

Sexual Harassment, Misconduct and Violence Policy

This policy is effective as of August 20, 2012, and with respect to its subject matter supersedes all previous policies of the University, its Colleges, Schools or Departments.

Regis University is committed to creating and maintaining a safe, respectful community. As such, the University prohibits sexual harassment, acts of sexual misconduct and sexual violence. Sexual harassment and sexual violence is prohibited by law, including Title VII of the Civil Rights Act and Title IX of the Higher Education Act, and may also lead to civil and criminal liability.

Regis University will not tolerate sexual harassment or sexual violence. Regis will take immediate and appropriate corrective action, up to expulsion or dismissal, in cases where it has determined that sexual harassment or sexual violence has occurred.

Scope of Policy. All Regis University community members (faculty, students, staff, administrators, trustees, contract personnel, agents, visitors, invitees, volunteers, and other individuals associated with the University) are prohibited from engaging in acts of sexual harassment or sexual violence directed toward other Regis University community members. For purposes of this policy sexual harassment includes sexual misconduct. Regis University community members have the right to be free from sexual harassment and sexual violence during the course and scope of their employment or engagement in educational or other activities at the University. If a community member is aware of possible sexual harassment or sexual violence, without regard to where it occurs, the employee must report it to the Title IX Coordinator, the Dean of Students or the Department of Human Resources; and, to the extent required by applicable law, to local law enforcement agencies.

Clubs, associations and other organizations (and their members) affiliated with or partaking of the benefits, services or privileges afforded by the University are required to abide by this policy in the conduct of their University-related programs and activities.

Faculty members and other employees are prohibited from making or participating in decisions affecting a student's or employee's progress or standing or which may reward or penalize a student or employee with whom the staff member has, or has had, a sexual or romantic relationship.

Members of the Regis University community who experience sexual harassment or sexual violence while performing University-related duties in a clinical or other external setting is encouraged to report any incidents to an appropriate University official and to an appropriate official at the external site. In such cases, there may be a cooperative investigation between Regis and the external organization.

Definition. Sexual Harassment, is:

- Unwelcome, gender based verbal or physical conduct that is,

- Sufficiently severe, persistent or pervasive that it,
- Unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the university's educational program and/or activities.

Sexual violence is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

Examples of Sexual Harassment and Sexual Violence. The overriding factor is that the behavior is uninvited and unwanted. In one extreme form, sexual harassment or sexual violence occurs when a person in a position of influence or control uses authority or power to coerce sexual relations or to punish refusal. Neither sexual harassment nor sexual violence is limited by the gender of either party or by superior-subordinate relationships.

A hostile environment may occur even if the harassment is not targeted specifically at the individual complainant. For example, if a community member regularly directs sexual comments toward another community member, a hostile environment may be created not only for the targeted individual, but also for those who witness the illegal conduct.

Sexually harassing or sexual violence behaviors may include, but are not limited to, the following:

- a. Non consensual sexual contact (any intentional sexual touching with any object by one upon another that is without consent and/ or by force)
- b. Sexual exploitation.
- c. Coerced sexual relations.
- c. Physical assault, including rape.
- d. Unwelcome sexual flirtation, advances or propositions.
- e. Inappropriate personal questions.
- f. Verbal remarks of a sexual nature, whether to an individual or directed to a group.
- g. Sexually explicit or sexually offensive jokes.
- h. Graphic or degrading verbal or written comments about an individual or the individual's appearance.
- i. Public display of sexually explicit, offensive or demeaning photographs.
- j. Written or electronic transmissions with sexually explicit or sexually offensive content.
- k. Requiring a person to wear sexually revealing clothing when not relevant to the educational or work experience.
- l. Any suggestive or unwelcome physical contact.
- m. Demanding sexual favors accompanied by promises, hints or threats concerning one's employment or educational status or opportunities.
- n. Introducing clearly inappropriate or generally offensive sexual content into a classroom discussion.
- o. Stalking
- p. Other sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

Information and Advice about Sexual Harassment and Sexual Violence.

Community members may choose to report sexual harassment or sexual violence to public agencies (e.g. police), the University or both concurrently.

If you choose to report to the police, contact the police department with jurisdiction over the location where the incident occurred. You may contact Campus Safety who can assist you through the process of contacting the appropriate police department. Regis University will work closely with law enforcement officials in cases involving allegedly criminal behavior.

If you choose to file a complaint with the University, follow the complaint procedures set forth below.

Members of the University community who desire information about sexual harassment or sexual violence, have questions about the University's policies and procedures, believe that they may have been sexually harassed, the victim of sexual violence, or who have been accused of sexual harassment or sexual violence are encouraged to contact the Title IX Coordinator, the Dean of Students or the Department of Human Resources. Each of these individuals has information on additional University and community resources concerning sexual harassment and sexual violence. Information can also be found on www.regis.edu.

Regis University community members, excluding those with a privilege protection, have a legal obligation to report to the Title IX Coordinator, the Dean of Students or the Department of Human Resources all alleged incidents of sexual harassment or sexual violence of which they become aware either directly or indirectly.

Individuals who do not wish to have their claims of sexual harassment or sexual violence investigated should limit their contact to those with a privilege protection (e.g., doctor/patient, priest/penitent, attorney/client). However, all individuals are encouraged to report their claims so that immediate and appropriate action can be taken.

Cases involving sexual harassment and sexual violence are particularly sensitive and demand special attention to issues of confidentiality. The University cannot ensure confidentiality, it will, however honor such requests to the extent possibly consistent with the University's responsibilities under law and policy. Investigations and the University's response to complaints may be impeded by confidentiality requests.

