



Policy Title: Policy Prohibiting Sex-Based Harassment, Discrimination, and Retaliation
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I. POLICY STATEMENT

Seattle University is committed to providing an educational and employment environment that is free from discrimination based on sex, gender, gender identity, sex stereotypes, sexual orientation, pregnancy and related conditions, and retaliation for engaging in protected activity.

II. PURPOSE & BACKGROUND

Seattle University values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the resolution process during what is often a difficult time for all involved.

To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the education program or activity, Seattle University has developed policies and procedures that provide prompt, fair, and impartial resolution of allegations of sex-based harassment, discrimination, or retaliation.

III. APPLICABILITY/RESPONSIBILITY

A. Scope

This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the Seattle University community whose acts deny, deprive, or unreasonably interfere with or limit the education or employment, residential, and/or social access, benefits, and/or opportunities of any member of the Seattle University community, guest, or visitor on the basis of that person’s actual or perceived sex, gender, gender identity, sex stereotypes, sexual orientation, or retaliation for engaging in protected activity, is in violation of this policy. This Policy applies to all faculty, staff, students, and other individuals participating in or attempting to participate in Seattle University’s program or activities, including education and employment.

Seattle University will promptly and effectively address any such discrimination of which it has

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Knowledge/Notice using the resolution in the ~~Sex~~



Respondent is unknown or is not a member of the Seattle University community, the Title IX Coordinator will offer to assist the Complainant in identifying appropriate institutional and local resources and support options and will implement appropriate supportive measures and/or remedial actions (e.g., trespassing a person from campus). Seattle University can also assist in contacting local law enforcement if the individual would like to file a police report about criminal conduct.

All vendors serving Seattle University through third party contracts are subject to the policies and procedures of their employers.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in contacting the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environmental external to Seattle University where sex-based harassment policies and procedures of the facilitating or host organization may give the Complainant recourse. If there are effects of that external conduct that impact a student or employee's work or educational environment, those effects can often be remedially by the Title IX Coordinator if brought to their attention.

C. Online Harassment and Misconduct

Seattle University policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on Seattle University's education program and activities, or when they involve the use of Seattle University's networks, technology, or equipment. However, nothing in this Policy is intended to infringe upon or limit a person's rights to free speech or a faculty member's academic freedom.

IV. DEFINITIONS

A. Prohibited Behavior

1) Sex-Based Discrimination

Sex-based discrimination is different treatment with respect to an individual's employment or participation in an education program or activity based, in whole or in part, upon the individual's actual or perceived sex, gender, gender identity, sex stereotypes, sexual orientation and/or pregnancy or related conditions. Sex-Based Discrimination also includes allegations of a failure to provide reasonable adjustments for pregnancy or pregnancy related conditions. Sex-Based Discrimination can take two primary forms:

- a. Disparate Treatment Discrimination: Any intentional differential treatment of a person or persons that is based on an individual's actual or perceived sex, gender, gender identity, sex stereotypes, sexual orientation and/or pregnancy or related conditions and that:

Excludes an individual from participation in;



Denies the individual benefits of; or

Otherwise adversely affects a term or condition of an individual's participation in a Seattle University program or activity.

- b. Disparate Impact Discrimination: Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that:

Excludes an individual from participation in;

Denies the individual benefits of; or

Otherwise adversely affects a term or condition of an individual's participation in a Seattle University program or activity.

- 2) Sexbased Discriminatory Harassment: Unwelcome conduct on the basis of actual or perceived sex, gender, gender identity, sex stereotypes, sexual orientation and/or pregnancy or related conditions that:

based on the totality of the circumstances,

is subjectively and objectively offensive, and

is so severe or pervasive,

that it limits or denies a person's ability to participate in or benefit from Seattle University's education program or activity

3) Sexbased Harassment

Sexbased harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, sexual assault, dating violence, domestic violence, and stalking

- a. Quid Pro Quo Harassment: Quid pro quo harassment is when an employee agent, or other person under Seattle University's education program or activity explicitly or impliedly conditioning the provision of benefits or opportunities on the individual's participation in or benefit from Seattle University's education program or activity

POLICY



Violence,

On the basis of sex

Committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to the spouse of the Complainant under the family or domestic violence laws of the state of Washington, or a person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the state of Washington.

- iv. Stalking: Engaging in a course of conduct on the basis of sex that is directed at a specific person and that would cause a reasonable person

- Fear for the person's safety, or
- Fear for the safety of others, or
- Suffer substantial emotional distress.

