



University Sexual Misconduct Policy

Draft updated on April 2025

I. Introduction

This policy addresses the responsibilities of Pacific Lutheran University (“PLU”) under the Title IX 2020 Final Rule, the 2013 Clery Campus Safety Act (amended 2024), and the Violence Against Women Reauthorization Act of 2013 (“VAWA”), which was last amended in 2022. Title IX prohibits discrimination on the basis of sex in education programs and activities; and, programs that receive federal assistance. VAWA requires that universities have procedures in place to respond to matters of sexual assault, relationship violence and stalking. These laws are consistent with PLU’s [Non-Discrimination Policy](#), its prohibition against sex discrimination and sexual harassment (including sexual misconduct), and the retaliation against any person opposing sexual harassment or discrimination or participating in any such complaint process, or investigation, whether internal or external. It’s PLU’s philosophy and ethical obligation to provide an environment in which our PLU community can live, work and study free from all types of sex associated discrimination.

This policy covers student to student, employee to student, and employee to employee-related concerns of ***Sexual Harassment, Sexual Assault and Sexual Misconduct, Dating Violence or Domestic Violence*** (“Relationship Violence”) and ***Stalking***. This conduct will be referred to collectively as “**Prohibited Conduct**”.

Every claim or report of sexual misconduct will undergo an initial review by the Title IX Coordinator and be analyzed under the Title IX framework. If the claim does not fall under the threshold of Title IX analysis, it will be analyzed and possibly investigated through other enumerated PLU policy as appropriate. This Title IX analysis should be used if the Impacted Party (who may also be referred to as the ***Complainant***) is a student or employee who is currently participating or attempting to participate in a PLU program or activity, or is currently employed or contracted with the institution; and the individual against whom the allegations are made (referred to as the ***Respondent***) is currently under the disciplinary authority of the university. In cases when one person, either the Complainant or Respondent is not a member of the PLU community or when the circumstances or parties are outside of the United States, PLU will determine, in its sole discretion, the best remedies for the Impacted Party and the community.

If the alleged behavior does not meet the 2020 Final Rule definition and criteria for Title IX as defined by the [U.S. Department of Education](#), but there is an allegation of Prohibited Conduct, the report will be referred to one of the following for further review and, in PLU's sole discretion, further action utilizing the appropriate conduct or university policy: the Student Rights and Responsibilities Office for student to student concerns; the Human Resources Department for incidents involving staff; or the academic

department dean for faculty involved incidents. This policy, the Title IX Prohibited Conduct Formal Process, the Student Code of Conduct, the Faculty Handbook, and the Personnel Manual set forth the procedures that PLU will follow regarding reports, formal complaints, implementation of available and reasonable supportive measures, investigation and the determination whether a Respondent has violated this policy. When a determination is made that a violation has occurred, PLU will issue sanctions, remedies for the aggrieved party, and take actions that are commensurate with the violation and which reflect PLU's determination to end such conduct, prevent its recurrence, and remedy its effect on individuals and the community.

II. Statement of Policy

It is a violation of PLU policy for any member of the PLU community (faculty, staff, student, volunteer) to engage in any conduct defined in this policy as **Prohibited Conduct** including, without limitation, ***Sexual Harassment, Sexual Assault and Sexual Misconduct, Dating Violence or Domestic Violence ("Relationship Violence") and Stalking***, if in connection with a PLU program or activity, whether or not it occurs on campus. This policy is intended to meet the requirements of applicable federal and state laws. Nothing in this policy restricts any rights that would otherwise be protected from government action by the First Amendment of the U.S. Constitution, deprives a person of the rights that would otherwise be protected from government action under the Due Process Clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution, or restrict any other rights guaranteed against government action by the U.S. Constitution. If this policy becomes inconsistent with any applicable law, it is the University's intent to update policies to be consistent with applicable laws.

Pacific Lutheran University complies with the requirements of the Americans with Disabilities Act of 1990, as amended 2008: Sections 504 and 508 of the Rehabilitation Act of 1973, as amended; and all other federal and state laws prohibiting discrimination on the basis of disability. PLU is committed to providing individuals with disabilities equal access to the institution's programs and activities.

Parties may request reasonable accommodations for disabilities at any point relating to the implementation of the policy, including making a disclosure or report, and initiating a grievance procedure. Accommodations may be granted if they are reasonable and do not fundamentally alter the procedures established by this policy. The University will not affirmatively provide disability accommodations that have not been requested, even if accommodations are being provided in other programs and activities.

With consent of the individual parties, the Title IX Coordinator will work collaboratively with the Office of Accessibility and Accommodations, or Human Resources to ensure the approved reasonable accommodations are implemented.

III. Education Basis for Policy

In addition to and co-equal with its legal responsibilities as set out in Section II to this policy, PLU, by

its mission, is committed to providing an environment in which students and employees can work, live, and study free from Prohibited Conduct. Consistent with its [Equal Educational Opportunity Policy](#), and the [Equal Employment Opportunity Policy](#), PLU prohibits any discrimination in education and employment on the basis of gender or gender identity (see also [PLU's Non-Discrimination Policy](#)). Prohibited Conduct, as listed above, has a serious negative impact on the quality of the educational environment and is disruptive to realization of individual and community outcomes. All members of the community are expected to conduct themselves in a manner that does not infringe upon the rights of others.

