



SEXUAL MISCONDUCT POLICY

(Updated on October 1, 2025)

I. INTRODUCTION

Palo Alto University (also referred to as “PAU” or “the university”) is committed to maintaining its campuses and programs free from all forms of sexual misconduct.

This policy prohibits all forms of sexual misconduct, including sexual and gender-related: violence, assault, harassment, domestic violence, dating violence, and stalking.

This policy applies to misconduct directed against students occurring on PAU property or at PAU-sponsored events or programs, whether they take place on-campus or off-campus. Off-campus conduct that is likely to have a substantial effect on on-campus activity or that poses a threat or danger to the university community also may be addressed under this policy.

Getting Help:

All members of the PAU community who believe they have experienced violations of this sexual misconduct policy should report these incidents to local law enforcement authorities and seek medical attention.

- For emergencies call: 911
- City of Palo Alto Police Department: Emergency (650) 321-4433
- Rape Trauma Services 24-hour helpline: (650)-692-7273
- National Domestic Violence Hotline: 1-800-799-SAFE (7233)
- For additional resources, please see section XIV below.
- For additional reporting options, please see section VI below.

II. NOTICE OF NON-DISCRIMINATION

PAU does not permit discrimination or harassment in its programs and activities on the basis of race, color, national origin, ancestry, sex, gender, gender identification, sexual orientation, disability, age, religion, medical condition, veteran status, marital status or any other characteristic protected under law.

III. SCOPE OF THE POLICY

This policy sets forth the policies and procedures for reporting incident(s) of possible sexual misconduct that occurs toward any PAU student.

Persons who believe that an incident of possible sexual misconduct has occurred against a student of PAU, by another student, faculty member, administrator, or any other individual that a student comes into contact with by way of any university administered program, job or activity, should follow this policy. Please see section VI for information on how to report incident(s) of possible sexual misconduct, against a student.

For information related to academic misconduct, or other misconduct that is not sexual misconduct, please refer to the applicable sections of the student handbook for your program.

As for employees who believe they have experienced sexual misconduct, please consult your faculty or staff handbooks for the relevant reporting policies and procedures that apply. Employees may also contact the Title IX Coordinator for assistance. See below.

IV. TITLE IX COORDINATOR AND INTAKE OFFICER

Title IX of the Education Amendments of 1972 (“Title IX”) is a federal law that prohibits discrimination on the basis of sex (or gender) for students and employees of educational institutions that receive federal financial assistance.

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance...” 20 U.S.C. §1681.

The Title IX Coordinator is the person designated by the university to oversee the university’s Student Sexual Misconduct Policy and to whom anyone with questions about this policy may be referred.

Palo Alto University has designated Stephanie Montes, Senior Human Resources Generalist as the Title IX Coordinator. For matters involving sexual misconduct, there are two reporting options: a) reports can be submitted anonymously by using the [Sexual Misconduct/Title IX Report](#) available on PAU’s webpage or b) by submitting a written complaint by email to the Title IX Coordinator, titleix@palou.edu. The Title IX Coordinator serves as the intake officer for any Title IX related issue. However, on a case-by-case basis, the Title IX Coordinator may collaborate with a qualified individual from the university for alleged cases of student sexual misconduct.

V. PROHIBITED CONDUCT AND DEFINITIONS

PAU prohibits all forms of sexual misconduct, which includes sexual and gender-related violence of any form: assault, harassment, domestic violence, dating violence, and stalking. Each of these terms encompasses a broad range of behavior.

The following are among the forms of sexual misconduct that violate university policy and their associated definitions:

1. Sexual Assault: Having or attempting to have sexual contact with another individual:
 - a. By force or threat of force;
 - b. Without affirmative consent; or
 - c. Where the individual is incapacitated.
2. Non-Consensual Sexual Contact (or attempts to commit the same): Any intentional sexual touching, however slight, with any object, by any person upon any other person regardless of gender identity or expression, that is without consent and/or is by force.
3. Non-Consensual Sexual Intercourse (or attempts to commit the same): Any sexual intercourse, with any object or body part, by any person upon any other person regardless of gender identity or expression, that is without consent and/or is by force.
4. Sexual Exploitation: Taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit, or to the benefit or advantage of another person. Examples of sexual exploitation include:
 - a. Causing or attempting to cause another person to become drunk, drugged or otherwise incapacitated with the intent of engaging in a sexual behavior;
 - b. Recording, photographing or transmitting images of sexual activity and/or intimate body parts (groin, genitalia, breasts or buttocks) of another person without their consent;

- c. Allowing third parties to observe sexual acts and voyeurism (spying on people who are engaging in sexual acts or who are doing other intimate activities such as undressing, showering, etc.);
 - d. Exposing one's genitals in non-consensual circumstances or inducing someone to expose their genitals;
 - e. Knowingly transmitting a sexually transmitted disease or virus to another person without their knowledge;
 - f. Sexually-based stalking and/or bullying.
- 5. Domestic Violence: Violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- 6. Dating Violence: Violence committed by a person who is or has been in a romantic or intimate relationship with the complainant, and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a. The length of the relationship;
 - b. The type of relationship, and;
 - c. The frequency of interaction between the people involved in the relationship.
- 7. Stalking: A course of physical or verbal contact directed at another individual that would cause a reasonable person to:
 - a. Fear for their safety or the safety of others; or
 - b. Suffer substantial emotional distress.
- 8. Retaliation: Action which is taken against a person because of the person's participation in a complaint or investigation of sexual misconduct, including but not limited to, complainants, respondents, witnesses, or others involved in the complaint, investigation and/or resolution of the alleged sexual misconduct. Retaliation can take many forms, including threats, intimidation, pressuring, continued abuse, violence or other forms of harm to others.

