
Policy Title:	Non-Discrimination, Sex-Based Harassment, and Retaliation Policy	
Policy Number:	901	
Responsible Executive(s):	President	
Responsible Office(s):	Legal Affairs; Equal Opportunity and Title IX	
Date Adopted:	8.14.2020	Date Revised: 9.13.24

A. Purpose

Consistent with Regis’ Jesuit values, it is the Policy of Regis University that no person shall be unlawfully excluded from participation in, be denied the benefits of, be subjected to discrimination or harassment, or face retaliation in any academic, extracurricular, research, occupational training, employment, or other education program or activity on the basis of any legally protected status. The University reserves the right to promote the teachings of the church and to exercise lawful preferences for Jesuit Catholics.

B. Scope

1. This Policy is applicable with respect to University employment, delivery of and academic, extracurricular, research, occupational training, employment, or other education program or activity
2. Regis’s jurisdiction over these matters includes all operations, locations, events, or circumstances wherein Regis exercises substantial control or disciplinary authority over the individuals involved in the allegations, and the context in which the conduct occurs.
3. This Process does not apply to any tenure-track faculty member claiming that they were denied tenure or not renewed as a result of prohibited harassment. Such complaints are made pursuant to procedures set forth in the Faculty Handbook.

C. Policy

1. It is the Policy of Regis University that no person shall be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination in employment or in any educational program or activity of the University on the grounds of sex, gender identity, pregnancy, pregnancy-related conditions, parenting, sexual orientation, race, color, national and ethnic origin, age, disability, veteran status, genetic information, ancestry, or religion. The University reserves the right to promote the teachings of the church and to exercise lawful preferences for Catholics.
2. The University prohibits any member of the faculty, staff, students, or visitors to campus (be it guests, patrons, vendors, independent contractors, or clients) from unlawful discrimination against any other faculty, staff, students, or visitors to campus in violation of this Policy.
3. Individuals who believe they are victims of Harassment, Sex-Based Harassment, Sexual Misconduct, Sexual Violence, or Discrimination are strongly encouraged to report such

incidents as set forth under the reporting procedures below. Regis University will promptly and effectively investigate every complaint in a timely manner and, when there is a finding, take corrective action to stop, prevent, and correct any discriminatory effects of such harassment. The severity of the corrective action will depend on the circumstances of the particular case.

4. Harassment, Sex-Based Harassment, Sexual Misconduct, Sexual Violence, and Discrimination prohibited by this Policy may include, but is not limited to, threats, physical contact, violence, pranks, jokes, slurs, epithets, derogatory comments, vandalism, or verbal, graphic, or written conduct directed at an individual or individuals that is sufficiently severe or pervasive. Even if actions are not directed at specific persons, a hostile environment or harassment may be created when the conduct is sufficiently severe or pervasive so as to unreasonably interfere with or limit the ability of an individual to work, study, participate in activities of the university, or achieve their purpose for being on campus, and the University may consider the act a form of discrimination.
5. The University does not support any incidents of harassment even though the incident may not constitute a violation of this policy. As such, it reserves the right to punish the instigator of such an incident under a different theory, for example, bullying. Harassment, Sex-Based Harassment, Sexual Misconduct, Sexual Violence, and Discrimination does not include:
 - a. Discussions, communications, or actions that invoke a protected status in nature but are part of a legitimate academic exchange of ideas or artistic performance. As a University that values academic freedom and expression, there may be times when debates or performances of this type are acceptable and even encouraged; or
 - b. Any other harassment not based on protected status; but may still be subject to discipline under another Regis University Policy.
6. **Reporting Requirements and Options.** Employees and students can file a report at any time via the [Equal Opportunity and Title IX Webpage](#) on Regis's website pursuant to the EO and Title IX Resolution Processes as proscribed below. Employees and students may also file a criminal complaint with the Denver Police Department.
 - a. **Reporting Requirements**
 - i. **All Community Members.** It is the responsibility of every member of the University community to foster an environment free from Discrimination, Harassment, Sexual Misconduct, and Retaliation. Colorado law requires that anyone who has reason to believe a minor (17 years of age or less) has been sexually assaulted immediately report the matter to the Denver Police Department or other local law enforcement
 - ii. **Employees.** All Regis University Employees (except for Confidential or Privileged Employees) are considered Responsible Employees. Responsible Employees have a duty to promptly report when the Responsible Employee knows or of a possible incident of discrimination, harassment, or sexual misconduct. Failure to report constitutes a violation of this Policy and may subject the violator to disciplinary action. Confidential or Privileged Employees who are not Responsible Employees are required to explain their confidential status by stating they are not required to disclose to the Title IX & EO Coordinator (TIXC). The Confidential or Privileged employee must then provide contact information for the TIXC to the reporting party and explain the TIXC's ability to offer and implement Supportive Measures.