The Sexual Misconduct Policy has been developed to reaffirm these principles and to provide recourse for those individuals who believe they may have experienced or witnessed Prohibited Conduct, as defined by this policy. This policy and the applicable procedures also provide the standards and process for the University to determine, after the fact, if behaviors violate the PLU community conduct standards or the University's prohibition against sexual harassment and discrimination. The University will work to prevent and eliminate Prohibited Conduct by providing a multi-faceted educational program to promote awareness of acceptable and unacceptable behaviors. All members of the PLU community are expected to play a role in making their community safe, educational, and just.

IV. Scope and Applicability

Consistent with other provisions of PLU's Student Code of Conduct, Personnel Manual, and Faculty Handbook, this policy and procedures herein apply to all students enrolled in courses, all full and part time employees, and any volunteers who within their role represent Pacific Lutheran University. Enrolled or newly employed individuals involved in incidents prior to attending their first day, or incidents occurring during a university closure or vacation period may be subject to action through an alternative conduct process.

Unless otherwise specified, any individual who is accused of engaging in Prohibited Conduct as defined by this policy who is not a student, faculty member, or staff member is generally considered a third party. PLU's ability to take corrective action against a third party may be limited and will depend on the nature of the third party's relationship, if any, to PLU. When appropriate, the Title IX Coordinator will offer the Impacted Party supportive measures and refer such allegations against a third-party to the appropriate office.

The University will respond promptly in a manner that is not "deliberately indifferent" once it obtains, or has available "actual knowledge" of conduct that reasonably may constitute Prohibited Conduct, and the alleged conduct meets the definition as articulated in this policy and/or the Title IX regulations. Prior to PLU proceeding with any formal or informal grievance process, a Formal Complaint must be articulated to the Title IX Coordinator. A Formal Complaint is a signed written statement requesting the university to investigate and make a determination about alleged Prohibited Conduct. "Actual knowledge" is obtained when the Title IX Coordinator, or any official of the University who has authority to institute corrective measures, receives notice of the alleged Prohibited Conduct.

A Title IX regulated response will only be initiated if the incident involves current community members

(students, faculty, or staff) who are attempting or actively participating in an educational program or activity in which PLU exercises substantial control over, occurs in the U.S., and meets the criteria defined in Title IX Final Rule by the Department of Education. This includes, but is not limited to, conduct occurring in a building owned or controlled by a student or employee organization officially recognized by the university.

The University reserves the right to follow the procedures outlined in the Student Code of Conduct, Personnel Manual, and Faculty Handbook if a student's or employee's behavior does not meet the above Title IX criteria, but does violate PLU's community standards, regardless of where the behavior occurs. The University will, in its sole discretion, respond to off-campus behavior if an alleged violation occurs while a student or employee is engaged in a PLU-sponsored or sanctioned event (e.g., study away, alternative spring break trips, athletic events, music performances, outdoor recreation), the behavior raises concern for the safety of those on-campus, or the behavior jeopardizes the university's interests in the community.

In addition, the University may follow the applicable university procedures, or procedures defined by law enforcement whenever a student or employee is accused of a criminal act, regardless of the location of its occurrence.

V. Reporting and Resources

A. How to Report

The Title IX Coordinator will review all Prohibited Conduct allegations and make a determination if the conduct meets the criteria set forth by the 2020 Final Rule Title IX regulations.

Any PLU community member who believes they have been subjected to Prohibited Conduct is an Impacted Party, and is encouraged to report such a concern. Individuals may report Prohibited Conduct in several ways:

- Submit a report online: anyone is able to electronically submit a report via the online [Incident Reporting Form](#). Impacted Parties can remain anonymous; however, the Title IX office will only be able to act on as much information as is given.
- Contact the Title IX Coordinator or Deputy Coordinators via email or phone:
 - Jennifer Childress-White, Assistant Dean of Students, Title IX Coordinator (childrjl@plu.edu, titleix@plu.edu, or 253.535.7361)
 - Gretchen Howell, Director for HR, Deputy Title IX Coordinator (crosgrgm@plu.edu, or 253.535.7329)
 - Eva Frey, Dean of Students, Deputy Title IX Coordinator (eva.frey@plu.edu, or 253.535.7462)
- Submit a report via mail to Pacific Lutheran University at:
Title IX Coordinator
Pacific Lutheran University, 12180 Park Avenue S, Tacoma, WA 98447
- PLU community members may make a report directly to local law enforcement officials by calling 911, or through contacting Campus Safety at 253-535-7441 (non-emergency line) /

253-535-7911 (emergency line), who can assist in filing a report with local law enforcement. A report to law enforcement does not automatically constitute notice to PLU.

- With the exception of staff who are identified as ***Confidential Resources*** because of their licensure, all faculty, staff, administration, Resident Assistants, and Campus Safety student employees are considered “Responsible Employees”, also referred to as [Mandatory Reporters](#), for all incidents related to Prohibited Conduct. They are required to file a report when they have knowledge of, or have received information alleging potential Prohibited Conduct.

There is no time limit on making a report, or submitting a Formal Complaint, but prompt reporting is encouraged in order to provide support to those impacted, and to secure appropriate evidence and information. Allegations regarding active students, staff, or faculty will be subject to the direct application of university policy and university authority, whereas graduates or those no longer enrolled or employed by PLU may require alternative pathways for response. Any person with knowledge of an alleged Prohibited Conduct is encouraged to report concerns or information to any of the above listed individuals.

All of the above individuals are considered private sources. This means the offices will keep the information as private as possible, but certain procedures will need to be followed once reported.