9. Sexual Harassment is unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive to interfere with, deny or limit a person's ability to participate in or benefit from the university's education programs and/or activities. Sexual harassment has many forms. Sexual harassment is harmful regardless of gender of the perpetrator or the complainant.
 - a. Quid Pro Quo: One form of sexual harassment is quid pro quo, or "this for that." Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature constitutes sexual harassment when it is implicitly or explicitly suggested that submission to or rejection of the conduct results in adverse educational or employment action. An example is a Teaching Assistant asking a student to have sex in exchange for keeping quiet about a student's violation of the plagiarism policy.
 - b. Hostile Environment: Another form of sexual harassment involves hostile environment. It is sexual harassment when an individual receives unwelcome sexual advances, unwanted verbal, physical, or visual behavior of a sexual nature, or is made to feel uncomfortable because of their gender identity, gender expression or sexual orientation. Conduct that may constitute sexual harassment may include one or more of the following:
 - i. Physical conduct: Unwanted touching, blocking normal movement, or interfering with studies or work;
 - ii. Verbal conduct: Epithets, derogatory comments, slurs, or humor of a sexual nature;
 - iii. Visual conduct: Leering, making sexual gestures, displaying suggestive objects or pictures, cartoon posters in a public space or forum;
 - iv. Written conduct: Letters, notes, or electronic communications containing comments, words or images as described above.
10. Close personal relationships affecting university teaching, mentoring and/or supervisory functions: Except where explicit and advanced authorization has been obtained in writing from the Provost, no person who is employed by the university may participate in a close personal relationship with an individual who is a member of the university community for whom the person provides or may (by virtue of university assigned position or functions) reasonably be expected in the future to provide teaching, mentoring or supervision. Supervision includes grading or other academic evaluation, job evaluation, decisions pertaining to promotion, the direct setting of salary or wages, and job, internship, educational, or employment references or recommendations.

Close personal relationships include dating and/or intimate sexual relationships that are or are not consensually undertaken by the supervisor and the individual. Such relationships do not include the usual and customary socializing at the university of teacher-student; mentor-mentee; supervisor-employee; faculty member-student; co-workers; and supervisor-student employee. A person provides supervision when they oversee, directs or evaluates the work of others, including but not limited to, managers, administrators, coaches, directors, deans, chairs, advisors.

The following are additional definitions used under this policy:

1. Consent means “affirmative consent,” which means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the people involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

In the evaluation of complaints under this policy, it shall not be a valid excuse that the respondent believed that the complainant affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

- a. The respondent’s belief in affirmative consent arose from the intoxication or recklessness of the complainant;
- b. The respondent did not take reasonable steps, in the circumstances known to them at the time, to ascertain whether the complainant affirmatively consented.
- c. The complainant was asleep or unconscious.
- d. The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
- e. The complainant was unable to communicate due to a mental or physical condition.

2. Coercion is a form of force that comprises unreasonable pressure for sexual activity. When someone makes clear that they do not want to participate in a sexual activity, that they want to stop, or that their limit is at a certain point, continued pressure to act beyond that point can be considered coercive.
3. Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Other forms of force include intimidation (implied threats), threats and coercion to overcome resistance or produce consent. For example, “Have sex with me or I’ll hit you.” “Okay, don’t hit me; I’ll do what you want.”
4. Incapacitation is a state where someone cannot knowingly give consent. It may occur as the result of alcohol or other drug use. This policy also applies to a person who is incapacitated as a result of sleep, mental disability or from being given “rape drugs” (Rohypnol, GHB, Burundanga, Ketamine, etc.). Possession, use and/or distribution of any of these drugs or administering any of these drugs to another person are a violation of this policy.
5. Sexual Contact is the intentional touching of the intimate body parts (breast, buttocks, groin, and genitalia) or touching another person intentionally with these body parts. It is also using force (physical force, violence, threat, intimidation, coercion) to cause a person to touch their or another person’s intimate body parts, or any intentional bodily contact in a sexual manner.
6. Sexual Intercourse is penetration (oral, anal or vaginal) by a tongue, mouth, penis, finger or an object.
7. Complainant refers to the individuals who identify themselves as having experienced possible sexual misconduct and who makes a report of sexual misconduct under this policy. A complainant can also be a person who reports their knowledge of an incident of possible sexual misconduct but is not the person who experienced the alleged sexual misconduct, such as another student, staff member, faculty, teacher, or administrator.
8. Respondent refers to the individual whose conduct is at issue under this policy. A respondent may be a current or former university student, staff member, faculty, teacher, administrator, visitor, alumni, contractor, or any other person.
9. Witness refers to any individual who either witnessed an incident or who has relevant information regarding a case that is being investigated under this policy.

