in class. However, no concrete injury is required to conclude that serious harassment would deprive a reasonable person in the complainant's position of the ability to access the University's education program or activity on an equal basis with persons who are not suffering such harassment.

3. Sexual Assault, Dating Violence, Domestic Violence, and Stalking

Sexual Assault: Forcible or non-forcible sex offenses under the FBI's Uniform Crime Reporting program (U.C.R.).

Various forms of sexual assault include:

Sex Offenses, Forcible: 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 of his/her temporary or permanent mental or physical incapacity.

Forcible Sodomy: Oral or anal sexual intercourse with another 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 of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sexual Assault/Penetration 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 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 his/her youth or because of his/her temporary or permanent mental or physical incapacity.

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 his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sex Offenses, Nonforcible: (Except Prostitution Offenses) Unlawful, nonforcible sexual intercourse.

Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent. In California, the age of consent is 18.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:

1. The length of the relationship
2. The type of relationship
3. The frequency of interaction between the persons involved in the relationship

Domestic Violence: Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. 34 *U.S.C. 12291 (a)(8)*. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. *Cal. Penal Code § 13700(b)*.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

Sexual assault, which includes rape, is referenced in the third prong of the definitions of sexual harassment. Note that any report of sexual assault, dating violence, domestic violence, or stalking is not subject to the Davis elements referenced in the second prong of definitions of sexual harassment, which consider whether the incident was "severe, pervasive, and objectively offensive." A single act of sexual assault, dating violence, domestic violence, and stalking does not need to demonstrate severity, pervasiveness, objective offensiveness, or denial of equal access to education because denial of equal access is assumed. Therefore, complainants can feel confident reporting such incidents to Humphreys University and receive supportive measures without wondering whether sexual assault is 'bad enough' to report.

Humphreys University is required under Federal Title IX regulations to respond to incidents of sexual harassment as stated above. Additionally, conduct outlined in the above definitions of sexual harassment and sexual misconduct may be considered a violation of California state law and subject to mandatory reporting and/or criminal investigation.

D. ADDITIONAL INFORMATION

Affirmative Consent

Humphreys University uses an affirmative consent standard in the determination of whether consent was given by both parties to sexual activities. “Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that the person has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

When evaluating complaints and formal complaints in any disciplinary process related to sexual misconduct and sexual harassment, it will not be considered a valid excuse to alleged lack of affirmative consent that the respondent believed that the complainant consented to sexual activity under either of the following circumstances:

- The respondent’s belief in affirmative consent arose from the intoxication or recklessness of the accused.
- The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the complainant affirmatively consented.

Additionally, in the evaluation of complaints and formal complaints in the disciplinary process related to sexual misconduct and sexual harassment, it shall not be a valid excuse that the respondent believed that the complainant affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

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

Amnesty Provision

Humphreys University encourages reporting of prohibited conduct. It is in the best interest of the University community that individuals come forward to make reports of prohibited conduct, regardless of whether they have engaged in conduct in violation of the University’s Student Code of Conduct, such as using drugs or alcohol at or near the time of the incident. To encourage reporting in these types of situations, a complainant or witness who participates in the investigation procedures outlined in this policy will not be subject to disciplinary sanctions for a violation of the University’s behavior standards or other University policy (i.e. will grant the student amnesty) unless the University determines that the violation was egregious. Egregious violations include acts that: (1) place the health or safety of themselves or others at risk; or (2) involves plagiarism, cheating or academic dishonesty. The University reserves the right to require individuals who are granted amnesty under this section to participate in assessments, training,

counseling, or educational programs, including but not limited to topics such as health and safety, professionalism, or harassment/discrimination prevention.

Privacy, Confidentiality & Privilege

The institutions primary concern is student safety. Humphreys University is committed to protecting the privacy of all individuals involved in a report of sex discrimination, sexual misconduct, and/or sexual harassment. In any report under this policy, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a careful assessment of the allegation and any necessary steps to eliminate the harassment, prevent its recurrence, and address its effects. Privacy, confidentiality, and privilege have distinct meanings under this policy.

Privacy

Privacy generally means that information related to a report of sex discrimination, sexual misconduct, or sexual harassment will only be shared with a limited circle of individuals, including individuals who “need to know” in order to assist in the review, investigation, or resolution of the report or to deliver resources or support services. While not bound by confidentiality or privilege, these individuals will be discreet and respect the privacy of all individuals involved in the process. All participants in an investigation of sexual misconduct or sexual harassment, including advisors and witnesses, will be informed that privacy helps enhance the integrity of the investigation and protect the privacy interests of the parties and will be asked to keep any information learned in an investigation meeting or hearing confidential, to the extent consistent with applicable law.

In accordance with Title IX, the University will keep private the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute or regulations, 20 U.S.C. 1232g and 34 CFR part 99, or required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Confidentiality

Certain individuals are designated as having confidentiality. For reports made to employees designated with having confidentiality, the University will respect the reporting party’s expectations of privacy **to the extent permissible by law** while still ensuring compliance with other reporting obligations. For example, complaints involving minors are subject to mandatory reporting requirements.

Individuals designated as having confidentiality are required to report the nature, date, time and general location of an incident to the Title IX coordinator. Confidential resources will not share other information with the Title IX Coordinator or any other employee of the University without the express permission of the disclosing party. Confidential resources can provide information about the University and off-campus resources, support services and other options. As noted above, because of the confidential nature of these resources, disclosing information to or seeking advice from a confidential resource does not constitute a

report or complaint to the University and will not result in a response or intervention by the University. A person consulting with a confidential resource may later decide to make a report to the University and/or law enforcement.

If you wish to talk to a person who can support you while maintaining confidentiality, in Stockton/San Joaquin Modesto you may contact the following:

Women's Center Youth and Family Services
Sexual Assault 24-hour Hotline: (209) 465-4997
<http://www.womenscenteryfs.org/>

Privilege

Communication with certain individuals may be privileged by operation of law and reports made to these individuals will not be shared with the University Title IX Coordinator or law enforcement except in very limited situations, such as when failure to disclose the information would result in imminent danger to the individual or to others or as otherwise required by law.

Notification of Authorities: Under California Education Code §67383, the University is obligated to notify local law enforcement of any reported Part 1 violent crime, sexual assault, or hate crime committed on or off campus. The report shall be forwarded to local law enforcement without identifying the complainant (victim), unless the complainant consents to being identified, having previously been informed of their right to have personally identifying information withheld. The University will honor the decision of an assault victim but believes strongly that any sexual assault must be reported as soon as possible.

Release of Information: If a report of misconduct discloses a serious and ongoing threat to the campus community, the University will issue a timely notification to the community to protect the health or safety of the community. The University may also share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions. At no time will the University release the name of the complainant to the general public without the express consent of the complainant or as otherwise permitted or required by law.

Pursuant to the Clery Act, anonymous statistical information must be shared with Campus Safety where required by the Clery Act. Annual Clery reporting to the U.S. Department of Education is required by educational institutions for certain offenses that have been reported at campus locations. The information contained in the Clery report tracks the number of Clery reportable offenses occurring at campus locations and does not include the names or any other identifying information about the persons involved in the incident.

Humphreys University reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly university probation, loss of housing, suspension, and expulsion.

All Humphreys University proceedings are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act, Title IX of the Education Amendments of 1972 ("Title IX"), Violence Against Women Act (VAWA), state and local law, and Humphreys University

policy. No information will be released from such proceedings, except as required or permitted by law and University policy.

The University may share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions.

Disciplinary Sanctions & Remedies

The institution's primary concern is student safety. Respondents and complainants may be subject to the following disciplinary sanctions and remedies, respectively.

Disciplinary Sanctions: Respondents found responsible for sexual misconduct and/or sexual harassment as defined in this policy may be subject to disciplinary sanctions at the conclusion of the appropriate grievance process. For more information about disciplinary sanctions, see the Humphreys University General Catalog and/or appropriate Employee Handbook.

The range of possible sanctions for students includes, but is not limited to:

- Official Warning
- Educational Sanctions
- Disciplinary Probation
- Suspension
- Termination or Dismissal from Humphreys University

For employee respondent, possible sanctions include but are not limited to:

- Warning – Written or Verbal
- Performance Improvement Plan
- Required Counseling
- Required Training or Education
- Loss of Annual Pay Increase
- Suspension
- Revocation of Tenure
- Termination

Remedies: Remedies are provided to the complainant and designed to restore or preserve their equal access to University education programs or activities. Remedies may be the same individualized services as described on in Section III.D as [Supportive Measures](#). However, remedies do not need to be non-disciplinary or non-punitive and do not need to avoid burdening the respondent. Possible remedies include, but are not limited to:

- Counseling services
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services
- Mutual restrictions on contact between the parties

- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus
- Other similar measures as necessary

The Title IX Coordinator is responsible for implementation of any remedies.

False Accusations

Humphreys University's General Catalog and Employee Handbooks prohibit parties, including complainants, respondents, and witnesses, from knowingly making false statements or knowingly submitting false information to University instructors and officials during the grievance process.

Humphreys University reserves the right to charge an individual with a policy violation for making a materially false statement in bad faith during the course of the grievance process. Such charges do not constitute retaliation on behalf of Humphrey University against the individual as the individual has violated the University's own policy.

Jurisdiction of this Policy

Any person may experience sex discrimination, sexual misconduct, or sexual harassment anywhere. Therefore, any individual may report any incident to the Title IX Coordinator. However, the University's response to such incidents is dependent upon the location of the alleged incident. Regardless of where the incident occurred, the University offers all complainants supportive measures. The institution shall take reasonable steps to respond to each incident of sexual harassment involving individuals subject to the institution's policies that occur in connection with any educational activity or other program of the institution, as well as incidents that occurred outside of those educational programs or activities, whether they occurred on or off campus, if, based on the allegations, there is any reason to believe that the incident could contribute to a hostile educational environment or otherwise interfere with a student's access to education

Regardless of whether or not a complaint has been filed under the institution's grievance procedures, if the institution knows, or reasonably should know, about possible sexual harassment involving individuals subject to the institution's policies at the time, the institution shall promptly investigate to determine whether the alleged conduct more likely than not occurred, or otherwise respond if the institution determines that an investigation is not required. If the institution determines that the alleged conduct more likely than not occurred, it shall immediately take reasonable steps to end the harassment, address the hostile environment, if one has been created, prevent its recurrence, and address its effects. A postsecondary institution shall be presumed to know of sexual harassment if a responsible employee knew, or, in the exercise of reasonable care, should have known, about the sexual harassment. The institution may rebut this presumption of knowledge if it shows all of the following:

- The institution provides training and requires all nonconfidential responsible employees to report sexual harassment.
- Each nonconfidential responsible employee with actual or constructive knowledge of the conduct in question was provided

- training and direction to report sexual harassment.
- Each nonconfidential responsible employee with actual or constructive knowledge of the conduct in question failed to
- report it.
- The institution shall consider and respond to requests for accommodations relating to prior incidents of sexual harassment that could contribute to a hostile educational environment or otherwise interfere with a student's access to education where both individuals are, at the time of the request, subject to the institution's policies.