- iii. **Student Employees.** Student employees, including graduate assistants and teaching assistants, are required to promptly report allegations of prohibited conduct that is discovered within the course and scope of their University employment. Failure to report constitutes a violation of this Policy and may subject the violator to disciplinary action.
 - iv. **Students.** Students are encouraged to report knowledge of prohibited conduct.
 - b. **Choice.** An alleged victim of discrimination, harassment, sexual misconduct, or retaliation has the right to choose whether to report to the University themselves.
 - c. **Amnesty.** Sometimes Complainants or witnesses are hesitant to report to University officials or participate in resolution processes because they fear that they may be accused of policy violations, such as underage drinking, at the time of the incident. To encourage good faith reporting, Regis University pursues a policy of offering reporting parties and witnesses amnesty from minor policy violations related to the incident, such as personal consumption of drugs or alcohol. While a Complainant can choose not to report allegations of prohibited conduct, please be aware that the University cannot act to address situations if not notified or otherwise made aware of an incident(s). Regardless of the provision, voluntary use of drugs or alcohol is never a valid defense to a violation of this policy.
 - d. **Privileged or Confidential vs. Non-Confidential Resources.** A student or employee who has either been a target of or accused of discrimination, harassment, or sexual misconduct, and wishes to keep their identity and information private and confidential, should seek a confidential resource listed above. A student or employee who has either been a target of or accused of discrimination, harassment, or sexual misconduct, and wishes to report an incident, should seek a non-confidential resource listed above. The non-confidential resources will protect a student or employee's privacy by limiting the people with whom they share the reported information; however, non-confidential resources cannot guarantee complete confidentiality, as they must notify and report to TIXC. Both on and off campus confidential resource contact information can be found on [Regis's Equal Opportunity and Title IX Webpage](#).
 - i. **Privileged or Confidential Reporting Resources.** Privileged or Confidential Employees are employees who are not required to report to the EO and Title IX Coordinator (TIXC) or law enforcement unless there is a statutory duty to do so, such as instances of child abuse and neglect or threats of homicide or suicide. Individuals may elect to report to privileged or confidential resources first if they are unsure of what next steps they would like to take. Privileged or Confidential Employees include:
 1. Office of Counseling and Personal Development Counselors and Staff
 2. Jesuits and those studying to become a Jesuit (when acting in the capacity as a priest)
 3. University Ministry Staff (excluding peer ministers)
 4. Assistant Director of Victim Advocacy and Violence Prevention
 5. Victim Advocacy and Violence Prevention's Confidential Victim Advocates
 6. Student Health Services Providers and Staff
 - ii. **Non-Confidential Reporting Options.** Non-confidential reporting options will take action in response to your report.
 1. **Equal Opportunity and Title IX Coordinator (TIXC).** The TIXC is an employee charged with receiving and implementing university

processes in response to allegations of discrimination under this policy. This may include assigning supportive measures, investigating allegations of discrimination, convening hearings, and providing preventative training. The TIXC is not a victim's advocate and administers their duties in a neutral and unbiased manner. They make no determination as to whether there has been a violation of this Policy or what sanctions should be implemented. The TIXC is not an emergency contact person that provides immediate assistance for anyone who has been sexually assaulted or is a victim of a crime. The Title IX Coordinator (TIXC) can be reached at the following:

- i. **By mail or in person:**
3333 Regis Boulevard A-20
Main Hall 133
Denver, CO 80221-1099
 - ii. **By phone:** 303-964-6435
 - iii. **By E-mail:** titleix@regis.edu
2. **Regis University's Campus Safety.** Regis University does not tolerate violence and strongly encourages all persons who feel they may have been a victim of violence while on campus or participating in a University endeavor to report the incident to Regis University's Campus Safety Office. Victims may notify proper law enforcement authorities, including Regis University's Campus Safety and local police; be assisted by Regis's Campus Safety Office in notifying law enforcement authorities if the victim so chooses; or decline to notify such authorities. The TIXC will assist a victim in notifying Regis's Campus Safety Office and/or local police if requested by the victim. An individual who believes they have been a victim of sexual violence is encouraged to immediately contact the Regis's Campus Safety at (303) 458-4122. An officer will:
- a. Provide for the person's immediate need for safety;
 - a. Notify 911 for medical assistance as needed;
 - b. Provide a transportation taxi-voucher to the emergency room if requested;
 - c. Gather information pertaining to the incident;
 - d. Advise the person on obtaining a restraining order, and by request, notify TIXC, Student Conduct, or Human Resources so contact between the two parties can be limited; and
 - e. Call the TIXC to assist in the matter.

However, it is important to preserve any evidence of the incident as it may be necessary to prosecute a crime or obtain an order of protection. An individual is strongly encouraged not to shower, douche, brush teeth, eat, or change clothing in an effort to preserve physical evidence. If a victim changes clothes, a victim is encouraged to put all clothing wearing at the time of the incident into a paper bag.

3. **Reporting to Regis’s Bias Incident Response Team (BIRT).** BIRT is a team of Regis University staff who voluntarily oversee cases in which the allegations don’t fulfill the severe or pervasive threshold necessary to substantiate a formal complaint under this policy. If the TIXC determines that a report does not meet the severe or pervasive threshold, and upon Complainant’s request, the matter is assigned to BIRT. BIRT’s function requires voluntary participation from all parties.
4. **Reporting to Law Enforcement.** Complainants and witnesses have the option to report or decline to report all incidents of sexual misconduct and other incidents of discrimination and harassment that rise to potentially criminal violations to law enforcement. An investigation conducted by the University is distinct from any investigation conducted by law enforcement, and will not automatically be shared with Regis University. A Complainant who wishes for both a Regis University response and a Law Enforcement response will need to report in both locations.
5. **Reporting externally to the US Department of Education.** A person may also file a complaint of discrimination with the United States Department of Education’s Office for Civil Rights regarding an alleged violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975, or Title IX of the Higher Education Amendments of 1972 by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html, or calling 1-800-421-3481. The U.S. Department of Education Office of Civil Rights is also located at: Lyndon Baines Johnson Department of Education Bldg., 400 Maryland Avenue, SW Washington, DC 20202-1100.