10. Advisor or support person is someone who provides emotional support to a complainant or respondent and who may be present in a non-participating role to provide moral support during any meeting or proceeding under this policy. The advisor or support person may be a currently enrolled student, family member of the student, or a PAU faculty or staff member. Non-participating means that the advisor or support person is silent and does not speak or present information during the meeting or proceeding under this policy. Attorneys are not permitted to participate in any campus meeting or proceeding under this policy, absent advance written consent of the Title IX Coordinator, subject to specific conditions.

VI. REPORTING INCIDENTS THAT MAY BE SEXUAL MISCONDUCT

1. The university encourages all individuals to seek assistance from a medical provider and/or law enforcement as soon as possible after an incident that may be sexual misconduct. Prompt reporting is the best option to ensure preservation of evidence and for the identification and location of witnesses.

The university also encourages all individuals to make a report of the incident(s) to the university and to do so to the university's designated officers as described below. Making a report means telling someone in authority what is known or believed to have happened, either in person, by telephone or in writing (including by email). Individuals should make reports of the incident(s) as soon as the incident(s) of sexual misconduct become known.

The university will promptly review and thoroughly consider all reports of alleged sexual misconduct under this policy, including any misconduct alleged to have occurred by PAU students, faculty, staff, or visitors, or by any student, faculty, staff or visitor of another entity that is affiliated with PAU through one of its programs. Instructions for how to report these types of incidents are explained more fully below. The university will take action to correct and discipline behavior that is found to violate this policy, where appropriate, in the judgment of the university.

The filing of a report under this policy is independent of any criminal investigation or proceedings that may take place, and both university and criminal investigations may be pursued simultaneously.

2. Reporting Procedures: If you are a person who believes there has been an incident of possible sexual misconduct against a PAU student by another student,

faculty or staff member, or visitor of PAU, or by a student, faculty, staff or visitor of a PAU affiliated school or program, you should report such conduct as follows:

- a. Emergency and external reporting options (non-university):
 - i. Emergencies: 9-1-1
 - ii. City of Palo Alto Police Department: emergency (650) 321-4433 or non-emergency (650) 329-2413
 - iii. Rape Trauma Services 24-Hour Helpline: (650) 692-7273
 - iv. National Domestic Violence Hotline: 1-800-799-SAFE (7233) v. Center for Domestic Violence and Prevention: (650) 312-8515 vi. Community Overcoming Relationship Abuse (CORA) 24-hour hotline: 1-800- 300-1080
 - vii. National Sexual Assault Hotline: 1-800-656-HOPE (4673)
 - viii. Stanford Emergency Department: 900 Quarry Road Extension, Stanford, CA 94304; (650) 723-5111
 - ix. Stanford Health Care: (650) 498-3333

Note: The Title IX Coordinator, or their designee, will assist individuals who wish to make a report to law enforcement authorities in doing so if the person so chooses. Complainants may also chose to decline to notify law enforcement authorities; however, as explained below, the university is required by law to report incidents that involve violence, hate violence, or sexual assault, to law enforcement authorities, including those incidents that occur on-campus and off-campus. Except if required by governmental agencies, the university will not disclose a complainant's identity unless the complainant consents to being identified after being informed of their right to have identifying information withheld. If a complainant does not consent to disclosing their identity, the alleged perpetrator's identity will not be disclosed either, unless required by governmental authorities.

Regardless of whether a person consents to the disclosure of their identifying information, under state and federal law, a complainant has the right to:

- A sexual assault forensic medical examination at no cost to the complainant/patient;
- Participate or not participate with local law enforcement agencies or the criminal justice system, either prior to the examination, or at any other time, and;
- Engage with local law enforcement and participate in the investigation and prosecution using a pseudonym (i.e., Jane or John Doe) instead of their true name.

b) Reporting Options at the University:

- Reports can be submitted by using the online reporting form available on PAU's webpage, available at this link: https://paloaltou.co1.qualtrics.com/jfe/form/SV_3Faq3d6Kp5Ik1Y9, or;
- By submitting a written complaint by email to titleix@paloaltou.edu.

All reports of alleged violations of this sexual misconduct policy not directly reported by the complainant to the Title IX Coordinator are required to be reported to the Title IX Coordinator by those who receive the report.

3) Specific information regarding incidents occurring at or in regards to PAU students at external clinical practice and internship sites, and at affiliated schools and programs: In addition to PAU operated campuses in Palo Alto (PAU-Allen Calvin Campus) and Los Altos (PAU Los Altos, including the Gronowski Clinic), PAU students conduct their clinical training at many external practicum sites and non-PAU training sites that are not operated by PAU. PAU also partners with other educational institutions to offer locations for its degree programs and class offerings.

The reporting procedures for students at all of these external sites and locations is the same as the reporting procedures outlined in sections a and b above. The university will do everything feasible to address and prevent recurrence of any misconduct committed by members of another college, university or entity (such as a student, faculty or staff member), however the university may be limited in what actions it can take.