Process A: Title IX Formal Complaint & Grievance Process described in this policy must be applied when alleged incidents of sexual harassment as defined in Section III.C. of this policy occur in the University's own education program or activity (as defined in Section IV. of this policy) and in the United States.

Process B: Sexual Misconduct Complaint Resolution Process described in this policy will be used to address alleged incidents of sexual misconduct as well as incidents of sexual harassment which occur outside of the University's own education program or activity or outside of the United States (for example on a study abroad program) what cause the University to believe that the incident could contribute to a hostile educational or work environment or otherwise interfere with a student or employee's access to education or work.

The University's jurisdiction extends to electronic, digital, and online sexual harassment. Factual circumstances of electronic, digital, and online sexual harassment will be analyzed on a case by case basis to determine the context in which the harassment occurred. Such sexual harassment which occurs in an education program or activity as defined in Section IV. of this policy (in which the University exercises substantial control over the respondent and the context in which the harassment occurs) will be addressed using **Process A: Title IX Formal Complaint & Grievance Process**. Incidents of electronic, digital, and online sexual misconduct or sexual harassment which occur outside of the University's own education program or activity are subject to **Process B: Sexual Misconduct Complaint Resolution Process**.

For clarification regarding incidents which occur on-campus versus off-campus, see the definition of **Education Program or Activity** in Section IV. of this policy.

Retaliation

The institution's primary concern is student safety. Humphreys University prohibits any person from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX and its implementing regulations or in the University's sexual misconduct complaint resolution process.

This retaliation provision may apply to any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual

harassment or sexual misconduct, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, any witness, or any other individuals who participate (or refuse to participate) in any manner in an investigation, proceeding, or hearing of the University's Title IX grievance process or sexual misconduct complaint resolution process. This policy includes protecting the complainant, respondent, and witnesses from being coerced, intimidated, threatened, or otherwise discriminated against based on their participation or refusal to participate in the Title IX grievance process or sexual misconduct complaint resolution process.

Retaliation includes intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination, sexual misconduct, or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or report or formal complaint of sexual harassment or sexual misconduct, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations.

Charging an individual with a Humphreys University policy violation for making a materially false statement in bad faith in the course of the grievance process does not constitute retaliation. However, a determination regarding responsibility alone is not sufficient to conclude that an individual made a materially false statement in bad faith. A complainant's allegations may not have been false even where the ultimate determination is that the respondent is not responsible and/or that the complainant may not have acted subjectively in bad faith (and conversely, that a respondent may not have made false, or subjectively bad faith, denials even where the respondent is found responsible).

Exercising rights protected under the First Amendment does not constitute retaliation.

The parties have the right to discuss the allegations under investigation, but this right does not preclude Humphreys University from warning the parties not to discuss or disseminate the allegations in a manner that constitutes retaliation or unlawful tortious conduct. It is unacceptable for any person to leak or disseminate information to retaliate against another person.

Complaints alleging retaliation may be filed with the University's Title IX Coordinator, which will be handled using the prompt and equitable grievance procedures available for non-sexual harassment sex discrimination complaints by students and employees, as referenced in the [University's non-discrimination policy](#).

Right to an Advisor

The institution's primary concern is student safety. All parties are entitled to an advisor of their choosing to assist them throughout the Title IX grievance process as well as the sexual misconduct complaint resolution process. The advisor may be a friend, counselor, faculty member, family member, attorney or any other individual a party chooses to advise them who is eligible and available to serve during the grievance process. Any person who may be called as a witness may not serve as an advisor. Individuals seeking guidance about how to select an advisor may contact the Title IX Coordinator.

Parties are entitled to be accompanied by their advisor in all meetings, interviews, hearings, and appeals at which the party is entitled to be present during the grievance process.

During **Process A: Title IX Formal Complaint & Grievance Process**, parties are required to have an advisor present at the live hearing. If a party does not have an advisor available to be present at the live hearing, the University will provide the party with an advisor of the University's choice in the University's sole discretion, who may or may not be an attorney.

The University cannot guarantee equal advisory rights. Consequently, 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 an attorney or other advisor, except at the hearing. The University is not required to provide an attorney as an advisor at the hearing.

All advisors are subject to the same rules whether they are attorneys or not. Advisors may not present on behalf of their advisee in a meeting or interview. Advisors must conduct all cross-examination of the other party and all witnesses in a live hearing even in the event that the advisee is not present at the live hearing. Advisors should request or wait for a break in the interview, hearing, or meeting if they wish to interact with the University's Title IX personnel or Complaint Committee. 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 may be given an opportunity to meet in advance of any interview or hearing with University Title IX personnel or the Complaint Committee during the grievance process.

Any advisor who fails to follow the guidelines established by The University in the grievance process will be provided an oral warning. If the advisor continues to disrupt or otherwise fails to follow those guidelines, the advisor will be asked to leave the proceeding. If an advisor is asked to leave, the meeting, interview, hearing or other proceeding will be suspended until the party advisor is reinstated; the party secures another advisor to accompany them at that meeting, interview, hearing or proceeding; or the University provides the party with another advisor for the hearing.

If an advisor is asked to leave a proceeding, the Title IX Coordinator will determine whether the advisor may be reinstated or must be replaced by a different advisor for the remainder of the grievance process. The parties must advise the Title IX Coordinator of the identity of their advisor at least two (2) business days before the date of their first meeting with Title IX Coordinator and scheduled hearing. The parties must provide subsequent timely notice to the investigators if they change advisors at any time. No audio or video recording of any kind other than as required by institutional procedure is permitted during meetings with University officials.

Supportive Measures

The institution's primary concern is student safety. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant and respondent without unreasonably burdening the other party.

Supportive measures are designed to:

- Restore or preserve equal access to the party's education at the University;
- Protect the safety of all parties or the University's educational environment; or
- Deter sexual harassment.

Humphreys University provides both on- and off-campus resources and services to the parties. Supportive measures include, but are not limited to:

- Counseling services
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services
- Mutual restrictions on contact between the parties
- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus
- Placing an employee on paid or unpaid administrative leave
- Removing a student from campus housing and/or current classes
- Other similar measures as necessary

Humphreys University will offer supportive measures to every complainant when the Title IX Coordinator receives a report, complaint, or formal complaint of an incident of sex discrimination, sexual misconduct or sexual harassment. Examples of forms a report may include written or oral reports submitted by a complainant, third-party reporter, or other Humphreys University community member.

Upon receiving a report, complaint, or formal complaint of an alleged incident of sex discrimination, sexual misconduct or sexual harassment, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures and explain the option for filing a formal complaint as well as the formal complaint process under Process A: Title IX Formal Complaint & Grievance Process and/or Process B. Sexual Misconduct Complaint Resolution Process. The Title IX Coordinator will also explain how to report to local law enforcement and seek civil law remedies such as injunctions, restraining orders, or other remedies.

The complainant will have the opportunity to express what they would like in the form of supportive measures, and the Title IX Coordinator will take into account the complainant's wishes in determining which supportive measures to offer. Supportive measures will be available to complainants regardless of whether or not they wish to file a formal complaint to initiate a grievance process or complaint to initiate the University's complaint resolution procedures.

Supportive measures remain available to the complainant before and after filing a formal complaint of sexual harassment or a complaint of sexual misconduct as well as when no formal complaint or complaint has been filed. Additionally, Humphreys University will provide supportive measures to complainants even when the alleged incident does not constitute sexual harassment under Title IX, fall within the jurisdictional conditions under Title IX, or constitute sexual misconduct under this policy. For example, a complainant may still seek supportive measures when an incident of sexual harassment occurs outside of the University's education program or activity or outside of the United States. A complainant may request supportive measures when the alleged conduct is considered to be sexual misconduct under this policy but does not qualify as sexual harassment under Title IX.

Supportive measures may remain in place throughout an appeal process.

Regardless of the result of Process A: Title IX Formal Complaint & Grievance Process or Process B: Sexual Misconduct Complaint Resolution Process, Humphreys University reserves the right to continue supportive measures. Therefore, if Humphreys University determines that a respondent is not responsible for violating

Title IX, this policy, or other University policies, the University may continue providing supportive measures to a complainant or respondent to restore or preserve equal access to their education.

Humphreys University adheres to Federal Title IX regulations, which require the equitable treatment of complainants and respondents. Equitable treatment under Title IX includes providing supportive measures and remedies for complainants and avoiding disciplinary action against respondents until the formal grievance process as outlined in this policy is completed. While respondents will be offered supportive measures, Title IX does not require equality or parity with respect to the supportive measures provided to complainants and respondents.

Confidentiality & Supportive Measures: Humphreys University will keep confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. For example, where a no-contact order is appropriate, the respondent would need to know the identity of the complainant in order to comply with the no-contact order, or campus security is informed about the no-contact order in order to help enforce its terms. For more information about [Confidentiality](#) during the Title IX grievance process, see Section III.D. of this policy.

In order for Humphreys University to provide supportive measures to the complainant, the University must know the identity of the complainant. Therefore, it is not possible for the complainant to remain anonymous and receive supportive measures because at least one school official (such as the Title IX Coordinator) must know the complainant's identity in order to offer and implement any supportive measures. A complainant or third party may desire to report sexual harassment without disclosing the complainant's identity—and may do so using the reporting options detailed in Section V. of this policy—but the University will be unable to provide supportive measures in response to the report without knowing the complainant's identity.

Implementation of Supportive Measures: The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Although supportive measures may require collaboration with various Departments on campus, the Title IX Coordinator will serve as the point of contact for complainants and respondents.

Emergency Removal

Humphreys University reserves the right to remove a respondent from a University education program or activity without undergoing a grievance process on an emergency basis in the event that the University undertakes an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

In the event of emergency removal, Humphreys University will provide the respondent with post-removal notice and the opportunity to challenge the decision immediately following the removal.

Administrative Leave

Humphreys University reserves the right to place all non-student employee respondents on administrative leave during the pendency of a grievance process outlined in this policy.

IV. DEFINITIONS

The following terms are related to the grievance processes outlined in Section VI. [Grievance Processes](#).

Actual Knowledge: Notice of sexual harassment or allegations of sexual harassment delivered to the Humphreys University Title IX Coordinator. Such notice may be written or verbal and includes reports sent to the Title IX Coordinator by mail, email, telephone call, in-person, or any other means that result in the Title IX Coordinator receiving a person's written or verbal report.