7. Complaints.

- a. The following people have a right to make a complaint under this policy.
 - i. A “complainant,” which includes:
 1. A student or employee of Regis University who is alleged to have been subjected to conduct that could constitute a violation of this policy; or
 2. A person other than a student or employee of Regis University who is alleged to have been subjected to conduct that could constitute discrimination under this policy at a time when that individual was participating in or attempting to participate in Regis’ education program or activity;
 - ii. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
 - iii. Regis’ Title IX Coordinator.
 - b. Regis may consolidate complaints of discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of discrimination arise out of the same facts or circumstances.
- 8. Supportive Measures.** Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and as reasonably available to the complainant or respondent before or after the filing of a Formal Complaint, or where no Formal Complaint has been filed.

Supportive Measures are designed to ensure equal educational access, protect safety, and/or deter any continuation of any prohibited conduct. They may not unreasonably burden either party. They may terminate at the conclusion of the grievance process, unless Regis permits their extension.

- a. Supportive measures are implemented to address safety concerns, minimize the impact of the alleged conduct on involved parties, be temporary, pending the results of an investigation, or may become permanent as determined by Regis following a decision by a Hearing Panel. Supportive Measures can be requested by any party to a complaint and facilitated with or without a Formal Complaint.
 - b. With the advice and consultation of the TIXC, and where appropriate, the Victim Advocate and Violence Prevention Office, the Office of Student Affairs, Student Disability Services, or Human Resource Services, assists students or employees with interim measures such as no contact directives or/and academic, housing, counseling, increased security and monitoring of certain areas of the campus, leaves of absence, changes in class, work, housing, or extracurricular or any other activity, and transportation accommodations, as are reasonably available, regardless of whether or not there is a comparable alternative. Regardless of whether a student or employee decides to report a violation of this policy, supportive measures and accommodations are available upon the either party's request and will be implemented when they are reasonably available.
 - c. At any time, a student or employee may seek a court-issued protective order at the Denver Court Clerk's Office via phone number 303-606-2300. If an order of protection, no contact order, restraining order, or another similar lawful order issued by a criminal, civil, or tribal court is obtained, a copy should be provided to Regis University's Campus Safety Department and the TIXC. The University and Regis's Campus Safety Department will take all legal and reasonable steps to implement such an order.
 - d. In cases where University officials have reasonable fears about safety on campus due to a Respondent's continued presence on campus following a complaint under this policy, the University reserves the right to implement an interim separation or suspension pending the case investigation, hearing, and appeal. In cases against students, the Dean of Students or their designee can enact an interim suspension following the procedures in the "Interim Action" portion of the [Student Handbook](#). In cases against employees, the direct supervisor of the Respondent may implement interim sanctions including suspending the Respondent, with pay, until the time to appeal the determination has expired or the appeal process has been exhausted.
9. **Retaliation, False Complaints, False Information.** Retaliation, false complaints, and false information are prohibited under this Policy. Any individual who retaliates against an individual for the purpose of interfering with any right or privilege secured by this Policy, including but not limited to reporting information, making a complaint, acting as a witness, assisting, or participating or refusing to participate in any manner in any investigation, proceeding, or hearing, including an informal resolution process, or who knowingly or recklessly files a false complaint claiming a violation of this Policy, or who knowingly or recklessly provides false information in the implementation of the process to enforce this Policy, may be subject to disciplinary action. Regis will not discipline a party, witness, or others participating in the

grievance procedures for making a false statement based solely on the determination whether a violation of this policy occurred.

10. **Involuntary Withdrawal/Dismissal of Formal Complaints.** Regis University or the TIXC may unilaterally withdraw or dismiss any complaint or filing in the following circumstances by providing written notice of the dismissal and reasons therefore to the Complainant, or if after notice has been provided to the respondent, simultaneously to the parties.
 - a. The complaint would not constitute a violation of this Policy;
 - b. The complaint is used to raise matters that exceed the scope or purpose of this Policy, or that are otherwise irrelevant, unresponsive, or unrelated to the administration of the complaint resolution process, under this Policy;
 - c. The complaint is frivolous or otherwise arises (in whole or in part) out of bad faith,
 - d. The complaint was previously resolved;
 - e. The complaint notifies the TIXC in writing that the Complainant would like to withdraw the formal complaint or any allegations therein and the TIXC declines to initiate a complaint;
 - f. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein; including REgis' inability to identify the Respondent after taking reasonable steps to do so;
 - g. The Respondent is not participating in Regis' education program or activity and is not employed by Regis;
 - h. For purposes of consolidation of Formal Complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sex-based harassment arise out of the same facts or circumstances.
 - i. TIXC may unilaterally reinstate any complaint or filing that is withdrawn or dismissed. Regis will notify the Complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of the complaint. For information on how to appeal, see Appeals below.

11. **Grievance Process.** Regis University has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education programs or activity, or by the TIXC, alleging any action that would be prohibited by this policy. This process provides procedures for formally or informally addressing claims of discrimination, harassment or sexual misconduct and taking action against those who have violated the University's Policy prohibiting these acts.
 - a. **Confidentiality.** The TIXC is in the best position to evaluate confidentiality requests, though the University may reasonably determine that another employee would be more appropriate. In the event a complainant requests confidentiality, the University may be limited in its ability to respond. The University typically honors a complainant's request not to investigate, however, the University reserves the right to initiate an investigation despite a complainant's request to close in certain limited circumstances. For example, should the TIXC or designee determine serious or repeated conduct is involved or the alleged perpetrator may pose an imminent threat to the campus community, the University may pursue an investigation despite a complainant's request not to investigate.

Regis will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures.