The university will consider all reported incidents and will take interim measures and corrective action, as deemed appropriate by the university, for any sexual misconduct found to be in violation of this policy, including such measures as no-contact orders, changes in employment or practicum assignments, temporary leaves of absence, or termination of practicum assignments, to name a few. In addition, the university may work in conjunction with another college, university or entity in investigating and resolving reported incidents and will so notify the student if it does so on a case-by-case basis.

Reported incidents of possible sexual misconduct involving students, employees or visitors of another college, university or entity, may be handled under this policy, may be handled by PAU in conjunction with another

college, university or entity, or the matter may be handled under the policies and procedures of the other college, university or entity.

The following is a list of affiliated schools or programs of PAU, and their external locations for study:

- The PAU-Stanford Psy.D. Consortium. An academic program from Palo Alto University and the [Stanford University School of Medicine](#), Department of Psychiatry and Behavioral Sciences, 401Quarry Road, Palo Alto, CA 94304.
- For a list of current practicum and training sites, please check with the Office of the Provost.

- 4) **Anonymous Reporting:** Anonymous reports, or reporting without disclosing the reporter's name, can be made, but anonymous reporting is not the preferred way. Depending on the information received, the university's ability to respond to an anonymous report will likely be limited. The Title IX Coordinator, or their designee, will review anonymous reports received by the university and determine whether an investigation and response is appropriate.
- 5) **Alcohol, Drugs and/or Other Misconduct:** The university encourages the reporting of all conduct prohibited under this policy. An individual who reports sexual misconduct, either as a complainant or a third-party witness, will not be subject to disciplinary action by the university for their own personal consumption of alcohol or drugs, or other non-sexual misconduct, that happened at or near the time of the incident, unless the university finds the violation(s) to be egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating or academic dishonesty.
- 6) **Prohibition Against Retaliation:** It is a violation of university policy to retaliate against any person making a report of possible sexual misconduct, or against any person cooperating in the investigation of any report of possible sexual misconduct. Retaliation against any member of the PAU community may result in disciplinary action, including termination of employment or expulsion from the university.

- 7) Possible Disclosure By the University of Information Pertaining to Reports of Possible Sexual Misconduct: The university is committed to assisting students throughout the processes outlined in this policy. Efforts will be made to respect the privacy of all individuals involved in this process in a manner consistent with the need for a thorough review of the report and carrying out the processes.

This means that the information related to a report under this policy will only be shared with a limited circle of individuals who, in the university's judgment, have a "need to know" basis in order to assist the university and/or its designees in its investigation and response and to prevent the recurrence of any such conduct found to have been committed.

If there is a request that the names remain confidential, the university will take steps to investigate and respond to the report in a manner that is consistent with that request. However, the university's ability to fully respond to the incident may be limited and the university thereby cannot guarantee complete confidentiality.

The university is required by law to report certain types of reported sexual misconduct in its annual crime statistics report. Neither names, nor other identifying details of the incident, will be made public in the annual crime report.

The University also may report any incident that might be classified as a violent crime, hate crime, or sexual assault to law enforcement and/or as required by law. However, it is up to the complainant on whether or not to separately file their own report with the police and/or to contact Rape Trauma Services.

- 8) Discussing An Incident(s) of Possible Sexual Misconduct, Without Making a Report or Record of the Incident: If a person would like to discuss the details of an incident of possible sexual misconduct, without making a report or record of the incident, or in an otherwise confidential manner, the person should speak with someone who does not have a legal responsibility to report such incidents. This includes such people as physicians, mental health therapists, priest, chaplain, etc. For the sake of Title IX, these people are considered "confidential" individuals. They are generally allowed to maintain confidentiality if they are acting in their capacity as your physician, mental

health therapist, priest, or chaplain, except in extreme cases of immediacy of threat or danger, or abuse of a minor.

Generally speaking, the faculty, staff, and administrators of Palo Alto University are considered “responsible” individuals. This means they have a legal requirement to report anything they are told about a potential Title IX violation to the Title IX Coordinator. Even if they are licensed mental health therapists or psychologists, generally speaking, they are not acting in their capacity as a clinician, and do not have such a relationship with university students. Thus, they are required under federal law and this policy to promptly forward all reports of possible sexual misconduct to the Title IX Coordinator for consideration and response.

VII. INTAKE MEETINGS BY THE UNIVERSITY

- 1) Intake Meeting With Complainant: Upon receipt of a report of an incident, the Title IX coordinator, or their designee, will promptly schedule a meeting with the complainant to take place as soon as possible to go over this policy and to identify possible forms of support for the student (see the Resources section below).

At this meeting, the Title IX Coordinator, or their designee, will discuss whether there are any interim measures (see Interim Measures section below) that may be implemented at the discretion of the University, taking into consideration the preferences of the complainant and the respondent.