Complaint Procedures.

If you believe there has been a violation of the EEO policy or harassment based on the protected classes outlined in this policy, including sexual harassment or sexual violence, please use the following complaint procedure. The procedure applies to all complaints by any member of the Regis University community against any other member based in whole or in part on one's race, color, religion, national origin, creed, ancestry, sex (including sexual harassment and sexual violence), age, marital status, sexual orientation, military or veteran status,

physical or mental disability, genetic information, or any characteristic protected by applicable local, state, or Federal law (collectively “Discrimination”). With respect to sexual harassment and sexual violence, these procedures shall control over the disciplinary procedures outlined in the Regis University Student Handbook.

a. Filing a Complaint:

1. Definition of Parties to the Complaint:

The individual who believes that (s)he has been discriminated against is referred to as the complainant. The individual who is accused of Discrimination is referred to as the respondent.

2. Time Limits:

Prompt filing of a complaint after any alleged incident of Discrimination is strongly encouraged. A lengthy period between an alleged occurrence and an investigation may make fact-finding difficult or impossible. Therefore, it is recommended that complaints be filed within 120 days after the alleged occurrence or most recent alleged occurrence, in the case of numerous alleged incidents. The University reserves the right not to process any claim that is filed more than 120 days after an alleged occurrence.

3. Where to File:

Complaints are to be filed with the Title IX Coordinator, Lorna Dwyer at 3333 Regis Boulevard, West Hall K4-107B, Denver, CO 80221-1099, phone number 303-458-4906.

Complaints related to sexual harassment or sexual violence can also be filed with the Associate Vice President/ Human Resources, Tony Crow at West Hall Rm. 107, 3333 Regis Boulevard, Mail, Code K-4, Denver, CO 80221-1099, phone number 303-458-4197 or the Dean of Students, Diane McSheehy at Student Center Rm. 223, 3333 Regis Boulevard, Mail Code J8, Denver, CO 80221-1099, phone number 303-458- 4223. Complaints filed with the Associate Vice President/Human Resources or the Dean of Students will be referred to the Title IX Coordinator for processing.

4. Content of Complaint:

Normally, complaints must be in writing; however, the Title IX Coordinator may allow exceptions where circumstances warrant. The complaint should include a detailed statement describing the conduct which is the basis of the complaint, including the name(s) of the respondents, the date(s), time(s), and locations of the conduct, and the names of any witnesses. If the Title IX Coordinator believes that the complaint is incomplete, additional information may be requested.

5. Withdrawal of Complaint:

A complaint may be withdrawn at any time after it is filed. Withdrawal of a complaint will not necessarily result in the termination of the University’s investigation into the allegations.

6. Response to the Complaint:

Upon receipt of a complaint, the Title IX Coordinator will promptly forward a copy, or in the case of a verbal complaint, a summary of the complaint to the respondent. The respondent will then have 10 calendar days from the receipt of the complaint or summary to

reply. Normally, responses must be in writing; however, the Title IX Coordinator may allow exceptions where circumstances warrant. Upon receipt of the response to the complaint, the Title IX Coordinator will promptly forward a copy of the response, or in the case of a verbal response, a summary of the response to the complainant.

b. Investigation:

1. When Investigations Occur:

As soon as a response to a complaint is received, or if no timely response is presented, the Title IX Coordinator will oversee a prompt thorough investigation of the complaint. The University may investigate Discrimination allegations without a complaint or the agreement of the complainant.

2. Investigative Process:

Investigations will be conducted as confidentially as feasible on a case-by-case basis so as to ensure that the investigation is adequate, reliable and impartial. A preponderance of the evidence shall be standard of proof. All parties to the investigation will have the right to submit evidence and names of witnesses to the Investigator(s).

3. Documenting Investigations:

Written records will be prepared and kept on file, even if the conclusion is that the facts did not support the complainant's allegations.

c. Resolution of Complaint:

The investigation shall be concluded within 45 calendar days after the receipt of the response to the complaint, or when the time for response has expired. Exceptions may be allowed where circumstances warrant. Findings shall be made as to whether the alleged actions constituted Discrimination. If the findings are that the respondent's behavior did not constitute Discrimination, then the complaint will be dismissed and all parties to the proceedings will be notified immediately of the dismissal. If the findings are that Discrimination has occurred or is occurring, it will take immediate and appropriate steps to address the Discrimination (e.g. disciplinary action and counseling) to prevent recurrence of discrimination or harassment and correct its effects on the complainant and others, if appropriate. The Title IX Coordinator will promptly communicate the findings and any recommendations to all parties.

d. Retaliation Prohibited:

Any act (overt or covert) by a member of the University community which interferes with or penalizes the responsible use of this policy and its procedures by another member of the Regis community may trigger an investigation under this policy and may result in appropriate disciplinary action.

e. Frivolous or False Charges:

This policy shall not be used to bring frivolous (totally insufficient in substance) or false charges (not made in good-faith) against any member

of the University community. Appropriate disciplinary action will be taken against the person making a frivolous or false charge.

f. Cooperation:

Every member of the Regis University community, as a condition of his/her continuing association with the University, is required to cooperate with any Discrimination investigation by providing information within his/her knowledge, possession or control. Supervisory employees are required to enforce this policy by seeking to eliminate Discrimination in the work environment under their jurisdiction, by reporting incidents of Discrimination to the Title IX Coordinator, and by periodically informing supervised employees about this policy and their obligations there under.