- b. **Starting the Process.** Reporting Forms for Discrimination, Bias, and Retaliation or Sexual Misconduct can be obtained online on [Regis's Equal Opportunity and Title IX Webpage](#) or the reporting section of this policy. These forms will require the complainant to set forth sufficient details of the incident(s), along with alleged violators, witnesses, evidence, and relief sought. Complainants are encouraged to file their complaint in a timely manner to preserve evidence. The report will be immediately routed to the TIXC.
- c. **Informal Resolution.** The complainant may choose to resolve the complaint informally. The informal process is voluntary for all parties. If the complainant and respondent are able to reach a resolution, the results will be documented, signed by both parties, retained by TIXC and the matter will be resolved. If an informal resolution can't be reached, the complaint will be routed through the Formal Complaint Process. Before the initiation of an informal resolution process, Regis will explain in writing to the parties:
 - i. The allegations
 - ii. The requirements of the informal resolution process
 - iii. That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution
 - iv. That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations
 - v. That potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
 - vi. What information Regis will maintain and whether and how Regis could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.
- d. **Formal Complaint.** The TIXC will meet with the Complainant and take their initial report. Assuming all facts as alleged would be a violation of this policy, the initial report will be allowed to proceed into a Formal Complaint. If the complaint does not meet the thresholds under this Policy, the complaint will be dismissed. Upon the filing of a Formal Complaint, the respondent is provided written notice of the allegations.
 - i. The notice will contain the following information:
 - a. Regis' grievance procedures and any informal resolution process
 - b. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to violate this policy, and date(s) and location(s) of the alleged incident(s)
 - c. Retaliation is prohibited, and
 - d. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence
 - e. If, in the course of an investigation, Regis decides to investigate additional allegations of violations of this policy by the Respondent

that are not included in the notice, Regis will notify the parties of the additional allegations.

- ii. The Respondent may submit a written response to TIXC upon notice of the Formal Complaint, attach additional evidence to the response, and name any additional witnesses.
 - a. Any written response must be submitted to TIXC within ten (10) calendar days after the Respondent received notice of the Formal Complaint.
 - b. Extensions may be granted for good cause at the discretion of the TIXC on a case-by-case basis with notice to the parties that includes the reason for the delay. The TIXC will immediately forward a copy of any such written response to the complainant.
- d. **Investigation and Procedures.** The University investigation and resolution proceedings shall be an adequate, reliable, and impartial investigation of complaints.
 - i. The respondent is presumed not responsible for the alleged conduct unless a determination regarding responsibility is made at the end of a hearing.
 - ii. The burden is on Regis, not the parties, to conduct an investigation that gathers sufficient evidence to determine whether discrimination or sex-based harassment occurred
 - iii. During the investigation and resolution of a complaint, the complainant and respondent shall have the following rights:
 - 1. Regis will treat Complainants and Respondents equitably.
 - 2. Equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible;
 - 3. Regis will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance;
 - 4. Regis will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of violations of this policy and not otherwise impermissible, in the following manner:
 - i. Regis will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence.
 - ii. Regis will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
 - iii. Regis will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of discrimination or harassment are authorized.
 - iv. Both parties will have an equal opportunity to inspect and review any evidence directly related to the allegations raised in the formal complaint obtained as part of the investigation, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility as well as

inculpatory or exculpatory evidence whether obtained from a party or other source (hereinafter called the Investigative Report).

5. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
- iv. Questioning the Parties and Witnesses: Preceding the interview for allegations potentially constituting discrimination or sex-based harassment, the parties will receive notice of the allegations including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting a violation of this policy, and the date and location of the alleged incident, if known.
 - a. Regis will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare or participate.
- v. Investigations will be completed by Regis's TIXC or designee. In all cases, TIXC will provide consultation and oversight of the investigation. The end result of the investigation will be the Investigative Report.
- vi. The TIXC or their designee will send to each party and the party's advisor the Investigative Report. The parties will have ten (10) days to submit a written response to TIXC, or their designee. The party's submissions shall be added to the Investigative Report.
- vii. The Investigative Report will be made available to all parties at least ten (10) calendar days prior to a hearing.
- e. **Timely Resolution.** The University will strive to resolve a complaint within sixty (60) to ninety (90) calendar days of receiving it, though certain resolutions may take longer depending on the circumstances. If resolution will take longer than sixty (60) to ninety (90) calendar days for Good Cause, the parties will be given notice and an explanation in writing. Good cause for delay may include but is not limited to considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or an accommodation of disabilities. Delays for Good Cause will typically not exceed 10 calendar days. The University's internal investigation is separate from the investigation of outside law enforcement agencies, and the University will only delay its investigation due to an outside investigation if particular circumstances warrant such a delay.
- f. **Formal Hearing.** When an Informal Resolution is not possible, a Formal Complaint proceeds to a hearing. The TIXC will convene Regis' Hearing Panel. The Hearing Panel shall consist of three (3) volunteer employees selected randomly by the TIXC from a previously appointed pool. The pool of employees who make up the Hearing Panel roster receives annual training on issues related to sexual misconduct, investigation, and the hearing process. The Hearing Panel has the following obligations:
 - i. The Hearing Panel may dismiss any complaint by majority vote if, assuming the allegations were true, it would not constitute a violation of the University's Policy against discrimination, harassment, or sexual misconduct. The TIXC shall oversee the process, may provide the Hearing Panel advice and consultation on the process, but shall have no authority over the deliberations or decisions of

the Hearing Panel. The TIXC or designee shall choose the chair of the Hearing Panel.