At the intake meeting with the complainant, the Intake Officer will also discuss the following:

- (a) A student’s right to report the incident(s) to local law enforcement agencies;
- (b) A student’s right to seek medical treatment and the importance of preservation of evidence;
- (c) Requests for confidentiality, if any;
- (d) The university’s obligation to consider all reports of incidents and the inability of the university to guarantee complete confidentiality;
- (e) The university’s policy against retaliation of any person making a report or participating in the investigation or adjudication of an incident under this policy;
- (f) The possibility of an investigation by an outside impartial and neutral fact-finder selected by the university;
- (g) The possibility of a live hearing, as determined by the University;
- (h) The possibility for sanctions;
- (i) The role of an advisor or support person; and

- (j) The university's obligation to report crime statistics.
- 2) Intake Meeting with Respondent: If the respondent is a student of PAU, the Title IX Coordinator, or their designee, will also meet with the respondent after receiving the report of the incident. If the respondent is a faculty or staff member of PAU, either the Title IX Coordinator or another designee of the university will meet with the respondent.

At this meeting, the Title IX Coordinator, or their designee, will go over this policy and also discuss whether there are any interim measures that may be implemented at the discretion of the university during the investigation and resolution of the report. The preferences of the complainant and the respondent on such measures may be stated.

At the intake meeting with the respondent, the Title IX Coordinator, or their designee, will also discuss the following:

- a) The complainant's right to report the incident(s) to local law enforcement agencies;
 - b) The complainant's right to seek medical treatment and the importance of preservation of evidence;
 - c) Requests for confidentiality, if any;
 - d) The university's obligation to consider all reports of incidents and the inability of the university to guarantee complete confidentiality;
 - e) The university's policy against retaliation of any person making a report or participating in the investigation or adjudication of an incident;
 - f) The possibility of an investigation by an outside impartial and neutral fact-finder selected by the university;
 - g) The possibility of a live hearing, as determined by the University;
 - h) The possibility for sanctions;
 - i) The role of an advisor or support person; and
 - j) The University's obligation to report crime statistics into its daily crime log.
- 3) Initial Witness Interviews: The Title IX Coordinator may also collect additional information or speak with anyone they think may have relevant information concerning a reported incident, in an effort to gather preliminary information to make an initial assessment of the matter. The preferences of the complainant and the respondent on witnesses to be interviewed may be stated.
- 4) Initial Assessment By The Title IX Coordinator: The Title IX Coordinator will then consider the nature of the report, the safety of the individuals involved and of the PAU community, and the complainant and respondent's expressed preferences for resolution, to determine whether the matter can be resolved informally, or whether to

refer the matter for external investigation. Sexual assault cases will not be resolved through mediation.

The Title IX Coordinator will make the final decision on whether to refer the matter for external investigation. If the matter is resolved informally, the matter will be deemed closed, and the decisions final and binding, with no further rights of appeal. If the matter is referred for external investigation, the matter will follow the procedures for investigation and resolution described below.

- 5) Possible Interim or Support Measures: Interim or Support measures will be considered and implemented at the discretion of the university, at any point in this process. Interim or Support measures, which may be applied to the complainant and/or the respondent, include such things as:
- a) Issuance of a “no-contact” order or directive that restricts contact with anyone involved in the investigation, either in person or through electronic means;
 - b) Change in class schedule;
 - c) Change in student-related employment;
 - d) Rescheduling of exams or assignments (in conjunction with appropriate faculty);
 - e) Voluntary leave of absence;
 - f) Providing escort services for movement between classes and university activities;
 - g) Interim suspension or university-imposed leave;
 - h) Administrative hold on student accounts, including a hold on the release of transcripts while an investigation is pending;
 - i) Denial of access to campus, campus facilities and/or university activities;
 - j) Other measures deemed appropriate by the university.

VIII. EXTERNAL INVESTIGATIONS INITIATED BY THE UNIVERSITY

Following the initial assessment, the Title IX Coordinator shall decide whether to refer the matter for investigation, and if so, will designate an impartial investigator who has specific training and experience with sexual misconduct investigations. The external investigator will be engaged to assist the university in fact gathering. The university retains the right to designate an external investigator of its own choice at all times.

The role of the investigator is to be a neutral fact-finder. The investigator may also designate another trained colleague to assist in interviewing parties, identifying and locating witnesses, and in gathering other facts and evidence. The investigator will conduct an investigation in a manner deemed appropriate in light of the circumstances of the case and will cooperate with law enforcement authorities to the extent necessary.

A typical investigation will include interviews with the complainant, the respondent and third-party witnesses, and of the collection of available physical, documentary and other

evidence. Photographs may be taken. The complainant, the respondent and any third party witnesses may present witnesses or other evidence to the investigator for consideration. Information collected during the initial intake and assessment will be forwarded to the investigator. If any law enforcement agency is also investigating the incident, the university investigator may defer to the police department for the collection and preservation of evidence.

The investigator will compile the details of the investigation into an investigative report, which will contain summaries of the interviews, photographs (if available) and other related evidence or duty logs and also a detailed analysis of the events. Before finalizing a witnesses' statement, the investigator may send a draft of the statement to the individual to allow them a chance to add to it or make any suggested changes to their statement.

The investigative report will be prefaced with a summary of findings and recommended actions. In this summary the investigator will:

- a) State the initial complaint;
- b) Outline the details of the investigation;
- c) State, whether, using a preponderance of the evidence standard, it is more likely than not that policy violation(s) occurred; and
- d) If requested by the Title IX Coordinator, include any recommended sanctions or corrective actions to be taken.