B. Confidentiality, Confidential and Private Resources

Confidentiality. The University will make reasonable and appropriate efforts to preserve an Impacted Party’s and Respondent’s privacy and to protect the confidentiality of information. Should an Impacted Party request confidentiality, the Title IX Coordinator will inform the Impacted Party that the University’s ability to respond may therefore be limited – but that where feasible, the University will take reasonable steps to prevent Prohibited Conduct and limit its effects.

The Title IX Coordinator will further inform the Impacted Party that it is not possible to provide confidentiality in all cases and that the University’s decision to share information with others is subject to the balancing test described below in Section VII. In summary, although the University’s goal is to limit the number of individuals who may learn about an allegation of Prohibited Conduct or an investigation, the University cannot guarantee confidentiality in all matters.

1. Confidential Resources

Should an individual not be prepared to make a report, but is seeking information and wanting a confidential resource, there are several options available. Individuals can explore different options without initiating further action from the University. The University encourages pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the parties they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. These individuals/offices **cannot and will not** report, unless a legal exception exist, the matter further, and reporting to any of these individuals/offices does not put the University on notice that Prohibited Conduct may have occurred.

- **Pacific Lutheran University Confidential Advocate**
 - Website: [Advocacy Services](#)

- Telephone: 253-535-8204
- Office: Center for DJS, Anderson University Center 150
- **Pacific Lutheran University Counseling Services**
 - Email: counseling@plu.edu
 - Telephone: 253-535-7206
 - Office: Anderson University Center 300
- **PLU TimelyCare - online / phone based mental health and medical care**
 - [TimelyCare \(formerly Lute Telehealth\)](#)
- **Pacific Lutheran University Student Health Services**
 - Email: health@plu.edu
 - Telephone: 253-535-7337
 - Office: Wellbeing Services and Resources, 121st and Park Avenue S
 - <https://www.plu.edu/chws/urgent-emergency-resources/>
- **Pacific Lutheran University Campus Ministry**
 - Email: cmin@plu.edu
 - Telephone: 253-535-7465
 - Office: Anderson University Center 190
- **Pierce County Sexual Assault Center - Rebuilding Hope**
 - Website: [Rebuilding Hope](#)
 - 24/7 Helpline: 1-855-757-7273
 - Main Office: 253-597-6424
- **Pierce County Domestic Violence Helpline**
 - Website: [Crystal Judson Family Justice Center \(FJC\)](#)
 - Telephone: 253-798-4166 or 800-764-2420
- **National Sexual Assault Hotline**
 - 1-800-656-HOPE

2. Private Resources

A report to the University may be made to any of the following offices or individuals. These are trained individuals who will initiate the University's responsive action to a Prohibited Conduct report. While not bound by confidentiality, these resources will maintain the privacy of an individual's information within the confines of the Title IX applicable processes.

- **Pacific Lutheran University Campus Safety**
 - Email: csin@plu.edu
 - Website: <https://www.plu.edu/campus-safety/>
 - Telephone: 253-535-7441, For Emergencies: 253-535-7911
 - Office: Neeb Center, 125th St and Park Avenue S
- **Pacific Lutheran University Title IX Coordinator**
 - Email: titleix@plu.edu
 - Website: www.plu.edu/title-ix

- Telephone: 253-535-7361
- Office: Wellbeing Services and Resources, 121st and Park Avenue S
- **Pacific Lutheran University Student Rights and Responsibilities**
 - Email: srr@plu.edu
 - Telephone: 253-535-7462
 - Office: Wellbeing Services and Resources, 121st and Park Avenue S
- **Pacific Lutheran University Human Resources**
 - Email: humr@plu.edu
 - Telephone: 253-535-7185
 - Office: Hauge Suite 110
- **Pacific Lutheran University Campus Life**
 - Email: engage@plu.edu
 - Telephone: 253-535-7200
 - Office: Anderson University Center 161

C. Reports to Law Enforcement

The University encourages anyone who believes they have experienced a violation of this Sexual Misconduct Policy to make a report through the Pierce County Sheriff's Office. PLU Campus Safety is willing and able to assist with referring Impacted Parties to this resource. The University also encourages Impacted Parties to be aware of the importance of preserving evidence that may assist in providing information that an alleged criminal offense occurred or may be helpful in obtaining a protection order. An Impacted Party may also, in their discretion, decline to notify law enforcement officials.

Impacted Parties also have the right to seek other forms of relief from civil authorities, such as no contact orders, restraining orders, or similar. As set out in Section VI:A of this policy, the University may enact such no contact orders within the PLU community and take such other Interim Measures to assist the Impacted Party.

D. Anonymous Reports

The University welcomes members of the PLU community to submit anonymous reports of Prohibited Conduct, however, the University may not be able to fully address anonymous reports unless sufficient information is furnished, thus enabling the University to conduct a meaningful and fair investigation. If you are defined as a mandatory reporter, you must report and cannot be anonymous. The University takes anonymous reports seriously and will address the concern in whatever steps it deems appropriate, in the University's sole discretion, and in the best interest of the overall University community.

The University will take steps to protect the confidentiality of the Impacted Party and others involved in the reporting process. Publicly available recordkeeping, including Clery Safe Campus Act reporting and disclosures will be done without personal identifying information about the Impacted Party. Additionally, the University will maintain as confidential as possible any accommodations or protective measures provided to the Impacted Party, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. Similarly, when a report is made that implicates PLU's other community standards policies and confidentiality is

requested, PLU will maintain confidentiality to the extent it is possible but cannot guarantee confidentiality.