Advisor: An individual who provides support, guidance, and/or assistance to the complainant or respondent throughout the investigation, hearing, appeals, and/or informal resolution process. Complainants and respondents have the right to select an advisor of their choice. Advisors may be a friend, mentor, family member, attorney, or any other supporter a party chooses to advise them who is both eligible and available. Advisors are required during the hearing process. If a party does not have an advisor present at the hearing process, Humphreys University will provide the party with an advisor. Additional information about the [role of advisors](#) can be found in Section III.D. of this policy.

Complaint: A document that initiates [Process B: Sexual Misconduct Complaint Resolution Process](#) against a respondent alleging sexual misconduct. For more information about how to file a complaint, see Section VI. of this policy.

Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual misconduct and/or sexual harassment. A complainant may, but is not required to be, a student, employee, or other University community member.

Consent: California law requires institutions of higher education to apply the affirmative consent standard to determine whether consent was given by both parties to a sexual activity. "Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that the person has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the person involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent. Additional information about affirmative consent can be found in [Section III.D.](#) of this policy.

Education Program or Activity: All of the operations of Humphreys University, which may be on or off campus, as well as locations, events, or circumstances over which the University exercises substantial control over both the respondent and the context in which an incident of sexual harassment occurs. This includes incidents which occur upon the grounds of the University or upon off-campus grounds or facilities maintained by the University. Additionally, any grounds, facilities, or buildings owned, maintained, or controlled by student organizations which are officially recognized by the University are also considered to be part of Humphreys University's education program or activity, irrespective of whether the building is on or off campus and irrespective of whether the University exercises substantial control over the respondent and the context of the harassment other than the fact that the University officially recognizes the student organization that owns, maintains, or controls the building.

Humphreys University's education program or activity also extends to operations which include computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Humphreys University.

Formal Complaint: A document that initiates [Process A: Title IX Formal Complaint & Grievance Process](#), as outlined in Section VI. of this policy against a respondent alleging Title IX sexual harassment. A formal complaint must be filed by the complainant or signed by the Title IX coordinator alleging sexual harassment against a respondent and requesting that Humphreys University investigate the allegation of sexual harassment. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in an education program or activity at the University. A formal complaint may be a document delivered to the Title IX Coordinator's office or electronic submission sent via email which contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the complaint.

Submission of a formal complaint to Humphreys University is not equivalent to filing charges with local law enforcement and does not require a complainant to file charges with local law enforcement. For more information about reporting incidents of sexual misconduct or sexual harassment to local law enforcement, see Section V. of this policy.

Report: Notice, either written or oral, provided to the Title IX Coordinator of an alleged incident of sex discrimination, sexual harassment, or sexual misconduct. Any person, regardless of whether or not the person reporting the alleged incident is the person alleged to be the victim the incident may report sex discrimination, sexual misconduct or sexual harassment. Reports may be made at any time, including during non-business hours, in person, by mail to the office address listed for the Title IX Coordinator, by telephone, by email, or any other means that result in the Title IX Coordinator receiving a person's written or verbal report. Individuals may also download and submit an [Incident Report](#) by email, mail, or in person directly to the Title IX Coordinator. A report is distinguished from a formal complaint or complaint as defined above.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or sexual misconduct.

Responsible Employee: An employee who has the authority to take action to redress sexual harassment or provide supportive measures to students, or who has the duty to report sexual harassment to an appropriate school official who has that authority. Responsible Employee includes, but is not limited to, those individuals with any of the following positions or substantially similar positions or job duties, regardless of the specific title the institution may attach to the position:

- Title IX Coordinator or other coordinator designated to comply with and carry out the institution's responsibilities under this section
- Residential advisors, while performing the duties of employment by the institution
- Housing directors, coordinators, or deans
- Student life directors, coordinators, or deans
- Athletic directors, coordinators, or deans
- Coaches of any student athletic or academic team or activity
- Faculty and associate faculty, teachers, instructors or lecturers
- Graduate student instructors, while performing the duties of employment by the institution
- Laboratory directors, coordinators, or principal investigators
- Internship or externship directors or coordinators

- Study abroad program directors or coordinators
- Notwithstanding the employees mentioned above, responsible employee does not include those individuals described above who are also any of the following:
- A therapist or other professional described in Sections 990, 1010, 1035, and 1037 of the Evidence Code, including a University of California Center for Advocacy, Resources, and Education (CARE) director, advocate, or employee
- A University of California Center for Advocacy, Resources, and Education (CARE) director, advocate, or employee
- A California State University victim advocate or other position with similar responsibilities
- An individual acting in a professional capacity for which confidentiality is mandated by law
- Individuals who are not considered responsible employees (as noted above) shall inform each student who provides the individual with information regarding sexual harassment of the student's ability to report to a responsible employee and direct the student to those specific reporting resources

Preponderance of the Evidence: The standard of evidence used to determine if a violation under this policy occurred. Humphreys University uses a “preponderance of the evidence” standard, which means that the evidence collected and presented during the grievance process (i.e. based on the facts available at the time of the decision) demonstrates that it is more likely than not that the alleged conduct or policy violation occurred.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to Humphreys University education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment. [Supportive Measures](#) are described in further detail in Section III.D. of this policy.

V. REPORTING SEX DISCRIMINATION, SEXUAL MISCONDUCT & SEXUAL HARASSMENT

The institution's primary concern is student safety. Humphreys University strongly recommends immediate reporting of sex discrimination, sexual misconduct and sexual harassment, or any other crime, to law enforcement authorities and to the University's Title IX Coordinator. Immediate reporting will increase the likelihood of apprehending the responding and in deterring additional incidents.

Any person may report an incident(s) of sex discrimination, sexual misconduct, or sexual harassment to the Title IX Coordinator. The reporting party may be the person directly affected by the alleged incident (referred to as “complainant”) or a third party. Reports of sex discrimination, sexual misconduct, and sexual harassment may be written or verbal and may be made at any time (including non-business hours) in person, by using the telephone number or email address, or by mail to the office address, of the Title IX Coordinator. Individuals may also submit an [Incident Report](#) by email, mail, or in person directly to the Title IX Coordinator.

The Humphreys University Title IX Coordinator's contact information is as follows:

Carrie Castillon

Director of Administrative Services & Title IX Coordinator

6650 Inglewood Ave, Stockton, CA 65207

Phone: (209) 478-0800

Email: carrie.castillon@humphreys.edu

Stranger & Non-Stranger Respondents

Individuals may report incidents in which the respondent is known and a member of the Humphreys University community, known but not a member of the University community, or unknown to the complainant or reporting party.

Incidents in which the respondent is known and a member of the Humphreys University community which occur in the University's own education programs or activities will be investigated if a formal complaint is filed by the complainant or Title IX Coordinator.

The University may investigate and sanction Humphreys-affiliated respondents involved in incidents which occur outside of a University education program or activity or at a location that is not upon the grounds of or facilities affiliated with or maintained by the University. However, the University's ability to investigate and impose disciplinary sanctions may be limited.

To address incidents in which the respondent is not affiliated with the University community, the University will take reasonably available steps to support the complainant by offering supportive measures and will assist a complainant in identifying external reporting mechanisms.

If a complainant does not know the respondent's identity, the complainant will still be offered supportive measures and the opportunity to file a complaint of sexual misconduct or formal complaint of sexual harassment. The subsequent investigation may reveal the respondent's identity. If the respondent's identity becomes known and is part of the University community, Humphreys University will provide the respondent with the necessary information to participate in a fair and equitable grievance process. However, if a respondent's identity remains unknown, Humphreys University will be unable to comply with the required grievance process outlined in this policy and therefore unable to impose disciplinary sanctions against the respondent.

In addition to reporting an incident of sex discrimination, sexual misconduct, or sexual harassment to the Title IX Coordinator, individuals have the following reporting options:

i. Anonymous Reporting

The University has the responsibility to make reasonable efforts to respond effectively when sexual harassment is reported to, or observed by, college and university faculty and staff, including on-campus housing employees, such as residential advisors. Humphreys University permits anonymous parties to report alleged incidents of sex discrimination, sexual misconduct, and/or sexual harassment by telephone or by mail to the office of the Title IX Coordinator. Individuals may also submit the [Incident Report](#) form.

If the anonymous report contains the identity of the complainant, upon receipt of the report, the Title IX Coordinator will contact the complainant to offer supportive measures and explain the process for filing a formal complaint. However, if the anonymous report does not contain the identity of the complainant, the University will be unable to contact the complainant to offer supportive measures. While the Title IX Coordinator will keep confidential complainant's identity (unless disclosing the complainant's identity is necessary to provide supportive measures for the complainant, such as issuing no-contact orders), the Title IX Coordinator must know the identity of the complainant to offer such supportive measures.

ii. Reporting to the Stockton Police Department or Modesto Police Department

In case of emergency, call 911.

For more information about reporting incidents to local law enforcement immediately, see [Appendix A: What to do Following a Sexual Assault.](#)

Humphreys University encourages anyone who has experienced sexual misconduct or sexual harassment to pursue criminal action for incidents that may also be crimes under applicable criminal statutes. Law enforcement officers are trained in handling sexual assault and other cases involving sexual misconduct and harassment. Reporting to law enforcement does not require prosecution of the offense and the reporting party's wishes will be taken into account by law enforcement. The police report and any supporting evidence may be turned over to the local District Attorney's Office, which decides whether there is sufficient evidence to prosecute. Information about the law enforcement process of reporting, the investigation, arrests, filing of charges, hearings, the trial and sentencing will be explained at the time of the report. Humphreys University employees will assist the reporting party in contacting local law enforcement, if explicitly requested by the reporting party. However, reporting an incident of sexual misconduct or sexual harassment to the University does not in any way equate to reporting the incident to local law enforcement. An individual may decide to report an incident exclusively to the University, exclusively to local law enforcement, or to both the University and local law enforcement.

However, under California Education Code §67383, the University is obligated to notify local law enforcement of any reported Part 1 violent crime, sexual assault, or hate crime committed on or off campus. The report shall be forwarded to local law enforcement without identifying the complainant (victim), unless the complainant consents to being identified, having previously been informed of their right to have personally identifying information withheld. The University will honor the decision of an assault victim but believes strongly that any sexual assault must be reported as soon as possible.

Contact information for local police departments:

Stockton Police Department:

22 E Market St
Stockton, CA 95202
Non-Emergency phone: (209) 937-8377

Modesto Police Department:

600 10th St
Modesto, CA 95354
Non-Emergency phone: (209) 572-9500

Should an individual report an incident of sexual misconduct or sexual harassment to both Humphreys University and local law enforcement, the University will comply with law enforcement requests for cooperation. Such cooperation may require Humphreys University to temporarily suspend its own investigation into the alleged incident while local law enforcement gathers evidence. During this time, the University will continue to offer supportive measures to the complainant. As soon as local law enforcement or Humphreys University determines that a delay is no longer necessary, the University will promptly resume its own investigation.