If requested by the Title IX Coordinator to make a recommendation, the investigator may recommend that the university impose certain sanctions or take certain corrective action. However, the decision to select and implement appropriate sanctions or corrective action, if any, remains at all times within the authority of the university.

The completed investigative report normally will be submitted to the university within thirty (30) days of the intake. However, depending on the complexity of the case, additional time may be needed to complete the investigation.

The investigative report will be forwarded to the Title IX Coordinator of the university, who will review the fact-finding determination by the impartial investigator and take any recommendations for sanctions or corrective action into consideration.

The Title IX Coordinator will decide whether the matter requires further proceedings; whether to accept the recommendations for sanctions/corrective action (if any); whether to issue different or alternative sanctions/corrective action; or whether to refer the matter to the university's Student Evaluation Committee (SEC) for input on a recommended sanction/corrective action. The SEC is a committee that considers, among other things, a students' progress within a PAU program, including such things

as academic course work and progress, professional behavior, and conduct of research.
Note: In some cases, there is no need for further proceedings.

If the matter of sanctions has been referred to the SEC, the SEC will review all of the information pertaining to the matter, including the summary of the investigative report, and shall issue a written recommendation as to an appropriate sanction or corrective action to the Title IX Coordinator. The Title IX Coordinator will then decide the appropriate sanction(s) or corrective action(s) to be taken.

IX. FURTHER PROCEEDINGS AS DETERMINED BY THE UNIVERSITY ON A CASE-BY-CASE BASIS – A LIVE HEARING

In cases where a student accused of sexual misconduct is found responsible and will face severe disciplinary sanction, and the credibility of a witness or witnesses is central to the determination by the fact-finder, and in other cases where the Title IX Coordinator deems it appropriate, the matter will proceed after investigation to a live hearing process as described below.

"Severe disciplinary sanction" includes such action as suspension, dismissal, expulsion, termination from employment or internship, or where there is an extended probation that results in a major restriction of a student or employee's engagement in the programs and activities of the University.

The credibility of a witness is deemed central to the determination of the fact-finder when there is a conflict in evidence that is material to the determination of the allegation and of which the fact-finder would like to hear and consider testimony from a witness in order to determine believability of such testimony before making a determination under the Policy.

Whether the matter will proceed to the hearing process is determined on a case-by-case basis by the Title IX Coordinator of PAU. A matter may be referred to the hearing process even where severe disciplinary action is not a likely outcome if the Title IX Coordinator believes that a hearing is appropriate. The Title IX Coordinator will inform the Complainant and Respondent in writing as to any next steps in the process.

If the matter is referred to the hearing process, procedures will be described in a separate written memorandum to the parties. Students who have questions about the hearing process may direct them to the Title IX Coordinator.

X. RESOLUTION

All reports under this Policy will result in an Outcome Letter.

If the matter is not referred for investigation or the hearing process, the Title IX Coordinator will inform the Complainant and the Respondent of the outcome in a written Outcome Letter, including any sanctions or remedies to be imposed, along with notification of any rights to appeal.

If the matter is referred for investigation and/or the hearing process, the Title IX Coordinator will inform the Complainant and the Respondent in writing of the results of the investigation and in some cases, the results of the Hearing Panel, and including any sanctions or remedies to be imposed, along with notification of any rights to appeal.

The Outcome Letter will be transmitted within ten (10) business days of the decision.

The Title IX Coordinator can issue any sanction(s) they believe appropriate based on the results of the investigation, including but not limited to, warnings, censure, disciplinary probation, suspension, expulsion, revocation of admission and/or degree, or withholding a degree.

However, if the Title IX Coordinator decides that dismissal is the appropriate action, a recommendation from the Title IX Coordinator will be forwarded to the president of the university. The president will make a final determination. The decision is final and binding, with no right of appeal, except as described in sections X and XI below.

Evidentiary Standard: A preponderance of the evidence standard will be used under this policy. This means, was it more likely than not that the conduct prohibited under the policy occurred. All proceedings under this policy will be prompt, fair, impartial, and conducted by those who are adequately trained.

Past violations of the responsible student may be considered in the determination of an appropriate resolution. The University will also consider whether the action will bring an end to the violation in question, whether it will reasonably prevent a recurrence of a similar violation and/or whether it will mediate any effects the violation had on the complainant and the university community.

Within ten (10) business days of the decision, both the complainant and the respondent will be notified in writing of the results of the investigation, including any sanctions or remedies imposed, and with notification that the decision is final and binding with no right of appeal, except as described in section X below.

The Title IX Coordinator, or their designee, may also meet separately with the complainant and/or the respondent to discuss the results of the investigation and explain any resolution action that will be taken or imposed. The summary of the investigative report will be available for review by both the complainant and the respondent, if so requested.

Any sanctions under this policy are effective immediately.

XI. APPEALS

A student may appeal a resolution resulting in academic probation, dismissal or suspension under the auspices of the Institutional Grievance and Appeals Policies Procedure, as stated in the respective student handbooks for their program of study. Students must do so within the quarter following notification of a final decision of probation, suspension, or dismissal.

Resolutions that do not involve academic probation, suspension, or dismissal will not be appealed, except as described in section XII below.