Certain situations may require the Title IX Coordinator to file a formal complaint on behalf of the University when Prohibited Conduct is reported that meets the definition of the 2020 Final Rule Title IX regulations, specifically conduct deemed “so severe, pervasive and objectively offensive”, or when there is an assessed threat to campus or individual safety. In these situations, anonymous reports may be included in those Title IX Coordinator complaints.

Complete confidentiality is not granted to individuals who choose to submit a formal complaint. Fundamental fairness and due process principles require that a Respondent knows the details of the allegations made against the Respondent, to the extent the details are known, to provide adequate opportunity for the Respondent to respond. In order for a grievance process to accurately resolve allegations that a Respondent has perpetrated sexual harassment against a Complainant, the Complainant’s identity must be disclosed to the Respondent, if the Complainant’s identity is known. However, the University will keep the identities of the Complainant, Respondent, and witnesses as private as possible, and unknown to anyone not involved in the grievance process, except as permitted by FERPA, or required by law.

E. Advisor/Support Person

The above resources can be utilized by both the Complainant(s) and the Respondent(s) for cases involving allegations of Prohibited Conduct. Throughout all Prohibited Conduct reporting and grievance processes, individuals are allowed to be accompanied by an individual of their choice as defined below:

1. Advisor - for incidents involving a formal review process defined by the 2020 Final Rule Title IX regulations

The Complainant and the Respondent in an incident that meets the 2020 Final Rule Title IX criteria will have the right to an advisor of their choice, who may be, but need not be, an attorney. Parties may only select one advisor per grievance process; and if the party does not have an advisor present at the live hearing, the university will provide a trained member of the PLU community to serve in that capacity free of cost. An advisor’s role is to provide guidance through the Formal Process, and conduct cross-examination on the party’s behalf, as applicable. Parties are not permitted to conduct cross-examination themselves. The advisor may attend all meetings and interviews, but may not talk on behalf of the advisee. The party and the advisor may confer at reasonable times during the hearing as determined in the sole discretion of the Decision Makers.

2. Support Person -for incidents that are not in the Title IX purview

In regards to a Prohibited Conduct incident being responded to through other applicable university processes, parties may select one support person per conduct process. The support

person must be a current member of the PLU community. A request should be made to the appropriate office at least 24-hours prior to the scheduled grievance meeting. If the request is approved, all parties involved in the grievance process will be afforded the same opportunity to have a support person present.

A support person is present for emotional support only and may not speak on the party's behalf. The party and the support person may confer at reasonable times as determined in the sole discretion of the Review Officer(s).

F. Respect for Conditional Amnesty Provisions

It is in the best interest of the PLU community for students and employees to report cases of Prohibited Conduct. The University wants to eliminate barriers for those hesitant to report incidents to university officials out of fear of being held accountable for other policy violations. Therefore, an individual who reports Prohibited Conduct, either as a Complainant or a Reporter, will have the University's focus of the investigation on the Prohibited Conduct reported and may be granted conditional amnesty for other PLU policy violations related to the Prohibited Conduct at the discretion of the university.

VI. Response Procedure

Upon receipt of a report, PLU will take immediate steps to ensure that services have been offered to the Impacted Party(ies). PLU will generally proceed as described below. Exceptions to this policy will be documented for individuals involved in a report or grievance process.

A. Supportive Measures

1. Upon receipt of a report, the Title IX Coordinator will promptly contact the Impacted Party(ies) to offer supportive measures, and inform them of or confirm receipt of a report.
2. The Title IX Coordinator will explain to the Impacted Party(ies) the process for filing a Formal Complaint, assess if the alleged conduct meets the definition of sexual harassment and which procedural path the Prohibited Conduct will be processed.
3. The Title IX Coordinator will inform the Impacted Party(ies) of the availability of supportive measures with or without the filing of a Formal Complaint.

Under the 2020 Final Rule, institutions must offer free supportive measures to every alleged victim of sexual harassment. Supportive measures are individualized services meant to restore or preserve equal access to education, protect student and employee safety, or deter sexual harassment. Supportive measures must be offered even if a complainant does not wish to initiate or participate in a grievance process.

Supportive measures may include, but are not limited to, counseling services, extensions of deadlines or other course-related adjustments, modifications of employment or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Supportive measures are not meant to be punitive, or unreasonably burden the Impacted Party or Respondent.

The University reserves the right to take any measures it believes, in its sole discretion, are in the best interests of the parties and the University community.

B. Initial Title IX Assessment

Reports of Prohibited Conduct will not, on their own, trigger a Title IX grievance process. A Formal Complaint is required to be submitted (in writing with a physical or electronic signature) to Pacific Lutheran University in order to begin a formal grievance process under this policy and as outlined in the U.S. Department of Education Title IX Regulations.

As defined by Title IX Regulations, Pacific Lutheran University is obligated to dismiss Formal Complaints that fail to meet the definitions below or are outside of its prescribed jurisdiction, which is limited to: conduct impacting an individual who is participating in or attempting to participate in an education program or activity of Pacific Lutheran University in the United States. “Educational program or activity” includes locations, events, or circumstances over which Pacific Lutheran University exercises substantial control over both the respondent and the context in which the Prohibited Conduct occurs, and also includes any building owned or controlled by a student or employee organization that is officially recognized by Pacific Lutheran University. Prohibited Conduct that does not meet the definition or jurisdiction of sexual misconduct as defined by Title IX Regulations, or takes place in locations outside the U.S. may be, at the discretion of PLU, processed through another appropriate PLU conduct process.