- ii. Should a Hearing Panelist have a conflict of interest in hearing the matter, they must recuse themselves. In such a case, the withdrawing Hearing Panelist will be replaced by a non-conflicted, similarly situated person.
- iii. The Hearing Panel will facilitate a hearing to determine, by a preponderance of the evidence, whether the complainant was in violation of university policy. If the Hearing Panel is not persuaded under this standard by the evidence, the Hearing Panel will not determine that sex discrimination occurred.
- iv. At the hearing, standard courtroom procedures and rules of evidence will not apply, except that all evidence must be relevant. Before a complainant, respondent, or witness answers a cross-examination or other question, the Hearing Panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by Regis to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:
 - a. Rape Shield Law. In cases of alleged sexual misconduct, questions about the complainant's sexual predisposition or prior sexual behavior are not relevant and will not typically be permitted, especially when the purpose is purely to show the complainant's sexual predisposition. However, in certain circumstances it may be permissible, such as if offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or 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. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.
 - b. Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality
 - c. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Regis obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- v. If a complainant or a respondent fails to appear at a scheduled hearing, the Hearing Panel may proceed with the case, unless the Chair excuses the absence at which point a new hearing date will be selected. Members of the Hearing Panel may not make negative inferences regarding responsibility from any

alleged violator's refusal to participate in the process, submit to cross-examination or answer questions from the Hearing Panel.

- vi. At the Hearing, the Hearing Panel must review the Investigative Report; separately interview and question the complainant and alleged violator(s); and call to attendance available witnesses they determine might have relevant information.
- vii. The Hearing Panel will not draw an inference about whether a violation occurred based solely on a party's or witness's refusal to respond to questions.
- viii. **Right to an Advisor.** The Complainant(s) and Respondent(s) may have advisors of their choice at the hearing or any related meeting. The advisor may be, but is not required to be, an attorney. If a party does not obtain their own advisor, the University will appoint one for them from a voluntary pool of Advisors trained by the TIXC. Advisors are required to cross-examine all parties and witnesses but may not answer questions on behalf of their party or otherwise participate in the hearing.

The parties may each have up to one (1) Advisor of their choice present with them for all meetings and interviews within the investigative and hearing process, if they so choose. The parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available. Regis University may permit parties to have more than one Advisor upon special request to the TIXC. The decision to grant this request is at the sole discretion of the TIXC and will be granted equitably to all parties.

1. Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Hearing Panel.
2. The parties are expected to inform the Investigator(s) and TIXC of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators, or as soon as possible if a more expeditious meeting is necessary or desired.
3. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout.
4. The parties are expected to provide timely written notice to the TIXC if they change Advisors at any time. It is assumed that if a party changes Advisors consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Regis University community.
5. If the parties choose an Advisor from outside the pool of those identified by TIXC, the Advisor may not be trained by the TIXC and, thus, may not be familiar with university policies and procedures.

6. Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing and must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, TIXC will appoint a trained Advisor for the limited purpose of conducting any cross-examination. A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct cross-examination, TIXC will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself.
7. The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and investigation interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.
8. All Advisors are subject to the same University policies and procedures, whether or not they are attorneys.
9. Advisors are expected to advise their advisees without disrupting proceedings.
10. The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.
11. Any Advisor who oversteps their role as defined by this Policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. The TIXC will determine how to address the Advisor's non-compliance and future role.
12. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the university. The university may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the university's privacy expectations.
13. Regis University generally expects an Advisor to adjust their schedule to allow them to attend meetings, including investigation interviews. Scheduled meetings may change to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

14. Regis University may make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.
 - ix. All hearings must be live and in person or by videoconference. The University will create a transcript of all hearings and make it available to the parties for inspection or review at their request.
12. **Determination.** Immediately following the hearing, the Hearing Panel shall meet and render a determination by a majority vote. Hearing Panel deliberations shall not be recorded. Within five (5) calendar days after the hearing, the Hearing Panel's determination shall be written by the Chair, identifying the allegations, description of the procedural steps taken from the receipt of a formal complaint through the determination (including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held), findings of fact supporting the determination, conclusions regarding the application of the recipient's code of conduct to the facts, a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant, and the recipient's procedures and permissible bases for the complainant and respondent to appeal. If the Hearing Panel finds that the respondent's conduct violates other university policies, the Hearing Panel may recommend sanctions to the respondent's immediate supervisor, Dean of Students, Human Resources, or designee. The decision of the hearing panel shall be final and binding unless appealed following the process outlined below. The Chair may attach any relevant documents to the written determination. Both the Complainant and Respondent shall be simultaneously notified of the determination. A copy of the Hearing Panel's written determination shall be provided to the TIXC and the Dean of Students for student Respondents, or the immediate supervisor for employee Respondents.
 - i. In cases against employees, the direct supervisor of the respondent may postpone the sanctions or suspend the respondent, with pay, until the time to appeal the determination has expired or the appeal process has been exhausted.
 - ii. In cases against students, the Dean of Students or designee may execute an interim suspension pending appeal under the Interim Action section of the Student Handbook.
 - iii. When an individual admits to violating this Policy, the University may elect to not hold a hearing. However, the Hearing Panel will convene to determine appropriate sanctions. A meeting for imposing sanctions is not a hearing and is not bound by hearing procedures. The procedures to be used by the Hearing Panel for determining a sanction are informal and determined by the Chair with oversight by the TIXC.
 - iv. Following a determination that a violation of this policy occurred, the TIXC will, as appropriate,
 - a. Coordinate the provision and implementation of remedies to a Complainant and other people Regis identifies as having had equal access denied by discrimination;

- b. Coordinate the imposition of any disciplinary sanctions on a Respondent, including notification to the Complainant of any such disciplinary sanctions; and
- c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Regis' education program or activity.