Humphreys University's policy, definitions, and standard of proof differ from California criminal law. Neither law enforcement's determination whether to prosecute a respondent nor the outcome of any criminal prosecution will determine whether sexual misconduct or sexual harassment has occurred under this policy. Proceedings under this policy may be carried out prior to, simultaneously with or following civil or criminal proceedings off campus.

A. INITIAL CONTACT WITH THE COMPLAINANT

When the Title IX Coordinator receives notice through a report (either written or oral), complaint, or formal complaint of an alleged incident of sex discrimination, sexual misconduct, or sexual harassment, the Title IX Coordinator will promptly contact the complainant to request a meeting.

During this meeting, the Title IX Coordinator will:

1. Conduct a preliminary interview with the complainant;
2. Discuss the availability of [Supportive Measures](#) (e.g. counseling services, no-contact orders, or academic schedule changes) as defined in Section III.D. of this policy;
3. Consider the complainant's wishes with respect to supportive measures;
4. Inform the complainant of the availability of supportive measures with or without filing a complaint or formal complaint;
5. Provide information regarding the importance of preserving evidence as well as information about the complainant's right, but not the obligation, to report the incident to local law enforcement when a crime may have occurred;
6. Provide information about the existence of criminal and civil prosecutions, as well as civil law remedies such as injunctions, restraining orders, or other remedies or orders, if applicable;
7. Explain that retaliation for initiating and/or participating in a grievance process at the University is prohibited;
8. Identify and locate potential witnesses to the alleged incident; and
9. Explain to the complainant:
 - a. Humphreys University's procedures for handling non-sexual harassment sex discrimination;
 - b. The process for filing a formal complaint under Title IX to initiate [Process A: Title IX Formal Complaint & Grievance Process](#); and/or

- c. The process for filing a complaint and initiating [Process B: Sexual Misconduct Complaint Resolution Process](#).

The Title IX Coordinator will conduct a preliminary assessment of the report, complaint, or formal complaint to assist the complainant in determining which grievance process the complainant may initiate. For more information about the [Preliminary Assessment](#), see Section V.B. of this policy.

Requests for Confidentiality

If a complainant requests confidentiality, which could preclude a meaningful investigation or potential discipline of the potential respondent, or that no investigation or disciplinary action be pursued to address alleged sexual harassment, the institution will take the request seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including for the complainant. The institution will generally grant the request.

In determining whether to disclose a complainant's identity or proceed to an investigation over the objection of the complainant, the institution may consider whether any of the following apply:

- There are multiple or prior reports of sexual misconduct against the respondent.
- The respondent reportedly used a weapon, physical restraints, or engaged in battery.
- The respondent is a faculty or staff member with oversight of students.
- There is a power imbalance between the complainant and respondent.
- The complainant believes that the complainant will be less safe if the complainant's name is disclosed or an investigation is conducted.
- The institution is able to conduct a thorough investigation and obtain relevant evidence in the absence of the complainant's cooperation.

If the institution determines that it can honor the student's request for confidentiality, it shall still take reasonable steps to respond to the complaint, consistent with the request, to limit the effects of the alleged sexual harassment or sexual misconduct and prevent its recurrence without initiating formal action against the respondent or revealing the identity of the complainant. These steps may include providing Supportive Measures such as increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys regarding sexual violence. The institution may also take immediate steps to provide for the safety of the complainant while keeping the complainant's identity confidential as appropriate. These steps may include changing living arrangements or course schedules, assignments, or tests. The complainant will be notified that the steps the institution will take to respond to the complaint will be limited by the request for confidentiality.

Formal grievance processes are outlined in Process A: Title IX Formal Complaint & Grievance Process and Process B: Sexual Misconduct Complaint Resolution Process, both of which require the identity of the complainant to be revealed to initiate the processes. Since a respondent cannot be issued disciplinary sanctions prior to the completion of a formal grievance process, respondents will not be issued disciplinary sanctions in response to alleged incidents in which the complainant decides to remain confidential.

If the institution determines that it must disclose the complainant's identity to the respondent or proceed with an investigation, it will inform the complainant prior to making this disclosure or initiating the investigation. The institution will also take immediate steps to provide for the safety of the complainant

where appropriate. In the event the complainant requests that the institution inform the respondent that the student asked the institution not to investigate or seek discipline, the institution will honor this request.

B. PRELIMINARY ASSESSMENT

Based upon the information contained in the report, complaint or formal complaint of an alleged incident of sex discrimination, sexual misconduct, or sexual harassment, as well as the initial contact with the complainant, the Title IX Coordinator will conduct a preliminary assessment to determine the University's response using the following threshold criteria:

1. Would the incident be considered "[sexual harassment](#)" under Title IX, as defined in Section III.C. of this policy?
 - a. In assessing the type of incident, the Title IX Coordinator will determine if the alleged conduct was either:
 - i. Quid pro quo harassment (involving a Humphreys University employee);
 - ii. Sexual Assault, Dating Violence, Domestic Violence, or Stalking; or
 - iii. Unwelcome conduct that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University program or activity.
2. Did the incident occur in a Humphreys University education program or activity, as defined in Section IV. of this policy?
3. Did the incident occur in the United States?

If the answer is "yes" to all three threshold criteria, the incident may constitute sexual harassment under Title IX, and the complainant may file a formal complaint under Title IX to initiate an investigation and grievance process, as outlined in [Process A: Title IX Formal Complaint & Grievance Process.](#)

If the answer is "no" to any of these questions, the alleged incident may be considered one or more of the following forms of conduct and addressed accordingly:

1. Non-sexual harassment sex discrimination: The University's grievance procedures for handling incidents of sex discrimination can be found in the [University's General Catalog](#) or appropriate Employee Handbook.
2. Sexual Misconduct: Incidents of sexual misconduct will be addressed using [Process B: Sexual Misconduct Complaint Resolution Process.](#)
3. Non-actionable: Complainant may request and the University may provide supportive measures as appropriate.

After conducting the assessment, the Title IX Coordinator will send a written notification of their preliminary assessment to the complainant.

The complainant may appeal the Title IX Coordinator's preliminary assessment of the alleged incident to the Humphreys University President within ten (10) days of receiving written notice from the Title IX Coordinator. If a formal complaint or complaint is filed, the respondent may appeal the Title IX Coordinator's preliminary assessment to the University's President within 10 days of receiving the notice of the complaint.

Complainants may request supportive measures or an investigation into allegations of conduct that do not meet Title IX jurisdictional conditions under [Process B. Sexual Misconduct Complaint Resolution Process.](#)

Regardless of whether an alleged incident is determined to constitute sexual harassment, sexual misconduct, or sex discrimination, and regardless of whether or not the complainant files a formal complaint under Title IX or a complaint to initiate the sexual misconduct complaint resolution process, Humphreys University will provide supportive measures to the complainant. For more information about [Supportive Measures](#), see Section III.D. of this policy.

VI. GRIEVANCE PROCESSES

Upon completion of the preliminary assessment by the Title IX Coordinator, a complainant may decide to proceed with a formal investigation and grievance process.

Complainants alleging sexual harassment under Title IX may file a formal complaint to proceed with [Process A: Title IX Formal Complaint & Grievance Process](#), whereas complainants alleging sexual misconduct may initiate [Process B: Sexual Misconduct Complaint Resolution Process](#).

If you are unsure as to which process corresponds to the alleged prohibited conduct, refer to the [Preliminary Assessment](#) information in Section V.A. of this policy and/or contact the Title IX Coordinator for clarification.

If at any time during the course of the investigation and grievance process in Process A: Title IX Formal Complaint & Grievance Process, the Title IX Coordinator determines that the alleged sexual harassment no longer falls within the jurisdictional criteria of Title IX, the allegation may be addressed under Process B: Sexual Misconduct Complaint Resolution Process.

Conversely, if it is determined during the investigation and complaint resolution process in Process B: Sexual Misconduct Complaint Resolution Process that the alleged incident would constitute sexual harassment under Title IX, the complaint will be addressed under Process A: Title IX Formal Complaint & Grievance Process.

The Title IX Coordinator will provide the parties with written notice simultaneously in the event that the grievance process used to handle the complaint of sexual misconduct or formal complaint of sexual harassment must be changed.

General Information about Humphreys University Grievance Processes

Humphreys University will treat complainants and respondents equitably by providing the parties with supportive measures throughout the appropriate grievance process, following the grievance process before imposing any disciplinary sanctions (or other actions that are not supportive measures) against a respondent, and providing remedies to a complainant where a determination of responsibility for sexual harassment or sexual misconduct has been made against a respondent.

Humphreys University grievance processes rely upon an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence. The University applies the preponderance of the evidence standard, which means that the evidence collected and presented during the grievance process demonstrated that it is more likely than not that the alleged conduct or policy violation occurred. The University applies the same standard of evidence for formal complaints against students and employees, including faculty, and applies the same standard of evidence to all formal complaints of sexual harassment and complaints of sexual misconduct.

Humphreys University shall ensure trauma-informed and impartial investigation of complaints. Student parties shall be given an opportunity to identify witnesses and other evidence to assist the institution in determining whether a policy violation has occurred, and shall be informed that any evidence available but not disclosed during the investigation might not be considered at a subsequent hearing.

The investigation and adjudication of alleged misconduct under this section is not an adversarial process between the complainant, the respondent, and the witnesses, but rather a process for postsecondary institutions to comply with their obligations under existing law. The complainant does not have the burden to prove, nor does the respondent have the burden to disprove, the underlying allegation or allegations of misconduct. The investigation shall include reasonable and equitable evidentiary guidelines, and may include page or word limitations on party submissions.

The investigation shall include all of the following:

- The investigator or hearing officer shall not consider the past sexual history of a complainant or respondent except in the limited circumstances permitted by this clause.
- The investigator or hearing officer shall not consider prior or subsequent sexual history between the complainant and anyone other than the respondent for any reason unless directly relevant to prove that physical injuries alleged to have been inflicted by the respondent were inflicted by another individual.
 - The investigator or hearing officer shall not consider the existence of a dating relationship or prior or subsequent consensual sexual relations between the complainant and the respondent unless the evidence is relevant to how the parties communicated consent in prior or subsequent consensual sexual relations.
 - Where the investigator or hearing officer allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the complainant and the respondent pursuant to sub-subclause (ia), the mere fact that the complainant and respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.
 - Before allowing the consideration of any evidence proffered pursuant to this subdivision, the investigator or hearing officer shall provide a written explanation to the parties as to why consideration of the evidence is consistent with this clause.
- The investigation shall prohibit questions of either party or of any witness that are repetitive, irrelevant, or harassing.
- The investigation shall provide that the institution shall decide whether or not a hearing is necessary to determine whether any sexual violence more likely than not occurred. In making this decision, an institution may consider whether the parties elected to participate in the investigation and whether each party had the opportunity to suggest questions to be asked of the other party or witnesses, or both, during the investigation. Any hearing shall be subject to the following rules:
 - Any cross-examination of either party or any witness shall not be conducted directly by a party or a party's advisor.
 - Either party or any witness may request to answer the questions by video from a remote location.
 - Student parties shall have the opportunity to submit written questions to the hearing officer in advance of the hearing. At the hearing, the other party shall have an opportunity to note an objection to the questions posed. The institution may limit such objections to written form, and neither the hearing officer nor the institution are obligated to respond, other than to include any objection in the record. The hearing officer shall have the authority and obligation to discard or rephrase any question that the hearing officer deems to be repetitive, irrelevant, or harassing. In making these determinations, the hearing officer is not bound by, but may take guidance from, the formal rules of evidence.
 - Generally, the parties may not introduce evidence, including witness testimony, at the hearing that the party did not identify during the investigation and that was available

at the time of the investigation. However, the hearing officer has discretion to accept for good cause, or exclude, such new evidence offered at the hearing.