Consistent with the Title IX regulations issued on May 6, 2020, for a formal investigation to proceed through PLU’s Title IX Formal Process, it must meet the following criteria. The Prohibited Conduct must be either:

- *Quid Pro Quo Sexual Harassment*: This exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and submission to or rejection of such conduct results in adverse educational or employment action; or
- *Sexual Harassment*: Any unwelcome sex-based conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity; or
- “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30). (Refer to Section XII for formal definitions.)

Nothing in this part precludes Pacific Lutheran University from removing a respondent from an educational program or activity on an emergency basis, pending an individualized safety and risk assessment and determination that an immediate threat to the physical health or safety of any student, employee, or other individual arising from the allegations of sexual harassment justifies removal. In these situations, Pacific Lutheran University will provide the respondent with notice and an opportunity to appeal the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

If the allegations in a formal complaint do not meet the definition of sexual harassment in the Final Rule, or did not occur in the school's education program or activity against a person in the United States, the Final Rule clarifies that the school must dismiss such allegations for purposes of Title IX.

If a report is formally dismissed by the Title IX Coordinator or their designee, the report will be referred to the Office of Student Rights and Responsibilities or Human Resources for evaluation if the reported behavior is otherwise a violation of policy within the Pacific Lutheran University's Student Code of Conduct, Personnel Manual, or Faculty Handbook. The Impacted Party(ies) will be notified of the dismissal in writing.

The dismissal of a report does not preclude an Impacted Party from utilizing any of the supportive measures outlined in this policy.

C. Formal Complaint

If the Formal Complaint is a) within jurisdiction of Pacific Lutheran University and b) meets the definition of Prohibited Conduct, PLU is obligated to respond to the Formal Complaint. When the Title IX or Sexual Misconduct grievance process is initiated on the basis of a Formal Complaint, the individual alleged to have engaged in the Prohibited Conduct and who must respond to the allegations is designated as the Respondent. The impacted party(ies) who submit the Formal Complaint will be designated as the Complainant(s). Prior to and during this process, Pacific Lutheran University presumes that the Respondent is not responsible for the alleged conduct and does not make a determination regarding responsibility until the conclusion of the process.

The Title IX Coordinator may dismiss a Formal Complaint of Prohibited Conduct, if applicable, for any of, but not limited to, the following reasons:

1. The University is unable to identify the Respondent after taking reasonable steps to do so;
2. The Respondent is no longer participating in PLU's education program or activity, and/or is not employed by PLU and there is a reasonable expectation and related evidence to support that they will not return to active status.
3. The conduct occurred outside of the United States.

D. Procedures

There are different procedures used to respond to Prohibited Conduct. Title IX procedures are defined by

the Department of Education's 2020 Final Rule Title IX legislation. Any alleged conduct that is determined Title IX Prohibited Conduct will be processed through those federal mandates. The Title IX Coordinator will assess each reported incident and will coordinate the appropriate response pathway. Pathways other than the Title IX Formal Process are defined by who the Complainant and Respondent are, and where the misconduct took place. Partners in responding to Prohibited Conduct are, but not limited to: Human Resources and the Dean of Students Office. Any conduct that does not meet the criteria for, or jurisdiction of, Title IX will be processed by PLU's Student Code of Conduct Procedures or through policies and procedures listed in the Personnel Manual and/or Faculty Handbook.

The link for **Title IX Prohibited Conduct Formal Process** is here:

<https://www.plu.edu/title-ix/documents/942/>

The link for **PLU's Student Code of Conduct Procedures** is here:

<https://www.plu.edu/student-rights-and-responsibilities-procedures/>

The link for PLU's **Personnel Manual** Grievance Procedures is here:

<https://www.plu.edu/personnel-manual/complaint-resolution/grievance/>

The link for **PLU's Faculty Handbook** is here:

<https://www.plu.edu/faculty-handbook/>

E. Coordination with Concurrent Legal Proceedings:

Impacted parties may choose to engage in criminal prosecution procedures and/or civil litigation in connection with the same behavior that forms the basis of a Prohibited Conduct report under this policy. In such cases, the University will cooperate and assist with coordination with local law enforcement and may, if requested and appropriate, share information with those agencies. The University will fulfill its legal and ethical obligation to take immediate and appropriate action to investigate possible violations of this policy, even if there are external processes or procedures pending in connection with that same report of Prohibited Conduct.

Standards for criminal investigations are different from the standards for a violation of this policy, and therefore the University will not base its decisions under this policy solely on law enforcement reports and/or action. The University will take every possible step to coordinate with law enforcement and also will take steps to resolve the Formal Complaint within the University process in a timely manner.

F. Reporting Prohibited Conduct to Law Enforcement and for Statistical Disclosure

Community members who believe any Prohibited Conduct they have experienced may be criminal in nature will receive support and assistance in contacting law enforcement and/or reporting the conduct for Statistical Disclosure under the Clery Safe Campus Act. PLU encourages accurate and prompt reporting of all crimes to Campus Safety and the appropriate law enforcement agencies.

As a part of its prevention and awareness programs for incoming students and new employees, and its ongoing prevention and awareness programs for continuing students and employees, PLU includes the definitions of sexual misconduct, the definition of consent in reference to sexual activity, and the definitions of domestic violence, dating violence, and stalking that are used by the criminal laws in applicable jurisdictions. The criminal law definitions used in Washington State are described in Appendix A for the sake of information only. However, PLU utilizes its own definitions of these prohibited behaviors for purposes of this policy that are consistent with the Clery Safe Campus Act, as amended effective 2014 and 2024 (which expands upon the Clery Safe Campus Act as noted above), and determines responsibility for violations of PLU policy through its own procedures and standards of proof.