Procedures for Initiating Grievances: Students may submit a written grievance to the PAU Provost within the quarter following notification of a final decision of probation, suspension, or dismissal.

All grievances will be heard by the Institutional Appeals Committee, unless informally resolved, which is composed of faculty and staff members selected by the president, with consultation and recommendations of the faculty senate and staff council. The Institutional Appeals Committee shall hear the complaint and receive testimony and information from such witnesses, as it deems appropriate in order to evaluate the complaint. After the hearing is complete, the committee will forward its findings and recommendations to the university president and to the parties. The committee will do this within 14 days of the committee's conclusion of hearings. Either party may forward to the president their comments on the findings and recommendations of the committee. Such comments must be submitted within seven days following receipt of the committee's recommendations. The president will make a final decision within 14 days of receipt of the committee's recommendations and findings.

XII. ARBITRATION

If either the complainant or the respondent is not satisfied with the final university resolution, they may request review by an impartial arbitrator under the Rules of the American Arbitration Association by submitting a request in writing to the president of the university, no later than forty-five (45) calendar days after issuance of the final university outcome.

The request shall consist of a plain, concise and complete written statement outlining the grounds for disagreement with the outcome and all relevant information to substantiate the basis for doing so.

The president of the university will then decide whether the case is suitable for arbitration; if so, under written agreement between the university and the party seeking arbitration review, providing as a final and binding alternative to civil litigation, an

arbitrator will be mutually selected between the parties, and the costs of the arbitrator's fees shall be agreed to in writing by an authorized representative of the parties.

Any matter submitted to binding arbitration under this policy shall be submitted in accordance with the Rules of the American Arbitration Association. Attorneys or advisors of the party's choice may be present at and participate in the binding arbitration review process. This binding arbitration review process is the exclusive method of external review and is final and binding on both PAU and the student. The arbiter's decision may be entered in any state or federal court having jurisdiction.

XIII. PRIVACY OF RECORDS

The Title IX Coordinator will retain records of all reports and complaints, regardless of whether the matter is resolved informally or after an external investigation. In addition, records relating to reports of alleged sexual misconduct under this policy may become a part of a students' academic record.

Documents prepared in anticipation of the investigation and resolution of the matter, including the investigative report and any other documents, will not be disclosed outside of the review process, except as required by law.

The final outcome letter will be issued concurrently to both the complainant and the respondent. The university neither encourages nor discourages the further disclosure of the final outcome letter by either the complainant or the respondent. The university acknowledges that sharing the final outcome letter with others may be an important part of a student's healing process.

XIV. DISSEMINATION OF POLICY, TRAINING AND PREVENTION

As a part of the university's commitment to maintaining its campuses and programs free from sexual misconduct, this policy shall be disseminated widely to the university community through publications, websites, student orientations, and other appropriate channels of communication.

The Title IX Coordinator is responsible for overseeing the university's efforts at training, prevention and education as it relates under this policy. The Title IX Coordinator will receive appropriate training for the intake and handling of reports of sexual misconduct under this policy, including those that are complainant-centered and trauma informed.

The university will also provide all other employees with online training relating to this policy every two years.

In addition, in an effort to prevent all forms of sexual misconduct from occurring on PAU campuses or within the PAU community, the university will provide all incoming

students and faculty, at the start of the academic year, with a copy of this policy, and may also provide additional materials designed to educate students on sexual misconduct and how to prevent it from occurring. Education programs shall promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, and shall be designed to prevent all misconduct prohibited under this policy from occurring, to identify safe and positive options for bystander intervention, and to help recognize warning signs of abusive behavior and how to avoid potential attacks.

Students, faculty and staff are all encouraged to take part in the university's trainings and educational programs, designed to prevent sexual misconduct.

XV. RESOURCES

Getting Help: The university encourages all members of the PAU community who believe they have been subjected to sexual misconduct to report these incidents to local law enforcement authorities and to seek medical attention where appropriate.

The university also encourages all members of the PAU community to report any incident(s) of possible sexual misconduct to the Title IX Coordinator, and to get help from as many resources as possible.

For Emergency Needs:

- 911 – Police
- City of Palo Alto Police Department: Emergency (650) 321-4433
- Rape Trauma Services 24-hour Helpline: 650-692-7273
- National Domestic Violence Hotline: 1-800-799-SAFE (7233)
- At Stanford University, Stanford University Department of Public Safety (SUDPS): 650- 329-2413, or 9-1-1.
- At De Anza College, De-Anza-Foothill Police Department: from campus phones, dial 9-1-1 or from cell phones (408) 924-8000; for non-emergencies, call 650-949-7313 or dial extension 7-3-1-3 from campus phones.
- At the College of San Mateo, Department of Public Safety: from campus phones: Dial 9-1-1 or from cell phones: (650) 574-6415.