- The institution shall not unreasonably deny a student party's request for an extension of a deadline related to a complaint during periods of examinations or school closures.

The institution shall provide for written notice to parties of the outcome of the complaint, including whether a policy violation was found to have occurred, the basis for that determination, including factual findings, and any discipline imposed.

The institution shall provide assurance that the institution will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

Student parties shall receive a notice regarding appropriate counseling resources developed and maintained by the institution for student parties in school misconduct matters involving sexual harassment.

The institution shall outline the possible interim measures that may be put in place during the pendency of an investigation, the supportive measures that may be provided in the absence of an investigation, and the disciplinary outcomes, remedial measures, and systemic remedies that may follow a final finding of responsibility, subject to all of the following:

- An institution shall not mandate mediation to resolve allegations of sexual harassment, and shall not allow mediation, even on a voluntary basis, to resolve allegations of sexual violence.
- An institution shall not require that the complainant enter a voluntary resolution agreement or any other form of resolution as a prerequisite to receiving remedial measures from the institution which safeguard the complainant's access to education.
 - When requested by a complainant or otherwise determined to be appropriate, an institution shall issue an interim no-contact directive prohibiting the respondent from contacting the complainant during the pendency of the investigation.
 - An institution shall not issue an interim mutual no-contact directive automatically, but instead shall consider the specific circumstances of each case to determine whether a mutual no-contact directive is necessary or justifiable to protect the noncomplaining party's safety or well-being, or to respond to interference with an investigation. A no-contact directive issued after a decision of responsibility has been made shall be unilateral and only apply against the party found responsible.
 - Upon the issuance of a mutual no-contact directive, an institution shall provide the parties with a written justification for the directive and an explanation of the terms of the directive. Upon the issuance of any no-contact directive, the institution shall provide the parties with an explanation of the terms of the directive, including the circumstances, if any, under which violation could be subject to disciplinary action.

The institution shall describe the obligations of all faculty and staff designated by the institution as required to report concerns of sexual harassment to the Title IX coordinator or other designated employee, consistent with the requirement in paragraph (2). An individual who has a confidential relationship with a student or students by law is exempt from having to report sexual harassment concerns to the Title IX coordinator or other designated employee, unless otherwise required by law.

- The Title IX coordinator or other designated employee shall assess each report of sexual harassment and provide outreach, as appropriate, to each identifiable student who is alleged to be the victim of the reported conduct. The outreach shall include all of the following information:

- The institution has received a report that the student may have been a victim of sexual harassment.
- A statement that retaliation for filing a complaint or participating in a complaint process, or both, under this section is prohibited
- Counseling resources within the institution or in the community.
- Where a crime may have occurred, notice that the student has the right, but not the obligation, to report the matter to law enforcement.
- The institution's investigation procedures established pursuant to the requirements of this section.
- Potential interim measures, such as no-contact directives, housing changes, and academic schedule changes, where applicable.
- The importance of preserving evidence.
- A request for the student to meet with the Title IX coordinator or other designated employee to discuss options for responding to the report.
- The manner in which the institution responds to reports of sexual harassment and a description of potential disciplinary consequences.

Determination of a party's credibility will not be based on a person's status as a complainant, respondent, or witness. The University presumes that the respondent is not responsible for the alleged conduct until a determination regarding responsibility at the conclusion of the grievance process.

All Humphreys University employees involved in the Title IX investigation and grievance process have received the appropriate training to participate in the Title IX grievance process, and training materials have been made publicly available on the University's website. Training topics include, but are not limited to, the definition of sexual harassment under Title IX, steps to conducting a Title IX investigation and grievance process, and how to serve impartially, including by avoiding prejudgment of facts, conflicts of interest, and bias.

If a complainant or respondent considers the University's treatment of a formal complaint of sexual harassment or complaint of sexual misconduct to constitute discrimination on the basis of sex under Title IX, they may file a report of sex discrimination with the Title IX Coordinator.

Conflicts of Interest

Humphreys University employees participating in Process A: Title IX Formal Complaint & Grievance Process as well as Process B: Sexual Misconduct Complaint Resolution Process, including the Title IX Coordinator, investigators, decision-makers, informal resolution facilitators, and Complaint Committee members as well as external parties employed by the University to complete Title IX investigation and adjudication functions (hearings, appeals, and informal resolution options) are prohibited from having a conflict of interest or bias for or against complainants or respondents generally or as an individual complainant or respondent.

In an effort to avoid potential conflicts of interest, Humphreys University may provide the names and titles of internal and external Title IX investigators and adjudicators or Complaint Committee members to the parties at the initiation of the investigation, informal resolution process, or hearing. Such information will be provided no less than five (5) days before any meeting or hearing between the party and the investigator, adjudicator, or Complaint Committee. The complainant or respondent may request the removal of an

investigator, adjudicator, or Complaint Committee member on the grounds of personal bias or other conflicts of interest by submitting a written statement to the Title IX Coordinator setting forth the basis for the request no more than three (3) days after receiving notice of the identity of the individual involved in the grievance process. The Title IX Coordinator will review the written statement and make a determination if there is a conflict of interest. Appropriate steps will be taken to ensure that no conflict of interest exists on the part of anyone involved in the Title IX investigation, hearing, appeals, or informal resolution processes or the University Complaint Resolution Process. If a conflict of interest exists, another individual will be assigned to the appropriate role. If a conflict of interest exists between the complainant or respondent and the Title IX Coordinator, reports should be directed to the Humphreys University President.

Timelines for the Grievance Process

Humphreys University aims to complete the appropriate grievance process, including appeals and informal resolution processes, in a reasonably prompt time frame. Generally, the University will conclude the grievance process within ninety (90) days.

Humphreys University reserves the right to allow for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of the party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

PROCESS A: TITLE IX FORMAL COMPLAINT & GRIEVANCE PROCESS

The following information pertains to complaints of sexual harassment under Title IX, as defined in Section III.C. of this policy.

i. FILING A FORMAL COMPLAINT UNDER TITLE IX

Filing of a formal complaint of an alleged incident of sexual harassment under Title IX initiates the investigation and grievance process outlined on pages 33-40 of this policy.

Who Can File a Formal Complaint?

The complainant or Title IX Coordinator must file the formal complaint.

Third parties cannot file formal complaints. Additionally, fundamental fairness and due process principles require that a respondent be informed of the details of the allegations made against them, to the extent that the details are known, to provide an adequate opportunity for the respondent to respond. Therefore, a complainant cannot remain anonymous and file a formal complaint. However, the Title IX Coordinator will keep confidential the identities of the complainant and respondent (and witnesses) from anyone not involved in the grievance process, except as permitted by FERPA, required by law, or as necessary to conduct the grievance process. For more information about [confidentiality](#), see Section III.D. of this policy.

While a formal complaint requires the complainant's identity, Title IX does not require a complainant to identify the respondent in a formal complaint. If a complainant does not know the respondent's identity and files a formal complaint, Humphreys University is still required to investigate the formal complaint because an investigation may reveal the respondent's identity. If the respondent's identity becomes known, the University will send both parties the written notice of allegations, follow the grievance process outlined in this policy, and may impose disciplinary sanctions against the respondent at the conclusion of the grievance process. However, if a respondent's identity remains unknown, the University will be unable to comply with the required grievance process outlined in this policy and therefore unable to impose disciplinary sanctions against the respondent.

Under certain circumstances, the Title IX Coordinator may determine that an investigation is necessary, even when the identity of the complainant is unknown or the complainant does not want an investigation. In this case, the Title IX Coordinator may choose to sign a formal complaint and initiate the grievance process. When this occurs, the Title IX Coordinator is not a complainant or otherwise considered a party included in the grievance process. The alleged victim will remain the complainant and be treated as a party in the grievance process. However, the complainant is not required to participate in the grievance process.

How to File a Formal Complaint:

Formal complaints may be submitted in person, by mail, or by email to the Title IX Coordinator, whose contact information is listed in Section II. of this policy.

Formal complaints cannot be filed by telephone.

What is a Formal Complaint?

A formal complaint is a document or electronic submission (such as an email) that contains the complainant's physical or digital signature or otherwise indicates that the complainant is the person filing the complaint.

A formal complaint alleges sexual harassment against a respondent and requests that Humphreys University investigate the allegation of sexual harassment. Therefore, submitting a formal complaint indicates an intentional decision on behalf of the complainant to initiate the Title IX grievance process.

When Can A Formal Complaint be Filed?

There is no time limit on a complainant's decision to file a formal complaint, so the decision to sign and file a formal complaint does not need to occur in the immediate aftermath of an alleged incident or reporting an incident.

However, at the time of filing a formal complaint, the complainant must be participating in or attempting to participate in a Humphreys University education program or activity.

This requirement does not exclude a complainant who has graduated or is on a leave of absence if the complainant intends to apply to a different University program, intends to remain involved in the University's alumni programs and activities, or may intend to re-apply after a leave of absence.

Dismissal of a Formal Complaint

The investigation of the conduct alleged in the formal complaint may uncover new information about the incident. In accordance with Title IX, Humphreys University must dismiss the formal complaint of sexual harassment under Title IX if at any point during the investigation or hearing process it is determined that the conduct alleged in the formal complaint:

1. Would not constitute [sexual harassment](#) as defined under Title IX (defined in Section III.C. of this policy), even if proven;
2. Did not occur in a University education program or activity; or
3. Did not occur against a person in the United States.

Such dismissal does not indicate that a University policy violation did not occur. Therefore, the University may choose to address such incidents using the grievance procedures outlined in [Process B: Sexual Misconduct Complaint Resolution Process](#) or the University's General Catalog or appropriate Employee Handbook.