Other Prohibited Behavior

The following inappropriate behaviors include actions that, although they may not fall within the definitions of sex-based discrimination or sex-based harassment above, violate the University's community standards and sometimes also the law. Therefore, actions or interactions falling within one of the definitions below violate this Policy.

- 4) Sexual Exploitation: Sexual exploitation occurs when an individual takes consensual or abusive sexual advantage of another person for one's own benefit (19 (RCW 49A.04.030) (a)-4



- x Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression
- x Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of non

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- o making a Complaint
- o testifying, assisting, or participating in an investigation or resolution process under the Procedures related to this Policy, including an informal resolution process, or refusing to participate in any manner;

in an investigation or resolution process under the Procedures related to this Policy, including an informal resolution process, or in any other appropriate steps taken by Seattle University to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects

The exercise of academic freedom does not constitute retaliation. It is also not retaliation for Seattle University to pursue Policy violations against those who make materially false statements in bad faith in the course of a resolution under this Policy. However, the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith

- 6) Unauthorized Disclosure: Distributing or otherwise disclosing or publicizing materials created during an investigation or resolution process, except as required by law or as expressly permitted by Seattle University, or publicly disclosing a person's personally identifiable information without authorization or consent.

7) Failure to Comply/Process Interference

Intentional failure to comply with the reasonable directives of the Title IX Coordinator in the performance of their official duties, including with the terms of a no contact order

Intentional failure to comply with emergency removal or interim suspension terms

Intentional failure to comply with sanctions

Intentional failure to adhere to the terms of an agreement achieved through informal resolution

Intentional failure to comply with mandated reporting duties as defined in this Policy

Intentional interference with the Title IX resolution process, including but not limited to:

- o Destruction of or concealing of evidence
- o Actual or attempted solicitation of knowingly false testimony or providing false testimony or evidence
- o Intimidating or bribing a witness

POLICY PROHIBITING SEX-BASED HARASSMENT, DISCRIMINATION, AND RETALIATION



Applicant means one who submits an application, request, or plan required to be approved by Seattle University as a condition of becoming a student or employee.

Co-Curricular Activities activities, programs, and learning experiences that complement students' academic programs and are sponsored by the University. Co-curricular activities include, but are not limited to registered student organizations and clubs, athletics (Division I and club), honor societies and academic cohorts, and school publications.

Coercion is defined above in section 2B.

Complainant

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employment.

Final Determination means a conclusion by the standard of proof that the alleged conduct did or did not violate policy.

Finding means a conclusion by the standard of proof that the alleged conduct did or did not occur as alleged (as in a “finding of fact”).

Force is defined above in section B1.

Gender Identity or Gender Expression includes intersex, nonbinary, transgender, agender, two spirit, and gender diverse people.

Harm/Endangerment

- threatening or causing physical harm;
- extreme verbal, emotional, or psychological abuse; or
- other conduct which threatens or endangers the health or safety of any person or damages their property.

Incapacitation (or incapacity or incapacitated) Is defined above in section B3.

Intimidation: Implied threats or acts that cause the listener reasonable fear of harm.

Knowledge means when Seattle University receives notice of conduct that reasonably may constitute sex-based harassment, discrimination, or retaliation in an education program or activity.

Notice: means when an employee, student, or third party informs the Title IX Coordinator of the alleged occurrence of discriminatory, harassing, and/or retaliatory conduct.

Party: means a Complainant or Respondent.

Peer retaliation means Retaliation by a student against another student.

Pregnancy or related condition

- Pregnancy, childbirth, termination of pregnancy, or lactation;
- Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
- Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Privacy means that information related to a complaint will be shared with a limited number of Seattle University employees who “need to know” in order to assist in providing supportive measures or evaluating, investigating,]TJ 0.005 Tc -]TJ 0.0aNpS (n (pS (n (n4 (,) (f)64 Tw Tc 0)9.1 2M



institutionally supported like an arm of an office (i.e. student government)

Relevant related to the allegations of sex discrimination under investigation as part of the grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decision maker in determining whether the alleged sex discrimination occurred.

Remedies measures provided, as appropriate, to a complainant or any other person Seattle University identifies as having had their equal access to Seattle University's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to Seattle University's education program or activity after Seattle University determines that sex discrimination occurred.