For Medical Needs:

- Stanford Emergency Department: 900 Quarry Road Extension, Stanford, CA 94304; (650) 723-5111
- Stanford Health Care: (650) 498-3333

Other Off-Campus Resources:

- Stanford Medical Social Work: (650) 723-5091
- City of Palo Alto Police Department: Non-Emergency (650) 329-2413
- Rape Trauma Services Center 1860 El Camino Real, Suite 406, Burlingame, CA 94010; (650) 692-7273

- Center for Domestic Violence Prevention: (650) 312-8515
- Community Overcoming Relationship Abuse (CORA) 24-hour hotline: 1-800-300-1080
- National Sexual Assault hotline: 1-800-656-HOPE

PAU Campus Services:

- Title IX Coordinator: Stephanie Montes, People Operations Specialist
Allen Calvin Campus, 1791 Arastradero Road, Palo Alto, California 94304; Email: titleix@paloinc.edu.
 - Counseling Services for Students: Each person experiences trauma differently. You may experience any or all of the following: anger, embarrassment, anxiety, panic or worry, fear of being alone, being harmed or not being believed, guilt or self-blame, loss of trust or vulnerability sadness, depression or hopelessness, an urge to use alcohol or other drugs and symptoms of post-traumatic stress
 - For assistance with locating mental health services, students should contact the Department of Student Success at studentsuccess@paloinc.edu.
- Academic Support or Other Student Services: Students may wish to explore the possibility of extra academic support, flexibility, accommodations or other student services. To do so, please also contact the Department of Student Success at studentsuccess@paloinc.edu.

TEMPORARY SUPPLEMENT TO SEXUAL MISCONDUCT POLICY August 2020

Overview: This temporary policy supplement is an extension of the existing Title IX Sexual Misconduct Policy. It implements the DOE August 2020 Rules. If the Title IX Coordinator considers a report to be of a **very serious** asserted violation of the PAU Sexual Misconduct Policy, use this temporary supplement along with the Policy.

Very serious reports are those that upon completion of the intake, the Title IX Coordinator believes that if true, the case reasonably may lead to sanctions of expulsion, suspension of matriculation or of co-curricular activities and/or a permanent adverse finding of sexual misconduct on record with the University.

Notice: Very serious reports require more detailed written notice. The Title IX Coordinator will provide written notice to the parties who are known, including a statement of the allegations and details known at the time, such as names of those involved, the alleged conduct, the date, time and location of the incident; a statement of the policies and standard of evidence that will apply; a statement that the Respondent is presumed not responsible for the alleged conduct until a final determination is made by the appointed fact-finder(s); and a reminder that both parties will have the opportunity to review the investigative report and evidence prior to the hearing and an opportunity to bring an advisor of their choice to the hearing. Both parties are sent a copy of the PAU Sexual

Misconduct Policy and this supplement.

Live Hearing: Very serious reports require a live hearing if the report is not resolved by an agreement that is approved by the Title IX Coordinator, unless both the Complainant and the Respondent do not want a live hearing.

The hearing will take place in real-time, however, participants may be located in separate rooms using audio and/or video technology that allows simultaneous viewing and listening. The hearing fact-finder(s) shall decide who is allowed at the hearing and the order of the proceedings. The University may retain an external person to be the neutral fact-finder.

The live hearing is held by the fact-finder(s) who is appointed by the Title IX Coordinator and who is not otherwise involved in the case. The person will be appropriately trained. The fact-finder(s) will not have a conflict of interest or any bias for one side or the other.

All parties will receive 20 days or more notice of the date, time and location for the hearing, and a reminder of the equal opportunity for bringing an advisor/support person to the hearing.

At least ten (10) days before the hearing takes place, both the Complainant and the Respondent will have equal opportunity to review the investigative file subject to any parameters set by the Title IX Coordinator. This information will also be available at the hearing.

Each party's advisor will be permitted an opportunity to ask the other party and any witness who testifies, relevant questions and follow-up questions, including those challenging credibility, but only upon the advance approval by the fact-finder(s), and subject to their guidelines, if any. Direct questioning of any witness by a party is not permitted. If a party does not have an advisor, they may inform the Title IX Coordinator in advance of the hearing, who will determine how to proceed. The fact-finder(s) will decide questions of relevance at the hearing.

Complainants and Respondents will be treated equitably. All relevant evidence at the hearing and in the hearing file will be objectively evaluated, including both inculpatory and exculpatory evidence. A determination will not be based on a party's status as a Complainant, a Respondent, or a witness, or any preconceived notions or biases.

Within ten (10) business days of the live hearing, with extension as permitted by the Title IX Coordinator, the fact-finder(s) will provide a written determination to the Title IX Coordinator of whether or not the Respondent is found responsible under this Policy, and may also include a recommendation for sanctions or remedies.

The Title IX Coordinator will thereafter send the parties (simultaneously) a written Outcome Letter as stated in the PAU Sexual Misconduct Policy. The range of possible disciplinary sanctions or remedies that may follow a determination of responsibility are stated in the PAU Sexual Misconduct Policy.

Records: An audio or audiovisual recording or transcript of the live hearing will be created. The Title IX Coordinator will receive and retain records of the case including the interim and the supportive measures, if any. If no such measures were provided, the University will document the reasons why. The Office of the Title IX Coordinator will also maintain materials used to train any staff of the University who are appointed to serve as investigator(s), fact-finder(s) or in any other

role related to this Policy. Requests for inspection of such records may be directed to the University's designated Title IX Coordinator.