VII. Immediate Help/Steps for Victims

If you believe you or someone you know has been impacted by Prohibited Conduct, you are urged to immediately notify the police and/or seek medical attention.

Confidential Health and Safety Off Campus

Options for Seeking Medical Treatment: Individuals who believe they have been sexually assaulted may seek medical attention without reporting the crime to police. The hospital emergency room will assist in treatment of injuries, prevention of sexual transmitted infections and pregnancy, crisis intervention, and emotional support services. Physical evidence may also be collected at this time.

Tacoma General Hospital

315 Martin Luther King Jr Way, Tacoma 98405

Telephone: 253-403-1000

Hours: 24 hours a day, 7 days a week

St. Clare Hospital

11315 Bridgeport Way SW, Lakewood, WA 98499

Telephone: 253-985-1711

Hours: 24 hours a day, 7 days a week

Multicare Good Samaritan Emergency Parkland

14815 Pacific Ave., Tacoma, WA 98444

Telephone: 253-697-8660

Hours: 24 hours a day, 7 days a week

Confidential Health and Safety Near Campus

Pacific Lutheran University's Wellbeing Services and Resources

PLU Hong Hall, Tacoma, WA 98447

Email: health@plu.edu

Telephone: 253-535-7337

Hours: Monday - Friday 8 am to 5 pm (closed 12 pm to 1 pm for lunch)

Options for Seeking Emotional Support: Individuals who believe they have been sexually assaulted may seek emotional support without reporting the crime to the police or PLU.

Rebuilding Hope - The Sexual Assault Center of Pierce County

Website: www.sexualassaultcenter.com

Location: 723 Martin Luther King Jr. Way, Tacoma, WA 98405

Emergency Hotline: 1-855-757-7273 (24 hours a day, 7 days a week)

Hours: Monday - Thursday 9 am to 5 pm / Friday 9 am - 12 pm

Pacific Lutheran University Center for DJS Advocacy Services

Website: <https://www.plu.edu/diversity-justice-sustainability/advocacy-services/>

Location: Anderson University Center 156

Email: mks@plu.edu

Telephone: 253-535-8204

Hours: By appointment

Pacific Lutheran University Counseling Services

University Center 300

Email: counseling@plu.edu

Telephone: 253-535-7206

Timely Care TalkNow

Employee Assistance Program Services (EAP)

<https://www.plu.edu/human-resources/>

VIII. False Reports

Pacific Lutheran University takes all allegations of Prohibited Conduct very seriously and will not tolerate intentional false reporting of incidents. It is a violation to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws. Any false reports will be addressed and possible discipline applied.

IX. Rights and Expectations

Federal law requires Pacific Lutheran University to afford the Complainant and the Respondent rights throughout the Prohibited Conduct process. Additionally, Pacific Lutheran University has a commitment to all community members, and is committed to creating an environment that still serves the educational and employment rights of all during the Prohibited Conduct process. Basic rights include:

A. Respect for Privacy

Information regarding Prohibited Conduct reports, and any investigation or review of these reports,

including sanctioning determinations, will be shared among University employees on a “need to know” basis only, and only under applicable law.

B. Choice to Participate

All Complainants, Respondents, Reporters, or Witnesses may choose to participate or decline to participate in the Prohibited Conduct process. However, even if the Complainant or Respondent decline to participate, the University, in its sole discretion, may continue to investigate the matter and make sanctioning decisions based on the incident and information gathered. Individuals who are mandatory reporters must comply with their reporting obligations, and thus provide the university with any information they have regarding the incident(s) of concern.

C. Confidential Assistance and Resources

All Complainants, Respondents, Reporters, and Witnesses have the right to seek additional confidential resources if needed. Confidential services include Wellbeing Services and Resources’ Health and Counseling Services, Timely Care providers, the Employee Assistance Program, DJS Confidential Advocates, and Campus Ministry. All information shared with these offices and individuals will remain confidential to the extent permitted by law and University policy. Discussions with these individuals will not be considered a report to the University as it relates to the process.

D. Fair and Unbiased Process

The University will take appropriate steps to ensure that the Respondent and the Complainant are treated fairly throughout the process, without bias.

X. Retaliation is Prohibited

Pacific Lutheran University will take appropriate steps to ensure that a person who, in good faith, reports, complains about, or participates in a Prohibited Conduct process will not be subjected to retaliation by the Respondent or by others with knowledge of the incident and/or report. Anyone who believes they are experiencing retaliation is strongly encouraged to report that concern to the Dean of Students Office, the Title IX Coordinator, or Human Resources.

XI. Definitions - General

Pacific Lutheran University, for the purposes of this policy, defines the following terms as follows. Please note that some of these terms may also be used in other contexts, and that they may have different meanings in those contexts.

Impacted Party: The individual(s) having been affected by the alleged Prohibited Conduct.

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:

- Restore or preserve that party's access to the institution's education program or activity, including measures that are designed to protect the safety of the parties or the institution's educational environment; or
- Provide support during the institution's grievance procedures

Complainant: The individual complaining of Prohibited Conduct.

Respondent: The individual accused of Prohibited Conduct.

Parties: The Complainant and Respondent, as referred to collectively.

Formal Complaint: A signed or affirmed document, electronic or written, alleging a policy violation of PLU's Prohibited Conduct as outlined in this Sexual Misconduct policy requesting the institution to investigate.