Humphreys University reserves the right to dismiss a formal complaint or allegations therein, if at any time during the investigation or hearing:

1. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
2. The respondent is no longer enrolled or employed by Humphreys University; and/or
3. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint (either as required or not), Humphreys University will promptly send a written notice of dismissal and reason(s) therefor simultaneously to both parties.

The complainant and respondent have the right to appeal the University's dismissal of the formal complaint or any allegations therein on several bases. For more information about the bases of appeal, see page 38 of this policy.

Consolidation of Formal Complaints

The University may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one complainant or more than one respondent, references in this policy to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

ii. GRIEVANCE PROCESS FOR FORMAL COMPLAINTS OF SEXUAL HARASSMENT

The following grievance process complies with 34 CFR § 106.45 of Title IX. All processes, provisions, and rules stated in this policy apply equally to both parties—complainants and respondents.

a) Written Notice

Upon receipt of a formal complaint, Humphreys University will provide a written notice of allegations to both parties, if known, simultaneously. The notice includes the following information:

- A. Notice of the allegation of [sexual harassment](#), as defined in Section III.C. of policy, containing sufficient details known at the time, including:
 - a. Identities of the parties involved in the incident (if known);
 - b. Conduct allegedly constituting a policy violation;
 - c. Date and location of the alleged incident (if known).
- B. Sufficient time for each party to prepare a response before any initial interview.
- C. Explanation of each party’s right to an advisor of their choice, who may be, but is not required to be, an attorney. The advisor may participate during the grievance process, subject to limitations established by the University. For more information about advisors, see Section III.D. of this policy.
- D. Explanation of each party’s right to inspect and review all evidence gathered during the investigation.
- E. Reference to the sections of this policy and the University General Catalog and/or appropriate Employee Handbook which prohibit knowingly making false statements or knowingly submitting false information during the grievance process.
- F. Statement that the respondent is presumed not to be responsible for the alleged conduct unless and until a determination of responsibility is final.
- G. Statement that a determination of responsibility will be made at the conclusion of the grievance process.
- H. Provide a copy of the University’s Policy on Sexual Misconduct & Sexual Harassment, which outlines the grievance process utilized to address alleged incidents of sexual harassment under Title IX.
- I. List of on-campus and off-campus support resources for complainants.

If, during the course of the investigation, Humphreys University decides to investigate allegations about the complainant or respondent that are not included in the initial notice provided to the parties, the University will provide written notice of the additional allegations to the parties whose identities are known.

b) Investigation of Formal Complaints

Humphreys University is obligated to investigate formal complaints of sexual harassment. Generally, the University will complete the Title IX investigation within thirty (30) days, excluding weekends and holidays. The University will inform the parties of the name and title of the assigned investigator in the written notices of investigative interview issued to the parties.

Role of Humphreys University & the Parties

During the investigation, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on Humphreys University and not on the parties.

Both parties are provided with an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence during the grievance process. The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

Additionally, both parties will be invited to participate in at least one interview with the investigator. While conducting interviews, the investigator will seek to identify and locate witnesses to the alleged incident. Although the parties are encouraged to participate in the investigative process, the University does not mandate the parties' cooperation.

Humphreys University is prohibited from accessing, considering, disclosing, or otherwise using a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains the party's voluntary, written consent to do so for the grievance process outlined in this policy.

Participation of the Parties in the Investigation Process

The institution's primary concern is student safety. Humphreys University will provide written notice to a party who is invited and expected to participate in any investigative interviews, hearings, or other meetings. This written notice will include the date, time, location, names of participants, and purpose of the meeting and be provided not less than five (5) days prior to the meeting, providing the party with sufficient time to prepare.

Parties may not attend interviews of any other party or witness or any meeting or hearing related to the investigation, unless invited and expected to participate by Humphreys University.

Prior to completion of the investigative report at the conclusion of the investigation, all parties have the opportunity to have not more than one other person present during any grievance proceeding, including the opportunity to be accompanied to any grievance-related meeting or proceeding by an advisor of their choice, who may be an attorney. A party may only be accompanied by their advisor during the live hearing. The University does not limit the choice or presence of the advisor for either the complainant or respondent in any meeting or grievance proceeding, including investigative interviews. However, the University reserves the right to establish restrictions regarding the extent to which the advisor may participate in the proceedings, which will apply equally to both parties. For more information about [rights to an advisor](#), see Section III.D. of this policy.

All parties and their advisors will be given an equal opportunity to inspect and review all evidence gathered during the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which Humphreys University does not intend to rely in reaching a determination regarding responsibility as well as inculpatory and exculpatory evidence, regardless of the source. The evidence subject to inspection and review will be provided either in electronic format or hard copy to the parties and their advisors, if any. The parties will have ten (10) days to submit a written response regarding the investigation evidence. The investigator will consider the parties' responses prior to completion of the investigative report.

Humphreys University may redact confidential portions of the investigation file or require the parties and their advisors to execute nondisclosure agreements to preserve the confidentiality of confidential information prior to release of the investigation file to the parties and their advisors.

All of the evidence which was provided to the parties for inspection and review will be made available at any hearing related to the formal complaint to provide each party the equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

The parties may submit any additional evidence prior to the investigator finalizing the investigative report with a copy provided to the other party and their advisor.

Investigative Report

The Title IX investigator will create an investigative report that fairly summarizes relevant evidence.

Upon completion, the investigator will send the investigative report to each party and the party's advisor, if any, at least ten (10) days prior to a scheduled hearing, in electronic format or hard copy. Upon review, the parties may submit a written response to the decision-maker not less than five (5) days prior to the scheduled hearing, with a copy to the other party and their advisor. The other party may submit a written reply to the written response at least two (2) days prior to the scheduled hearing, with a copy to the other party and their advisor.

The investigator may include recommended findings or conclusions in the investigative report, but the decision-maker is under an independent obligation to objectively evaluate relevant evidence in making a determination.

c) Hearing Process

Live hearings are a mandatory part of the Title IX grievance process. A single hearing officer or panel of hearing officers will act as the decision-makers at the University's Title IX hearings and must not be the same person as the Title IX Coordinator or investigator. The University will provide specific procedural rules for the live hearing to the parties and their advisors at least 10 (ten) days prior to the scheduled hearing.

Live hearings may be conducted with all parties physically present in the same geographic location. In this instance, at the request of either party, the University will arrange for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and the parties to simultaneously see and hear the party or witness answering the questions.

Humphreys University also reserves the right to require or permit any or all parties, witnesses and other participants to appear at the live hearing virtually, with technology enabling participants to simultaneously see and hear each other.

Humphreys University will create an audio recording, audiovisual recording, or transcript of any live hearing and make it available to the parties for inspection and review.

Both parties have the right to present relevant fact and expert witnesses as well as inculpatory and exculpatory evidence at the hearing. A written summary of any evidence not included in the investigation file should be provided to the decision-maker and the other party and their advisor no less than five (5) days prior to the hearing.

Cross-Examination

During the live hearing, the decision-maker will permit each party's advisor to ask the other party and any witnesses any relevant questions and follow-up questions, including questions which challenge credibility.

Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor, and cross-examination may never be conducted by a party personally.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless: 1.) such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant; or 2.) if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) may not rely on any statement of that party or witness in reaching a determination regarding responsibility. However, the decision-maker(s) may not draw an inference about the determination regarding responsibility

based solely on a party's or witnesses' absence from a live hearing or refusal to answer cross-examination or other questions.

Hearings & Advisors

Apart from the advisor's role in cross-examination, Humphreys University reserves the right to restrict the extent to which advisors may participate in the proceedings.

If a party does not have an advisor present at the live hearing, the University will provide, without fee or charge to that party, an advisor of the University's choice to conduct cross-examination on behalf of that party. The advisor may be, but is not required to be, an attorney.

The University will include details regarding the role of the advisors in the hearing procedural rules provided to the parties at least five (5) days prior to the scheduled hearing.

d) Determination Regarding Responsibility

Following the live hearing, the decision-maker(s) will issue a written determination. To reach the determination, the decision-maker(s) will apply the preponderance of the evidence standard of evidence, as defined in Section IV. of this policy.

The decision-maker(s) will issue the written determination to the parties simultaneously generally no more than ten (10) days after the conclusion of the live hearing. Copies will be sent to the parties and their advisors by email, certified mail, or overnight delivery service such as Federal Express, with receipt of acknowledgement.

The written determination will include the following information:

- A. Identification of the allegations potentially constituting sexual harassment, as defined in Section III.C. of this policy.
- B. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
- C. Findings of fact supporting the determination;
- D. Conclusions regarding the application of this policy and/or the University's General Catalog and/or appropriate Employee Handbook to the facts;
- E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the complainant; and
- F. The University's procedures and permissible bases for the complainant and respondent to appeal.

The determination is final either:

1. On the date the University provides the parties with the written determination of an appeal, if an appeal was filed; or
2. The date for filing an appeal expires without an appeal having been filed.

e) Appeals

Either complainant or respondent may file a written notice of appeal of a determination of dismissal of a formal complaint within five (5) days after receiving the written determination or notice of dismissal. The notice of appeal must be delivered to the Title IX Coordinator within such 5-day period by email, personal delivery, certified mail or overnight delivery service.

A party may appeal from a) determination regarding responsibility, and b) the University's dismissal of a formal complaint or any allegations therein, on the following bases:

- A. Procedural irregularity that affected the outcome of the process;
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the process; and
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the process.

In the event that a party files an appeal, the appeal decision-maker(s) will generally be the University President or Dean of Undergraduate Studies. The appeal decision-maker will be free of bias as well as conflict of interest and will not be the Title IX Coordinator, investigator involved in the investigation, or decision-maker who reached the determination regarding responsibility or dismissal. The appeal decision-maker will have received required training under Title IX.

Humphreys University will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties, including a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The appealing party must submit a statement to the appeal decision-maker in support of the appeal within five (5) days of filing the notice of appeal with a copy to the other party and their advisor. Although the other party is not obligated to respond to the appealing party, should the other party wish to respond, the other party must submit a written response to the statement filed by the appealing party to the appeal decision-maker within five (5) days of receipt of the appealing party's statement with a copy to the other party and their advisor.

No oral arguments will be held on the appeal unless so directed by the appeal decision-maker, in which case both parties' advisors will be given an equal opportunity to present oral arguments.

The appeal decision-maker will issue a written decision simultaneously to both parties, describing the result and the rationale of the decision generally within ten (10) days of receiving the final written statements from the parties.

f) Informal Resolutions

At any time following the filing of a formal complaint and prior to reaching a determination regarding responsibility, Humphreys University offers complainants and respondents informal resolution options such as mediation, restorative justice, or other forms of alternative dispute resolution, which do not involve or require a full investigation and adjudication (hearing process).