Respondent:

POLICY PROHIBITING SEX-BASED HARASSMENT, DISCRIMINATION, AND RETALIATION



study approved by Seattle University’s Institutional Review Board. Confidentiality to apply, the individual must be in a confidential relationship with the person reporting at the time of receiving Notice.

At Seattle University, if a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with the following Confidential Employees:

- x Counseling and Psychological Services (CAPS)
- x Student Health Center
- x Campus Ministers working within the scope of their ministerial role
- x Clients at Seattle University Law School Clinics
- x Seattle University Ombudsperson

The employees falling within one of the categories of confidential employees above, will maintain confidentiality except in extreme cases of immediacy or threat or danger or abuse of a minor, elder, or individual with a disability, or when required to disclose by law or court order.

Confidential employees who receive Notice within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, visitor, or parishioner.

3) Unaffiliated Third Parties

In addition, Complainants may speak with individuals unaffiliated with Seattle University without concern that this Policy will require them to disclose information to the institution without permission. Such individuals may include

- x External, licensed professional counselors and other medical providers
- x Local rape crisis counselors
- x Domestic violence resources
- x Local or state assistance agencies
- x External clergy members/chaplains
- x Non-University Attorneys
- x Service providers providing services through the University [Employee Assistance Program](#)
- x Service providers providing services through [TimelyCare](#) and [TimelyMD](#)
- x External Sports Medicine Doctors or Sports Medicine Psychologists

E. Reports and



- c. To make an anonymous report, contact EthicsPoint:
EthicsPoint– a secure reporting tool, with the option to file anonymously
1-888-393-6824 or
<https://secure.ethicspoint.com/domain/media/en/gui/23241/index.html>
- d. For incidents involving students, you may also contact the Office of the Dean of Students:
<https://www.seattleu.edu/deanofstudents/>
206-296-6060 | deanofstudents@seattleu.edu | STCN 140
- e. For incidents involving a faculty or staff member, you may also contact Human Resources:
<https://www.seattleu.edu/hr/>
206-296-5870 | hr@seattleu.edu | CLMB 103
- f. For emergency and after-hours assistance, contact:
<https://www.seattleu.edu/safety/>
206-296-5911 (emergency) or 206-296-5990 (non-emergency)

3) Time Limits on Reporting

There is no time limitation on providing Notice/Complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to Seattle University’s jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

Acting on Notice/Complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of Policy) is at the Title IX Coordinator’s discretion; they may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

F. Supportive Measures

Seattle University, through the Title IX Coordinator, will promptly offer and implement appropriate and reasonable supportive measures to the Parties upon Notice of alleged discrimination, harassment, and/or retaliation. Supportive measures are offered, without fee or charge to the Parties, to restore or preserve access to Seattle University’s education program or activity, and include measures designed to protect the safety of all Parties and/or Seattle University’s educational environment and/or to deter discrimination, harassment, and/or retaliation.

At the time that supportive measures are offered, if a Complaint has not been filed, Seattle University will inform the Complainant, in writing, that they may file a Complaint with Seattle University either at that time or in the future. The Title IX Coordinator will work with a party to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

Seattle University will maintain the privacy of the supportive measures, unless doing so



impairs Seattle University's ability to provide the supportive measures (2) it is necessary to disclose the supportive measures to preserve or restore a party's access to the education program or activity or (3) upon receipt of consent to disclosure from the party receiving the supportive measures

Seattle University will act to ensure as minimal an academic/occupational impact on the Parties as possible. Seattle University will implement measures in a way that does not unreasonably burden any party.

Supportive measures may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance referral
- Referral for Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student employees
- Safety planning



G. False Allegations and Evidence

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation.

Additionally, witnesses and Parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or resolution process under this Policy may be subject to discipline under appropriate Seattle University policies.

H. Confidentiality and Privacy

Seattle University makes every effort to preserve the Parties' privacy. Seattle University will not share the identity of any individual who has made a Complaint of harassment, discrimination, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of discrimination, harassment, or retaliation; any Respondent; or any witness, except as permitted by, or to fulfill the purposes, of applicable law and regulations (e.g., Title IX), Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law; including any investigation, or resolution proceeding arising under these policies and procedures.

I. Unauthorized Disclosure of Information

Parties and Advisors are prohibited from unauthorized disclosure of information obtained by



and authority, free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and Processes. The IX Partners are vetted and trained to ensure they are not biased for or against any party in a specific Complaint, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator

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