Informal Resolution: An alternate resolution method, if both parties are students, for addressing a Formal Complaint facilitated by a trained, unbiased third party facilitator. This option requires both parties to agree to this process voluntarily. Informal Resolutions may not be used for complaints involving both a student and employee.

Sexual Activity: Intentional contact with the breast, buttock, groin, or genitals, or touching another with any of these body parts, or making someone touch another person with or on any of these body parts; any other intentional bodily contact in a sexual manner. Intercourse (anal, oral, or vaginal), however slight, with any object. In the context of this policy, Sexual Activity may also include the conduct preliminary to or involved in Sexual Harassment, Sexual Exploitation, and Sexual Intimidation.

Consent: Consent is permission explicitly granted by an individual who is physically and mentally capable of providing it. It is the responsibility of the person who wants to engage in Sexual Activity to ensure that they have the valid Consent of the other to engage in the activity. PLU further defines Consent to include the following:

- Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as Consent. Consent can be given by words or actions, as long as those words or actions create clear and mutually understandable permission regarding the conditions of Sexual Activity.
- Consent to one form of Sexual Activity cannot imply Consent to other forms of Sexual Activity, even within the same intimate situation. Previous relationships or Consent cannot imply Consent to future Sexual Activity.
- Consent cannot be procured by use of force, threats, intimidating behavior, or coercion.
- Consent can be withdrawn at any time.
- Some individuals are unable to give Consent by reason of Incapacity or Physical Helplessness (defined below). It is a violation of this policy to engage in Sexual Activity with someone you know to be, or should have known to be, Incapacitated or Physically Helpless.

Incapacity: For the purpose of this policy, Incapacity is a condition existing at the time of the incident

which prevents a person from understanding the nature or consequences of the Sexual Activity whether that condition is produced by the influence of a substance, or from some other cause. Incapacity is a state where one cannot make a rational, reasonable decision because that individual lacks the ability to understand the who, what, when, where, why or how of the sexual interaction.

The use of alcohol or drugs can prevent an individual from giving valid Consent, even if the person appears to agree to Sexual Activity in the moment. Incapacity may also result from the influence of substances commonly known as “date rape” drugs. Possession, use, and/or distribution of any “date rape” substances, including, without limitation, Rohypnol, Ketamine, GHB, Scopolamine, etc. is prohibited, and administering one of these drugs to another individual is a violation of PLU policy, and possibly local and federal law. Incapacity may also result from, without limitation, developmental disability, mental disorder, chemical dependency, and/or age.

Certain Consensual Sexual Relationships: Primary responsibility for maintaining high standards of conduct resides with faculty and supervisors, since they exercise significant authority and power over others.

A ***consensual sexual relationship*** between an employee (faculty or staff,) and a student, or between a supervisor and a subordinate employee, does not necessarily involve sexual harassment or sexual misconduct. In such circumstances, however, the University’s responsibilities to its students and employees are potentially compromised by the likelihood or even the appearance of a conflict of interest. Consequently, this policy strictly prohibits consensual sexual relationships between an employee and a student whenever the employee is in a position of professional responsibility with respect to the student. This policy also strictly prohibits consensual sexual relationships between a supervisor and a direct subordinate employee.

For the purposes of this policy, an employee is in a position of professional responsibility with respect to a student when the employee is currently in a position to make or influence a decision or to confer or withhold a benefit relating to the student’s education, employment, or campus-sponsored activity. This includes, but is not limited to, staff/student, faculty/student, coach/player, supervisor/student worker, and adviser/advisee relationships.

For the purposes of this policy, an employee is in a direct subordinate relationship with a supervisor if the employee reports to the supervisor, if the supervisor evaluates or directs the employee’s work, or if the supervisor is in the direct chain of command of the person to whom the employee reports.

The University strongly discourages consensual sexual relationships such as those between an employee and a student (even in the absence of a current professional responsibility with respect to the student) and between a faculty member or supervisor and an employee in a position of less authority (even in the absence of a direct reporting relationship as defined above). While this policy does not prohibit consensual sexual relationships such as these, they are strongly discouraged.

Physical Helplessness: Physical Helplessness refers to a person who is asleep, unconscious, or for any other reason is physically unable to communicate, verbally or nonverbally, valid Consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to obtain Consent from another. When someone makes it clear that they do not want to engage in Sexual Activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive if Consent is not voluntarily or freely given, or if the individual giving it is not capable of doing so.

Investigator: An appropriately trained individual, who may be a PLU employee, who reviews, gathers facts and evidence, and provides an investigative report regarding the alleged Prohibited Conduct that meets the criteria set forth in Title IX legislation.

Reporter: An individual who reports to the University a concern regarding possible Prohibited Conduct. A Reporter does not need to be an Impacted Party or Complainant.

Advisor: For Title IX complaints, an individual or individuals chosen by the Complainant and Respondent who provide support during the Title IX Formal Process. The Advisor may not already be directly involved in the investigative process (example – cannot be a witness, or reporter). An Advisor may, or may not be an attorney. An Advisor’s role is to provide guidance through the process and to conduct cross-examination of the opposing party, as applicable. Complainants and Respondents are not permitted to conduct cross-examination themselves.

Responsible Employee/Mandatory Reporter: An individual who is a PLU employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. A responsible employee must report any information about Prohibited Conduct to their supervisor or directly to the University’s Title IX Coordinator. Responsible Employees on the PLU campus include all employees (faculty/staff/administrators), including Campus Safety student employees and Campus Life Residential Assistant student employees.

Title IX: Title IX of the Education Amendments of 1972 is a federal law that prohibits sex-based discrimination. This includes sexual harassment, sexual assault, relationship violence, and stalking. Title IX applies to all institutions and programs that receive federal financial aid.