13. Disciplinary Sanctions.

- i. Violations of this Policy are subject to disciplinary action. Neither the Hearing Panel nor any appeals body or officer(s) will deviate from the range of recommended sanctions unless compelling justification exists to do so. This will be documented in the decision-making process, if applicable, and included in the written outcome. Decisions are made with consideration of the severity of the incident, and any previous disciplinary violations, as well as discipline imposed in similar cases. Possible sanctions for a person found to be in violation of this Policy include, but are not limited to, the following:
 - 1. Oral or written reprimand;
 - 2. Required attendance at a harassment/discrimination sensitivity program;
 - 3. Oral or written warning;
 - 4. Loss of salary or benefits or demotion;
 - 5. Transfer or change of job, class, residential assignment, or location, including removing the person from being able to retaliate or further harass or discriminate against the complainant;
 - 6. Suspension, probation, termination, dismissal, expulsion, or removal from campus; or
 - 7. Other action Regis University deems appropriate under the circumstances including termination of contractual arrangements with the University.
 - a. While counseling is not considered a sanction, it may be offered or required in combination with sanctions.
 - b. If a student or student groups are found to be in violation of this Policy, any of the sanctions set forth in the [Student Handbook](#) may also be implicated.
 - c. If faculty or employee are found to be in violation of this Policy, any of the sanctions set forth in the Employee Handbook or any Faculty Handbooks may also be implicated.
 - 8. Failure to comply with sanctions shall constitute a violation of this Policy and will ordinarily result in further disciplinary action.
- ii. **For sanctions following formal complaints against students.** The Hearing Panel will recommend sanctions after the hearing. The Dean of Students or designee will review and implement sanctions.
- iii. **For sanctions following formal complaints against faculty or staff.** The Hearing Panel will recommend sanctions after the hearing. The employee's respective

supervisor will review and implement sanction(s). However, should the supervisor or Provost seek to impose suspension or expulsion of a tenure or tenure-track faculty member, additional process may be due pursuant to the [Faculty Handbook](#).

iv. **For sanctions following formal complaints against non-students, faculty, or staff.**

The Hearing Panel will recommend sanctions after the hearing. Human Resources will review and implement sanctions.

14. **Appeals Process.** The complainant or respondent can appeal the Hearing Panel's determination by submitting a written appeal to the TIXC, respondent's respective supervisor, Dean of Students, or in the case of campus guests, Human Resources (hereinafter Appeal Body) within five (5) calendar days from the date of receipt of the Hearing Panel's determination. The appeal must be dated, signed by the party appealing, set forth reasons why the Hearing Panel's determination is unjustified, and include a copy of the determination. The Appeal Body will immediately forward a copy of the appeal to the Chair of the Hearing Panel, the TIXC, the Dean of Students or Human Resource Services as appropriate, and the non-appealing party. The Hearing Chair will provide the Appeal Body a written response within five (5) calendar days from the date of their receipt of the appeal, and the non-appealing party may provide a written response within five (5) calendar days from the date of their receipt of the appeal.

- i. The Appeal Body has the discretion to review the determination of the Hearing Panel limited to the following circumstances:
 1. Procedural irregularity that affected the outcome of the matter;
 2. 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 matter; and
 3. The TIXC, investigator(s), or Hearing Panel had a conflict of interest or bias for or against complainants or respondent that affected the outcome of the matter.
- ii. The TIXC will be available to provide the Appeal Body with advice. The Appeal Body shall issue a written determination within fifteen (15) days of their receipt of the appeal that includes the result of the appeal and the rationale for the result. A copy of the written decision shall be provided to all parties, the TIXC, immediate supervisor, Dean of Students, or Human Resources, and the parties' personnel or student files. All decisions of the Appeal Body are final and binding.

D. Definitions.

1. **Actual Knowledge.** Actual knowledge means notice of sex-based harassment or allegations of sex-based harassment to Regis's TIXC or any official of Regis who has authority to institute corrective measures on behalf of Regis.
2. **Affirmative Consent.** Regis uses an Affirmative Consent standard when determining if there was consent to engage in sexual activity of any kind.
 - i. Consent cannot be inferred from the absence of a "no."
 - ii. Consent to one form of sexual activity does not imply consent to other forms of sexual activity
 - iii. A current or previous relationship shall not be sufficient to constitute consent

- iv. Consent can be withdrawn
 - v. Consent may never be given by a minor under the age of 15, or by a minor under the age of 18 in certain situations depending on the ages of both parties and in instances where the adult is in a position of trust
 - vi. Consent cannot be given by individuals who are asleep, or mentally or physically incapacitated either through the effect of drugs or alcohol or for any other reason
 - vii. Submission under the influence of fear shall not constitute consent
 - viii. Consent may not be given by an individual who is under duress, threat, coercion, or force
 - ix. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after consent is withdrawn
 - x. Consent to previous sexual activity does not imply consent to future sexual activity
3. **Coercion.** Coercion occurs when an individual is pressured, psychologically or emotionally manipulated, tricked, threatened, or forced in a nonphysical way, to engage in unwanted sexual activity. Coercion occurs when an individual is caused to believe that sex is owed to another person because of that person's position of authority or based on the parties' relationship. Coercion can involve persistent attempts to have sexual contact after an individual has already refused to engage in sexual activity.
4. **Complainant.** (a) A student or employee who is alleged to have been subjected to conduct that could constitute a violation of this policy; or (b) a person other than a student or employee who is alleged to have been subjected to conduct that could constitute a violation of this policy and who was participating or attempting to participate in Regis' education program or activity at the time of the alleged violation.
5. **Complaint.** An oral or written request to Regis that objectively can be understood as a request for Regis to investigate and make a determination about alleged discrimination under this policy.
6. **Confidential or Privileged Employees:** employees who are not required to report to the EO and Title IX Coordinator (TIXC) or law enforcement unless there is a statutory duty to do so, such as instances of child abuse and neglect or threats of homicide or suicide. Confidential or Privileged Employees are required to explain their confidential status by stating they are not required to disclose to the Title IX & EO Coordinator (TIXC). The Confidential or Privileged employee must then provide contact information for the TIXC to the reporting party and explain the TIXC's ability to offer and implement Supportive Measures. Employees are granted this status by professional license or religious order. Confidential or Privileged Employees include:
- i. Office of Counseling and Personal Development Counselors and Staff
 - ii. Jesuits and those studying to become a Jesuit (when acting in the capacity as a Priest)
 - iii. University Ministry Staff (excluding peer ministers)
 - iv. Assistant Director of Victim Advocacy and Violence Prevention
 - v. Victim Advocacy and Violence Prevention's Confidential Victim Advocates
 - vi. Student Health Services Providers and Staff