In order for Humphreys University to proceed with informal resolution options, the University will:

A. Provide the parties with a written notice disclosing the following:

- iii. The allegations;
- iv. The requirements of the informal resolution process, including the circumstances under which the informal resolution process would preclude the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
- v. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

B. Obtain voluntary, written consent from the parties to the informal resolution process.

Humphreys University will provide the parties with the specific guidelines corresponding to the various informal resolution options prior to the parties signing a written consent to the informal resolution process.

Humphreys University is prohibited from offering informal resolution options in cases which involve a University employee's sexual harassment of a student.

Humphreys University is prohibited from requiring as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment as outlined in this policy. Additionally, Humphreys University cannot require the parties to participate in an informal resolution process and cannot offer an informal resolution process unless a formal complaint has been filed.

PROCESS B: SEXUAL MISCONDUCT COMPLAINT RESOLUTION PROCESS

The following procedures pertain to alleged incidents of sexual misconduct, as defined in Section III.C. of this policy.

i. FILING A SEXUAL MISCONDUCT COMPLAINT

Complainants may file a complaint with the Title IX coordinator to initiate the Humphreys University sexual misconduct complaint resolution process. If a complainant files a complaint directly with the Title IX Coordinator rather than submitting a report, the University will promptly contact the complainant to provide [Supportive Measures](#) and additional information as referenced in Section V. of this policy, [Reporting Sex Discrimination, Sexual Misconduct & Sexual Harassment](#).

Who Can File a Complaint?

The complainant or Title IX Coordinator must file the complaint.

Third parties cannot file complaints. Additionally, fundamental fairness and due process principles require that a respondent be informed of the details of the allegations made against them, to the extent that the details are known, to provide an adequate opportunity for the respondent to respond. Therefore, a complainant cannot remain anonymous and file a complaint to initiate the complaint resolution process. However, the Title IX Coordinator will keep confidential the identities of the complainant and respondent (and witnesses) from anyone not involved in the complaint resolution process, except as permitted by FERPA, required by law, or as necessary to conduct the grievance process. For more information about [confidentiality](#), see Section III.D. of this policy.

While a complaint requires the complainant's identity, Humphreys University does not require a complainant to identify the respondent in a complaint. If a complainant does not know the respondent's identity and files a complaint, the University will still investigate the complaint to the best of its ability because an investigation may reveal the respondent's identity. If the respondent's identity becomes known, the University will send both parties the written notice of allegations, follow the complaint resolution process outlined in this policy, and may impose disciplinary sanctions against the respondent at the conclusion of the process. However, if a respondent's identity remains unknown, the University will be unable to comply with the required grievance process outlined in this policy and therefore unable to impose disciplinary sanctions against the respondent.

Under certain circumstances, the Title IX Coordinator may determine that an investigation is necessary, even when the identity of the complainant is unknown or the complainant does not want an investigation. In this case, the Title IX Coordinator may choose to sign a complaint and initiate the complaint resolution process. When this occurs, the Title IX Coordinator is not a complainant or otherwise considered a party included in the grievance process. The alleged victim will remain the complainant and be treated as a party in the complaint resolution process. However, the complainant is not required to participate in the complaint resolution process.

ii. COMPLAINT RESOLUTION PROCESS

1. Complaint Committee

Upon receipt of a complaint, the Title IX Coordinator will convene the Humphreys University Complaint Committee. Generally, the Complaint Committee in charge of addressing complaints of sexual misconduct consists of a Humphreys University dean, faculty member, and administrative staff member.

2. Written Notice

Upon receipt of a complaint, the Title IX Coordinator will provide a written notice of allegations to both parties, if known, simultaneously.

The written notice will include the same information referenced in this policy under Process A: Title IX Formal Complaint & Grievance Process, subsection [ii. Grievance Process for Formal Complaints of Sexual Harassment](#), **a) Written Notice**, with the exception that the notice will contain information regarding the allegation of sexual misconduct rather than sexual harassment.

3. Investigation of the Complaint

Generally, the Complaint Committee will investigate the complaint and will generally complete the investigation within thirty (30) days.

During the investigation, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on Humphreys University and not on the parties. Complainants and respondents may decide not to share their side of the story or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the University and does not indicate responsibility. Additionally, the Complaint Committee will not make an adverse inference against a complainant or respondent based upon the party's refusal to participate in an investigation, nor will the respondent's refusal to participate result in increased sanctions if the respondent is found responsible for the accusations.

Generally, the Complaint Committee will follow the investigation procedures outlined in this policy under Process A: Title IX Formal Complaint & Grievance Process, subsection [ii. Grievance Process for Formal Complaints of Sexual Harassment](#), **b) Investigation of Formal Complaints**.

The involved parties will also be invited to submit written impact statements to the Complaint Committee, which will be reviewed by the Committee while determining sanctions, if necessary.

4. Formal Resolution of Complaint

Upon completion of the Investigative Report, the Complaint Committee will convene to review the complaint, Investigative Report, and the parties' written responses to the Investigation Report (if any).

If the Complaint Committee determines that there is sufficient information to find, by a preponderance of the evidence, that a policy violation occurred, the Complaint Committee will consider the imposition of disciplinary sanctions designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission, and internal policies. Disciplinary sanctions or interventions may also serve to promote safety or deter individuals from similar future behavior.

The Complaint Committee is responsible for determining the appropriate disciplinary sanction(s). The Complaint Committee may also consult with the Title IX Coordinator or designee. In reaching this determination, the Complaint Committee will review and consider the written impact statements provided by the parties.

5. Determination of Responsibility

Once the Complaint Committee has reviewed relevant information, impact statements, and determined if the respondent is responsible for the alleged sexual misconduct, it will issue a written determination to both parties simultaneously.

The procedures for issuing as well as the information contained in the written determination is outlined in this policy under Process A: Title IX Formal Complaint & Grievance Process, subsection [ii. Grievance Process for Formal Complaints of Sexual Harassment](#), d) **Determination of Responsibility**. However, the written determination in Process B will identify allegations potentially constituting [sexual misconduct](#), as defined in Section III.C., rather than sexual harassment.

6. Appeals

Either party may appeal the outcome of the complaint. Bases and procedures for appeal are found in this policy under Process A: Title IX Formal Complaint & Grievance Process, subsection [ii. Grievance Process for Formal Complaints of Sexual Harassment](#), e) **Appeals**.

Generally, the Appellate Officer is the University President or Dean of Undergraduate Studies.

7. Informal Resolution

At any time following the filing of a complaint and prior to reaching a determination regarding responsibility, Humphreys University offers complainants and respondents informal resolution options such as mediation, restorative justice, or other forms of alternative dispute resolution, which do not involve or require a full investigation and adjudication (hearing process).

The University's procedures for proceeding with Informal Resolution options are outlined in this policy under Process A: Title IX Formal Complaint & Grievance Process, subsection [ii. Grievance Process for Formal Complaints of Sexual Harassment](#), f) **Informal Resolutions**.

HUMPHREYS UNIVERSITY RECORDKEEPING

Humphreys University will maintain for a period of seven years the records regarding the following:

- A. Each sexual harassment investigation, including any determination regarding responsibility, the audio recording, audiovisual recording, or transcript of the hearing, any disciplinary sanctions imposed on the respondent, as well as any remedies provided to the complainant designed to restore or preserve equal access to The University's education program or activity;
- B. Any appeal and the result therefrom;
- C. Any informal resolution and the result therefrom; and

- D. All materials used to train Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators. Humphreys University will make these training materials publicly available on its website.

For each response to a report or formal complaint of sexual harassment, the University will create and maintain for a period of seven years, records of any actions, including any supportive measures taken. In each instance, the University will document the basis for its conclusion that its response was not deliberately indifferent and document that it has taken measures designed to restore or preserve equal access to the University's education program or activity. If the University does not provide a complainant with supportive measures, then the University will document the reasons why such a response was not clearly unreasonable in light of the circumstances.

CONFIDENTIAL RESOURCES, MEDICAL SERVICES & COUNSELING SERVICES

In case of emergency, call 911.

Stockton Campus Resources

Stockton Police Department
22 E Market St
Stockton, CA 95202
Non-Emergency phone: (209) 937-8377

Dameron Hospital
525 Acacia St
Stockton, CA 95203
Phone: (209) 944-5550

San Joaquin County General Hospital
500 W Hospital Rd
French Camp, CA 95231
Phone: (209) 468-6000

St. Joseph's Medical Center
1800 N California St
Stockton, CA 95204
Phone: (209) 943-2000

Modesto Campus Resources

Modesto Police Department
600 10th St
Modesto, CA 95354
Non-Emergency phone: (209) 572-9500

Doctors Medical Center
1441 Florida Ave
Modesto, CA 95350
Phone: (209) 578-1211

Sutter Health Memorial Medical Center
1700 Coffee Rd
Modesto, CA 95355
Phone: (209) 526-4500

Kaiser Permanente Medical Center
4601 Dale Rd, Modesto, CA 95356
Phone: (209) 735-5000

Other Resources

Women's Center Sexual Assault Helpline: (209) 465-4997
Rape, Abuse, and Incest National Network: 1-800-656-HOPE

A list of additional available services is available in the office of the Title IX Coordinator. Upon notification of the administration, a list of all services will automatically be given to any complainant.

APPENDIX A: WHAT DO TO FOLLOWING A SEXUAL ASSAULT

IF YOU WANT TO MAKE A POLICE REPORT, CALL 911 IMMEDIATELY.

The 911 operator will locate the law enforcement agency in the area where the assault occurred and send officers to take your report. The police can assist you in getting specialized medical care and an evidentiary examination. They can also help you preserve other evidence and address any concerns you have related to your personal safety and security.

Steps for Notifying the Police

If possible, the victim (complainant) or witness should immediately report the incident to the police. The quickest and most efficient way is to dial 911.

Trained specialists are on duty 24 hours a day to dispatch the emergency care necessary whether it be paramedics, police, or both.

A victim or witness of sexual assault should remember that safety is of utmost importance; therefore, a victim or witness should first go to a safe place. Once in a safe place, the police should be called immediately. When reporting sexual assault or battery, stay as calm as possible and do not hang up until the authorities have all necessary information. The reporter of sexual assault should give:

1. Name and telephone number (of telephone from which call is made)
2. Address and location where the victim or witness is located. The same information should be given for the location of the assault.
3. The crime being reported and a brief statement of what has occurred.
4. Suspect information
 - a. Is the suspect location known or has the suspect fled?
 - b. If the suspect has fled, in which direction last headed.
 - c. Description of the suspect:
 - i. Male or female
 - ii. Race
 - iii. Approximate age
 - iv. Height
 - v. Weight
 - vi. Hair color
 - vii. Eye color
 - viii. Description of clothing
 - d. If the suspect fled by vehicle
 - i. Type of vehicle
 - ii. Color of vehicle

- iii. License plate number (even if partial)
- iv. In which direction vehicle was going

After calling the proper authorities, victims or witnesses should take extreme care to preserve all physical evidence. Clothing worn by the victim at the time of the assault must be saved. The area where the assault occurred must not be disturbed.