Title IX Coordinator: The University official charged with ensuring PLU’s overall compliance with Title IX and related University Policy.

XII. Definitions – Violations of Sexual Misconduct, VAWA Informed

Prohibited Conduct defined under the PLU Sexual Misconduct Policy include, but are not limited to the following prohibited behaviors:

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

of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: A pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person in the family, or another household member.. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Washington State additionally defines domestic violence as physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; sexual assault of one family or household member by another; or stalking of one family or household member by another family or household member.

Non-Consensual Sexual Intercourse: Non-Consensual Sexual Intercourse is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another regardless of gender, without consent.

Non-Consensual Sexual Contact: Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object, by a person upon another regardless of gender, without consent.

Relationship Violence: Dating Violence and/or Domestic Violence

Sexual Assault: Any type of sexual contact or behavior that occurs by force or without consent of the recipient of the unwanted sexual activity. Falling under the definition of sexual assault is sexual activity such as forced sexual intercourse, sodomy, child molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to give consent either due to age or lack of capacity.

Sexual Harassment as defined by Title IX: Sexual Harassment is sex-based verbal or physical conduct that effectively denies or deprives someone from equal access to education, benefits or opportunities. There are three types of Sexual Harassment:

1. *Quid Pro Quo Sexual Harassment:* This exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and submission to or rejection of such conduct results in adverse educational or employment action.
2. *Sexual Harassment:* Unwelcome sex-based conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Sexual Harassment as defined by PLU's Personnel Manual: Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct or activity is made either explicitly or implicitly a term or condition of an individual's employment or academic progress;

- Submission to or rejection of such conduct or activity is used as the basis for employment or evaluation;
- Such conduct or activity has the purpose or effect of interfering with an individual's employment or educational performance or advancement; or
- Such conduct or activity creates an intimidating, hostile or offensive working learning or campus residential environment.

The following are examples, without limitation, of specific behavior which is prohibited under PLU's anti-sexual harassment policy:

- Touching or grabbing a sexual part of any individual's body.
- Touching or grabbing any other part of an individual's body after that person has indicated or it is known that the contact is unwelcome.
- Display in the workplace or learning environment of sexually suggestive photographs, cartoons, graffiti, and/or displaying or transmitting pornography, including accessing pornographic web sites except as germane to the subject matter for educational purposes.
- Visual conduct such as leering, making sexual gestures, or displaying sexually suggestive objects.
- Verbally (or in written text or email) making or using derogatory comments, epithets, slurs, sexually explicit jokes, sexual innuendo, or comments about any employee's body or dress.
- Gossip or questions about someone's sexual conduct, orientation, or experiences.
- Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, or suggestive or obscene letters, notes, or invitations.
- Subtle pressure for sexual activity, including unwelcome but apparently sanction-free sexual advances by a manager to a subordinate.
- Continuing to ask a person on a date (or to meet outside of work or learning environment) when that person has indicated that they are not interested.
- Retaliation for reporting harassment or threatening to report harassment.
- Advances or requests are made under circumstances implying that one's response might affect educational or personnel decisions that are subject to the influence of the person making the proposal.
- Speech or conduct that is directed against another individual and is either abusive or severely humiliating, or persists despite the objection of the person targeted by the speech or conduct.
- Speech or conduct that is reasonably regarded as offensive and substantially impairs the academic or work opportunity of students, colleagues, or co-workers. If such speech or conduct takes place in the teaching context, it must also be persistent, pervasive, and not germane to the subject matter.

Sexual Exploitation: A form of Sexual Harassment: Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other Sexual Misconduct offenses. Examples of behavior that could rise to the level of sexual

exploitation include:

1. Prostituting another person.
2. Recording images (e.g. video, photography) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent.
3. Distributing images (e.g. video, photography) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not Consent to such disclosure and objects to such disclosure.
4. Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without the person's consent, and for the purpose of arousing or gratifying sexual desire.

Sexual Intimidation: A Form of Sexual Harassment: Sexual Intimidation involves, without limitation, threatening another person with a sex act against them, stalking, (including cyber-stalking), and/or engaging in indecent exposure.

Sexual Misconduct: Sexual Misconduct includes Sexual Harassment, Sexual Assault, other Sexual Misconduct as defined in this policy, Dating Violence or Domestic Violence ("Relationship Violence"), and Stalking.

Stalking: A pattern of repeated and unwanted attention, intimidation, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to fear for their own safety or the safety of others; or suffer substantial emotional distress.

XIII. Miscellaneous Provisions and Record Keeping

When a report of Prohibited Conduct is received, PLU will provide written notification to Impacted Parties and employees regarding the services listed in this policy, and about possible legal assistance, visa and immigration assistance, student financial aid, and any additional services available, both within the University and in the community. While the initial assessment of the report is in progress, all individuals involved will be supported in continuing their educational or employment endeavors at PLU to the best of their abilities.

The University will provide written notification to Impacted Parties about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The University will make such accommodations or provide such protective measures if an Impacted Party requests them and if they are reasonably available, regardless of whether the Impacted Party chooses to submit a Formal Complaint to the University or participate in the legal process with local law enforcement.

All records pertaining to a report, formal complaint, investigation, determination, and all other information related to the Title IX Office will be retained for seven years following the exit of an impacted party from the University. All materials and information used for the training of the Formal Process Team, Investigators, and the Title IX Coordinator will be available for review on Pacific

Lutheran University's Title IX website.