

AZUSA PACIFIC UNIVERSITY
POLICIES AND PROCEDURES

Title: “Sexual Harassment” Under Title IX, and Other Instances of Sexual Misconduct Policy
Policy Number: PO2020052
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Effective Date: September 24, 2020
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Issuing Authority: Board of Trustees
Responsible Office: Student Affairs

STATEMENT OF UNIVERSITY:
“Sexual Harassment” Under Title IX, and
Other Instances of Sexual Misconduct

A. Policy of Nondiscrimination on the Basis of Sex

Azusa Pacific University’s (“APU” or “University”) mission statement describes the University as “an evangelical Christian community of disciples and scholars.” Deep convictions about how we treat one another, anchored in the biblical truth that all human beings are created by God and bear His image, are foundational to our identity as a Christ-centered community. In keeping with those convictions, the University is committed to providing a learning, working, and living environment that promotes personal integrity, civility, and mutual respect and is free from any form of improper or unlawful discrimination.

This policy focuses specifically on discrimination based on sex in education programs and activities that receive federal financial assistance. Title IX of the Education Amendments of 1972 provides: “No person in the United States shall, on the basis of sex, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination.” (Title IX of the Education Amendments of 1972, codified at 20 U.S.C. section 1681, and its implementing regulation at 34 C.F.R. Part 106.)

This policy refers to all forms of sex discrimination, broadly defined, including (without limitation) all forms of sexual harassment, sexual assault, sexual violence, domestic and dating violence, stalking, and all forms of sexual coercion or exploitation. Described in this way, sex discrimination is completely in conflict with the values of APU’s mission statement from the standpoint of personal integrity, civility, and mutual respect, violating as it does an individual’s fundamental rights and personal dignity.

Title IX’s reach does not extend to every area of the APU community: it is limited to conduct occurring within our education programs and activities, and to University property or at events or areas under the University’s control or under its permission. Nevertheless, the University considers sex discrimination in all its forms to be a serious offense, wherever and however it takes place within our University community. Therefore, this policy refers to all forms of sex

discrimination by employees, students, or third parties, regardless of its statutory or policy basis. To the extent that alleged misconduct falls outside this Title IX policy, or if misconduct falling outside the Title IX policy is discovered in the course of an investigation of misconduct, the University retains authority to investigate and redress such misconduct under any other University policy, handbook, or set of community expectations.

The University endeavors to keep our community free of such misconduct through education, training, clear policies and procedures, and appropriate consequences for those who violate these norms. When an instance of sex discrimination is reported, it is the policy of the University to take prompt action to equitably investigate the complaint, address any findings as necessary and appropriate, and to prevent its reoccurrence. Further, any type of retaliation by any party involved is prohibited. **Related policies, procedures, and guidance of Azusa Pacific University:**

- [Undergraduate Community Expectations](#)
- [Graduate and Professional Student Standards of Conduct](#)
- Faculty Handbook*
- Employee Handbook*
- University's policy on Child Abuse Prevention and Reporting*

*These non-public resources are readily available online to the communities they serve.

Individuals may report sex discrimination and sexual harassment in person, by email, mail, or telephone, or by using the online reporting form listed for the Title IX Coordinator: https://formstack.apu.edu/forms/title_ix_reporting_form.

B. Scope of Policy

The requirements and protections of this policy apply to **all** University community members, regardless of sex, status, or position. This includes students, faculty, administrators, staff, all other permanent or temporary employees, volunteers, vendors, contractors, and visitors present in the United States, conducting business, studying, living, visiting, or having any official capacity with the University or on its property or in connection with any University program or activity. It integrates with the University's statements of policies and expectations found in the Undergraduate Community Expectations, Graduate and Professional Student Standards of Conduct, the Faculty Handbook, and/or the Employee Handbook.

Title IX

APU is committed to providing prompt and equitable resolution of student and employee complaints that allege any behaviors that are prohibited by Title IX. Once the Title IX Coordinator receives a formal complaint, identified parties will receive notification of complaint and of grievance procedures and process.

Institutional

Sexual Harassment, Stalking and Sexual Violence Policy and the Title IX Policy is applicable to students and employees who are accountable to the Undergraduate Community Expectations, Graduate and Professional Student Standards of Conduct, and/or the Employee Handbook. In the event the date of the reported prohibited conduct precedes the effective date of this policy, the definitions of misconduct in existence at the time of the report will be used. The hearing process under this policy, however, will be used to investigate and resolve all reports made on or after the effective date of this policy, regardless of when the incident(s) occurred.

Under Title IX, “education program or activity” includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution §106.44(a).

Under Title IX, sexual harassment is defined as conduct on the basis of sex when one or more of the following criteria are met:

1. *An employee conditions aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct (also defined as quid pro quo) by an employee;*
2. *Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the institution’s education program or activity (also defined as a hostile environment);*
3. *Sexual assault, dating violence, domestic violence, or stalking, as defined by the Clery Act and the Violence Against Women Act.*

The University encourages reports of sexual misconduct within our community regardless of who engaged in the alleged conduct. For the purposes of integrating all of the University’s policies in this area, all complaints by a student of sexual harassment or other sexual misconduct should first be reported to the Title IX Coordinator (see below), who will work with the complainant to determine how to address their situation under the University’s policies – whether under Title IX or another University policy.