Steps for Notifying Humphreys University Administration

Humphreys University administration should also be notified immediately that sexual assault or batter has occurred. The victim should seek assistance and information from any available member of the administration or faculty. Assistance includes transportation to medical facilities, notifying police, or paramedics, or both.

Location of Telephones

Victims and witnesses of an assault can make emergency calls from telephones located on the University premises. Telephones are located in the administrative offices and in the University library. All offices are typically open Monday through Thursday from 8:00 a.m. to 7:00 p.m. and Friday from 8:00 a.m. to 5:00 p.m.

Available Services

A list of available services is available in the office of the Title IX Coordinator.

Legal Recourse by Victim of Sexual Assault

- Criminal Action: The victim of an assault will receive information about any criminal prosecution against the person committing the assault. A sample crime report will be kept on file at the University and will be given to the student or employee.
- Civil Action: Each victim will be informed that civil action can be instituted against the perpetrator of an assault. The victim will be advised to seek counsel, whether private or through legal services available to the victim of an assault.

PRESERVE ALL PHYSICAL EVIDENCE

Even if you are unsure about whether you want to make a police report, you can still have evidence collected. It is recommended that you do not shower, bathe, wash your hands, eat, drink, or brush your teeth before you have a medical examination. Save all of the clothing you were wearing at the time of the assault in a paper (not plastic) bag.

Resources to learn more about the importance of preserving of evidence:

- California Sexual Assault Victim's DNA Bill of Rights:
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=680.
- Criminal Justice Planning:
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=13823.11.

SEEK MEDICAL CARE

Get specialized medical care *as soon as possible* after a sexual assault, even if you do not have any apparent physical injuries, and even if you do not want to make an immediate police report. A medical evaluation is important for your own personal health and well-being. Your healthcare provider can also answer other health-related questions and address specific concerns such as the risks of sexually transmitted infections and pregnancy.

REACH OUT TO A FRIEND, CO-WORKER, FAMILY MEMBER, OR SOMEONE ELSE YOU TRUST.

You can also get support from a counselor or an agency that provides specialized services for sexual assault victims.

FIND RESOURCES NEAR YOU

You can find information about victim assistance resources near you by contacting RAINN at [1-800-656-HOPE](tel:1-800-656-HOPE) (4673). RAINN is a national, free, confidential hotline available 24 hours a day, 7 days a week.

Humphreys University

Sex Discrimination, Sexual Misconduct & Sexual Harassment Incident Report

If this is an emergency, call 911.

Humphreys University encourages individuals with knowledge or concerns of an incident of sex discrimination, sexual misconduct, or sexual harassment to report the incident to our Title IX Coordinator.

In accordance with the [Humphreys University Sexual Misconduct & Sexual Harassment Policy](#), any person may report an incident(s) of sex discrimination, sexual misconduct, or sexual harassment to the Title IX Coordinator. The reporting party may be the person directly affected by the alleged incident or a third party. Detailed information about filing this report can be found in the section titled “[What Do I Need to Know About Filing an Incident Report](#)” in this document.

The contact information for Humphreys University’s Title IX Coordinator is as follows:

Carrie Castillon

Director of Administrative Services & Title IX Coordinator

6650 Inglewood Ave, Stockton, CA 65207

Phone: (209) 478-0800

Email: carrie.castillon@humphreys.edu

In this form you will see the following terms:

Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or sexual misconduct.

Once you have completed this report, please submit via email, mail, or deliver to the office of the Title IX Coordinator.

Thank you for reaching out with this important information. You can find additional resources about the University’s policies and protocols regarding incidents of sex discrimination, sexual misconduct, and sexual harassment on our website.

REPORTING PARTY & INCIDENT INFORMATION

Please provide your contact information and general information about the incident(s).

Your Name:

University ID #:

Email Address:

Phone Number:

Nature of Report:

- ☐ Report against Humphreys University employee
- ☐ Report against Humphreys University Student
- ☐ Report against Humphreys University Community Member
- ☐ Report against Non-Humphreys University Community Member
- ☐ Unknown

Date of Incident:

Time of Incident:

Location of Incident:

To your knowledge has this incident
been reported to the local Police
Department?

☐ Yes ☐ No ☐ Do Not Know

INVOLVED PARTIES

Please complete the following information to the best of your knowledge.

Upon receipt of this incident report, the Title IX Coordinator will contact the complainant (if identified) to offer supportive measures, provide information about additional resources, and explain how to file a formal complaint.

If you are the reporting party and complainant, you do not need to complete the fields already completed in the "Reporting Party & Incident Information" Section.

COMPLAINANT INFORMATION

Name:

University ID #:

Email Address:

Phone Number:

Status at Humphreys
University:

☐ Student ☐ Faculty Member ☐ Staff Member

☐ Non-Community Member ☐ Other (please specify) _____

Gender:

☐ Male ☐ Female ☐ Gender Non-Conforming

☐ Organization ☐ Other (specify if desired) _____

RESPONDENT INFORMATION

Name:

University ID #:

Email Address:

Phone Number:

Status at Humphreys
University:

☐ Student ☐ Faculty Member ☐ Staff Member

☐ Non-Community Member ☐ Other (please specify) _____

Gender:

☐ Male ☐ Female ☐ Gender Non-Conforming

☐ Organization ☐ Other (specify if desired) _____

DESCRIPTION OF THE INCIDENT

Please describe the incident. Include all relevant details and include the names and descriptions of the involved parties (complainant, respondent, and witnesses), if possible. If you need more space to describe the incident, you may attach an additional document to this report. *(required)*

WITNESS INFORMATION

If known, please provide the name and contact information of potential witnesses. Additional space for witness information is provided on the last page of this document.

Name:

University ID #:

Email Address:

Phone Number:

Status at Humphreys University: ☐ Student ☐ Faculty Member ☐ Staff Member

☐ Non-Community Member ☐ Other (please specify) _____

Gender: ☐ Male ☐ Female ☐ Gender Non-Conforming

☐ Organization ☐ Other (specify if desired) _____

ADDITIONAL INFORMATION

Please provide any additional information that you would like the Title IX Coordinator to know such as your reason for reporting this incident, immediate security concerns, or questions about next steps.

RELEVANT DOCUMENTS OR PHOTOS

Please attach to this report any documents or photos that may help the Title IX Coordinator better understand the incident.

WHAT DO I NEED TO KNOW ABOUT FILING AN INCIDENT REPORT?

Humphreys University is committed to the principles of equal opportunity and seeks to establish and maintain an environment which ensures equal access to education for all University community members including students, applicants for admission, employees, applicants for employment, guests, and visitors. To foster this environment, Humphreys University encourages individuals with knowledge or concerns of an incident of sex discrimination, sexual misconduct, or sexual harassment to report the incident to our Title IX Coordinator.

In accordance with the [Humphreys University Sexual Misconduct & Sexual Harassment Policy](#), any person may report an incident(s) of sex discrimination, sexual misconduct, or sexual harassment to the Title IX Coordinator. Forms of sexual harassment include sexual assault, dating violence, domestic violence, and stalking. The reporting party may be the person directly affected by the alleged incident (referred to as “complainant”) or a third party.

For more information about prohibited forms of conduct at the University, supportive measures, and the University’s response to incidents, refer to the [Sexual Misconduct & Sexual Harassment Policy](#). You may find additional resources on the Humphreys University website.

Reports of sex discrimination, sexual misconduct, and sexual harassment may be written or verbal and may be made at any time (including non-business hours) in person, or by using the telephone number or email address, or by mail to the office address of the Title IX Coordinator. Individuals may also submit this Incident Report by email, mail, or in person directly to the Title IX Coordinator.

The contact information for Humphreys University’s Title IX Coordinator is as follows:

Carrie Castillon

Director of Administrative Services & Title IX Coordinator

6650 Inglewood Ave, Stockton, CA 65207

Phone: (209) 478-0800

Email: carrie.castillon@humphreys.edu

WHAT HAPPENS AFTER I COMPLETE THE INCIDENT REPORT?

Once you have completed this report, please email, mail, or deliver to the Title IX Coordinator.

After submitting this incident report form, the Title IX Coordinator will contact the complainant to discuss supportive measures and explain how to file a formal complaint and/or initiate the complaint resolution procedures, if applicable and desired by the complainant. Supportive measures will be available to complainants regardless of whether or not they wish to file a formal complaint to initiate a grievance process or a complaint to initiate other procedures at the University.

See the [Sexual Misconduct & Sexual Harassment Policy](#) for more information about Humphreys University’s complaint resolution procedures as well as the Title IX formal complaint and grievance process.

Anonymous Reporting: Reports submitted anonymously will be reviewed by the Title IX Coordinator and included in campus safety assessments. If a report is submitted by an unnamed third-party and contains the identity of the complainant, the Title IX Coordinator will contact the complainant to inquire about the incident, offer supportive measures, and explain the process for filing a formal complaint. If a report does not contain the identity of the complainant, the University will be unable to contact the complainant and offer supportive measures. While the Title IX Coordinator will keep confidential the identity of the complainant (unless disclosing the complainant's identity is necessary to provide supportive measures such as no-contact orders), the Title IX Coordinator must know the identity of the complainant to offer supportive measures.

INCIDENT REPORT VERSUS FORMAL COMPLAINT

This Incident Report provides community members with the opportunity to notify the Title IX Coordinator of prohibited conduct. However, this report form is not a formal complaint and does not initiate the formal grievance processes outlined in the [Sexual Misconduct & Sexual Harassment Policy](#) (Process A: Title IX Formal Complaint & Grievance Process or Process B: Sexual Misconduct Complaint Resolution Process) or the other complaint resolution procedures outlined in the Humphreys University General Catalog or Employee Handbooks. Individuals who wish to initiate an investigation into an incident may file a formal complaint with the Title IX Coordinator and/or discuss this option when contacted by the Title IX Coordinator.

As this is not a formal complaint, generally the respondent will not be contacted without the consent of the complainant. However, should the University undertake an individualized safety and risk analysis and determine that the respondent poses an immediate threat to the physical health or safety of any student or other individual based on the allegations contained in this report, the University may remove the party from campus.

The respondent may be contacted in the event that the complainant requests specific supportive measures (i.e. no-contact orders) and will be contacted if a formal grievance or complaint process is initiated.

Confidentiality: Humphreys University will keep confidential the identity of any individual who reports sex discrimination, sexual misconduct, and/or sexual harassment. The University will also keep confidential the identity of any complainant (if not the reporting party), any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute or regulations, 20 U.S.C. 1232g and 34 CFR part 99, or required by law, or to carry out the purposes of 34 CFR part 106, including implementing supportive measures and the conduct of any investigation, hearing, or judicial proceeding arising thereunder.