7. **Consent.** See Affirmative Consent.
8. **Dating Violence.** Violence committed by a person:
 - i. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - ii. 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, and
 3. The frequency of interaction between the persons involved in the relationship
9. **De Minimis Harm.** Regis uses the De Minimis Harm standard when navigating cases of sex-based discrimination. Via this standard, action constitutes sex-based discrimination when individuals are treated differently or separated from one another on the basis of sex, including on the basis of gender identity, and said treatment or separation causes more than de minimis harm. Preventing a person from participating in an activity consistent with that person's gender identity definitionally subjects the person to "more than de minimis harm." Exception: In circumstances where institutions are already permitted by Title IX to treat individuals differently or separate them on the basis of sex (such as sex-separate housing, Greek life, athletic sports teams, and similar), the de minimis harm standard does not apply.
10. **Disciplinary Sanctions.** Consequences imposed on a respondent following a determination that the Respondent violated this policy.
11. **Discrimination.** Any distinction, preference, advantage for or detriment to an individual compared to others that is based upon an individual's actual or perceived protected class. The conduct must be so severe or pervasive, as well as subjectively and objectively offensive as to alter the conditions of the individual's employment or limit/deny said person's ability to participate in the educational program or activity. Such conduct includes, but is not limited to, threats, physical contact, violence, pranks, jokes, slurs, epithets, derogatory comments, vandalism, or verbal, graphic, or written conduct directed at an individual or individuals that is sufficiently severe or pervasive.
12. **Disparate Treatment.** When an individual is treated differently based on their sex, gender, or protected class status. Disparate treatment involves intentional discrimination, such as unequal treatment in educational programs or activities.
13. **Domestic Violence.** Felony or misdemeanor crimes committed by a person who:
 - i. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;
 - ii. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner,
 - iii. Shares a child in common with the victim; or

- iv. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction
14. **Force.** Force includes physical violence, abuse of power, threats, intimidation, and/or coercion to engage in sexual activity without a person's consent and against a person's will.
15. **Formal Complaint.** A Formal Complaint is a document filed by a complainant or signed by the EO and Title IX Coordinator alleging sexual misconduct against a respondent and requesting that the allegations be investigated. A Formal Complaint can be submitted via electronic submission, or paper submission that includes a physical, digital signature, or otherwise indicates that the complainant is the person filing the Formal Complaint.
16. **Formal Investigation.** If, following a Preliminary Inquiry, the EO and Title IX Coordinator or designee determines a complaint should proceed to an investigation, Regis will conduct a fair, impartial, and prompt investigation. Regis will give written notice to the parties about the investigation at each stage, upon request, and if an extension is needed.
17. **Harassment.** Conduct based on an actual or perceived protected class, without Affirmative Consent or through Coercion, where the conduct is severe or pervasive enough to create either a hostile environment or denies or limits a person's ability to participate in or benefit from University programs or activities.
18. **Hostile Environment.** Unwelcome conduct on the basis of a Protected Class 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 Regis' education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
- i. The degree to which the conduct affected the Complainant's ability to access Regis' education program or activity;
 - ii. The type, frequency, and duration of the conduct;
 - iii. The Parties' ages, roles within Regis' education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - iv. The location of the conduct and the context in which the conduct occurred; and
 - v. Other sex-based harassment in Regis' education program or activity
19. **Incapacitation.** Incapacitation is a state where a person lacks the ability to make rational reasonable decisions including an inability to understand the who, what, when, where, why or how of sexual activity, or an inability to fully understand the details of sexual interaction. Incapacity can result from alcohol or drug consumption, illness, unconsciousness, blackout, sleep, mental disability, and other circumstances. Sexual activity with someone who one should know to be - or based on the circumstances should reasonably have known to be - mentally or physically incapacitated.

20. **Informal Resolution.** Informal Resolution is a process to formally end a complaint and investigation by a voluntary and mutual decision by a complainant and respondent. Informal Resolutions may include mediation, educational programming, agreed upon sanctions, and/or direct communication. If both parties are willing and it is deemed appropriate by the University, Informal Resolution can be available for complaints of sexual misconduct and discrimination.
21. **Investigative Report.** This is the collection of statements and evidence provided to the TIXC, that is not otherwise impermissible, as well as evidence discovered by the TIXC in the course of an investigation that is otherwise not impermissible.
22. **Nonconsensual Sexual Contact.** An intentional act of sexual touching, however slight, with any body part or object by a person upon a person that is without consent and/or by force, or during a period of incapacitation that can be reasonably construed as being for the purposes of sexual arousal, gratification, or abuse.
23. **Nonconsensual Sexual Penetration.** An act of sexual penetration (anal, oral, or genital), however slight with any body part or object, or sexual intercourse by a person upon a person that is without consent and/or by force.
24. **Parental Status.** A person who is a biological parent, an adoptive parent, a foster parent, a stepparent, a legal custodian or guardian, in loco parentis with respect to such a person, or actively seeking legal custody, guardianship, visitation, or adoption of such a person.
25. **Party/Parties.** A Complainant or Respondent.
26. **Pregnancy or Related Conditions.** People who are experiencing pregnancy, childbirth, termination of a pregnancy, lactation or medical conditions/recovery related to these conditions. For information about support, please review Regis's [Pregnant and Parenting Student Policy and Accommodation Process](#).
27. **Preliminary Inquiry.** The TIXC will conduct a preliminary inquiry to determine whether the allegations, assuming the alleged facts to be true, would rise to the level of a violation of our policies, and therefore, warrant a full investigation. If formal investigation is not warranted, the TIXC will either close the matter without further review or work with the parties for alternative resolutions.
28. **Protected Class.** Protected classes include race, color, national origin, sex (including sex-based harassment, sexual violence, sexual assault, sexual exploitation, intimate partner violence, or stalking) gender, disability, age, religion, veteran status, marital status, pregnancy, parental status, gender identity, gender expression, sexual orientation, genetic information or any other legally protected status.