If, for any reason, the University does not have jurisdiction over the misconduct, the University is committed to the safety and well-being of the complaining individual and will promptly provide supportive resources regardless of how the complaint process unfolds from there.

C. Implementation of Policy

The primary responsibility for the implementation of this policy is vested in the Title IX Coordinator designated by the University, residing within the organization of the University’s Vice President for Student Affairs. The primary duties of the Title IX Coordinator are set by regulations of the Department of Education found at 34 C.F.R. Part 106, with such other duties as may be assigned by the Vice President for Student Affairs.

This policy requires the adoption and ongoing implementation of detailed functional procedures that articulate and implement Title IX's requirements concerning the elimination and prevention of discrimination on the basis of sex as established by statute and regulation as described above. These procedures are intended to give effect to the detailed rules promulgated by the Department of Education for this purpose, the University will need to adapt to changes to these rules, subsequent authoritative interpretations of these rules, and emerging best practices based on the University's experience and the experience of the broader Higher Education community. There is a link to these procedures at the end of this policy.

As noted above, Title IX's requirements extend well beyond the University's student community to virtually every area of University life. This includes University administration, faculty, staff, and other employees whose rights and responsibilities are governed by California employment law as implemented by the University's Human Resources function, and/or by the provisions of the employee handbook and the faculty handbook.

To aid in managing the evolving implementation of this policy and its various overlapping authorities, the Title IX Coordinator shall convene a meeting of the following University stakeholders no less than annually:

- Title IX Coordinator;
- Vice President for Student Affairs (or designee);
- Vice President for Human Resources (or designee);
- Provost (or designee);
- Vice President of Enrollment Management (or designee), and
- Vice President for University Integrity & General Counsel (or designee).

D. The University's Title IX Coordinator

The University has, in accordance with Title IX, appointed a Title IX Coordinator and a team of Deputy Coordinators who assist the Title IX Coordinator. Together, the Title IX Coordinator and Deputy Coordinators form the University Title IX Committee.

The University's Title IX Coordinator is the individual designated by the University President with responsibility for carrying out the University's responsibilities under Title IX. This includes receiving reports of alleged violations of Title IX from Officials with Authority and members of our extended community, and managing the Title IX process and training. The Title IX Coordinator may also serve as an investigator of Title IX formal complaints, but cannot serve as a decision-maker in a Title IX grievance proceeding.

Deputy Coordinators have the responsibility to be knowledgeable and trained with respect to relevant federal and state law or regulations related to Title IX. The Committee, or some combination of some members of the Title IX Committee, are trained to investigate Title IX complaints raised at the University, to review the University's policy and disciplinary procedures to ensure that procedures comply with the prompt and equitable requirements of Title IX, and to ensure training and education is provided to University students and employees as required by Title IX. In addition, if so trained, Deputy Coordinators can also serve as decision-makers in Title IX grievance proceedings, but not in the same matter in which they are also the investigator.

The University's current Title IX Coordinator is:

Ms. Christine R. Guzman, Title IX Coordinator
Azusa Pacific University
901 East Alostia Avenue
Azusa, California 91702
(626) 815-2065
crguzman@apu.edu

This contact information is to be disseminated to the broad community required to be given notice by the Title IX regulations. For information concerning the Title IX Deputy Coordinators, please refer to the University's Title IX website for a list of the University's current Title IX Committee: <https://www.apu.edu/titleix/what-is-titleix/>.

Individuals may report sex discrimination and sexual harassment in person, by email, mail, or telephone, or by using the online reporting form listed for the Title IX Coordinator: https://formstack.apu.edu/forms/title_ix_reporting_form.

In addition to the Title IX Coordinator and Deputy Coordinators, the University hereby designates certain employees whose knowledge of allegations of "discrimination on the basis of sex" constitute formal notice to the University of these allegations ("actual knowledge") that trigger a duty for the University, acting through the Title IX Coordinator, to act. This class of employees, called "Officials with Authority" ("OWA"), consists of those University officials who have actual knowledge of the alleged discrimination and have the authority to institute corrective measures.

With this standard in mind, this policy designates the following University officials, by position, as OWA for the purposes of Title IX, who, if they have notice of the content of an allegation of discrimination on the basis of sex, have a duty to forward this information to the Title IX Coordinator for further action under this policy and the associated procedures: President, Provost, Vice Presidents, Dean of Students, and the Director of Athletics.

With the exception of those formally designated as confidential resources, the University designates the following additional employees as having the obligation to report incidents of alleged sexual violence to the Title IX Coordinator: Residence Directors and other professional Residence Life staff, and other designated student leaders, including Resident Advisors, faculty (including adjunct faculty), student employee supervisors, coaches, and club/organization advisors, and any employee designated as a Campus Security Authority.

E. Publication

The University shall widely disseminate the name and contact information for the Title IX Coordinator, including in applications for admissions and employment, and on the University's external and internal websites, publish this policy and the accompanying functional procedures, and make publicly available all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. Please direct questions or concerns related to this policy to the Title IX Coordinator.

The link below connects to the detailed procedures associated with this policy:

https://www.apu.edu/live_data/files/107/sexual_harassment_stalking_sexual_violence_procedures.pdf