29. **Relevant.** Related to the allegations of violations of this policy under investigation as part of these 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 the Hearing Panel in determining whether the alleged violation occurred.
30. **Remedies.** Measures provided, as appropriate, to a complainant or any other person Regis identifies as having had their equal access to Regis' education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to Regis' education program or activity after Regis determines that a violation of this policy occurred.
31. **Report.** The submission of any allegation in part or in full of Discrimination, Sexual Misconduct, or Retaliation to the TIXC.
32. **Respondent.** An individual alleged to be the perpetrator of conduct that could violate this policy.
33. **Responsible Employees** are those (1) who have the authority to act to redress discrimination, harassment or sexual misconduct; (2) who have been given the duty of reporting incidents of discrimination, harassment or sexual misconduct such as sexual violence, sex-based harassment, domestic violence, dating violence, stalking, or any other misconduct to the EO and Title IX Coordinator; or (3) **who a complainant could reasonably believe** has this authority. Responsible Employees include faculty, adjunct faculty, administrators, department chairs, resident life and student affairs staff. Responsible Employees must promptly report incidents of discrimination, harassment, and sexual misconduct to the EO and Title IX Coordinator.
34. **Retaliation.** Intimidation, threats, coercion, or discrimination against any person by Regis University, a student, or an employee or other person authorized by Regis to provide aid, benefit, or service under Regis' program or activity, for the purpose of interfering with any right or privilege secured by this policy, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.
35. **Sex-Based Discrimination.** Subjectively and objectively offensive discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity that is so severe or pervasive it limits or denies a person's ability to participate in or benefit from the recipient's educational program or activity.
36. **Sexual Assault.** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident - Based Reporting System User Manual from the FBI UCR Program, A sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- i. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - ii. Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
 - iii. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - iv. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
37. **Sexual Exploitation.** Refers to a situation in which a person takes nonconsensual or abusive sexual advantage of another. Sexual exploitation includes, but is not limited to, sexual voyeurism, invasion of sexual privacy, taking and/or distributing pictures, video, or audio recording of a sexual act, or any other private activity without the consent of all involved in the activity, prostitution, exposing one’s genitals in non-consensual circumstances, administering alcohol or drugs to another person without his or her knowledge or consent.
38. **Sex-Based Harassment.** Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:
- i. **Quid Pro Quo:** An employee, agent, or other person authorized by Regis to provide an aid, benefit, or service under Regis’ education program or activity or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct; Ex. Direct or implied threats that submission to sexual advances will be a condition of advancement or promotion in any endeavor, including but not limited to employment, work status, promotion, or academic grades;
 - ii. **Hostile Environment** harassment
 - iii. Specific offenses
 - 1. Sexual Assault
 - 2. Dating Violence
 - 3. Domestic Violence
 - 4. Stalking
39. **Sexual Misconduct.** Sexual Misconduct is an umbrella term that includes (but is not limited to) Sex-Based Harassment, Nonconsensual Sexual Contact, Nonconsensual Sexual Penetration, Sexual Exploitation, Intimate Partner Violence, Sexual Violence, and Stalking, and any sexual conduct that takes place without consent of the parties involved.
40. **Sexual Violence.** Sexual Violence includes sexual assault, fondling, rape, sexual battery, sexual abuse, and sexual coercion.
- i. **Rape/Sexual Assault:** Sexual intercourse of any type with a person that has not consented to the intercourse.

- ii. **Sexual Touching/Groping/fondling:** The act of intentionally and without consent touching another person's genitals, breasts, or buttocks without consent in a way that reasonable person could determine is for the purpose of sexual gratification, including non-consensual pinching, squeezing, or grabbing of private parts.
- iii. **Knowing Transmission of Sexually Transmitted Infections (STIs):** Knowingly transmitting an STI, such as HIV, to another through sexual activity.

41. **Stalking.** Engaging in a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear or suffer emotional distress.

- i. **Course of Conduct:** Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- ii. **Emotional Distress:** mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- iii. **Reasonable Person:** A reasonable person under similar circumstances and with similar identities to the complainant.

42. **Supportive Measures.** Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

- i. Restore or preserve that party's access to Regis' education program or activity, including measures that are designed to protect the safety of the parties or Regis' educational environment; or
- ii. Provide support during Regis' grievance procedures or during an informal resolution process.

E. Related Policies Procedures, Forms and Other Resources

[Amorous Relationship Policy](#)

[Discrimination and Bias Incident Report Form](#)

[Employee Handbook](#)

[Pregnant and Parenting Student Policy and Accommodation Process](#)

[Student Employee Handbook](#)

[Student Handbook](#)