Compliance with Non-Discrimination Laws and Regulations

The university deplores the unfair treatment of individuals based on race, color, national origin, sex, socio-economic status, age, disability, or cultural differences regardless whether such treatment is intentional or simply resultant from careless or insensitive behavior. Rather, employees and members of the student body should embrace the expectation of Scripture to love God with all their being and their neighbors as themselves.

Biola University operates in compliance with all applicable federal and state non-discrimination laws and regulations in conducting its programs and activities and in its employment decisions. Such laws and regulations include:

1. Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin in the programs and activities of the university. This policy of non-discrimination also complies with Internal Revenue Service Revenue Ruling 71-447 required for maintaining the university’s tax-exempt status.

2. Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on sex, race, religion, color, or national origin.

3. Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in the recruitment and admission of students, the recruitment and employment of faculty and staff, and the operation of its programs and activities.

4. The Americans with Disabilities Act of 1990 (Public Law 101-336), the purpose of which is to afford the disabled equal opportunity and full participation in life activities and to prohibit discrimination based on disability in employment, public service, public accommodations, telecommunications, and transportation.

5. The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age in programs and activities of the university.

6. The Age Discrimination in Employment Act of 1967, which prohibits discrimination against persons aged 40 and over regarding employment decisions.
7. Title IX of the Education Amendments of 1972, which prohibits all forms of discrimination on the basis of sex (including sexual harassment and sexual assault) in programs and activities of the university, except where the university has been granted exemptions based on its religious tenets.

8. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC §1092(f)) (“Clery Act”) which requires colleges and universities to disclose information about crime on and around their campuses. This includes recent amendments to the Clery Act under the Campus SaVE Act and Violence Against Women Act, which deals with incidents of sexual assault, domestic and dating violence, and stalking.

As a religious institution, the university is exempted from certain provisions of the above laws and regulations relating to discrimination on the basis of religion.

**Sexual Misconduct Policy**

It is the policy of Biola University to maintain the university environment as a Christian community that provides a place for spiritual growth, work, and study free of all forms of sexual intimidation and exploitation. All students, staff, and faculty should be aware that the university is prepared to take action to prevent such intimidation and exploitation and who individuals who engage in such behavior are subject to discipline.

“Sexual misconduct” can include sexual harassment, sexual violence, domestic and dating violence, and stalking. Sexual harassment can vary with particular circumstances, but, generally, it is defined as unwelcome or offensive sexual advances, requests for sexual favors, unwanted or uninvited verbal suggestions or comments of a sexual nature, or objectionable physical contact. This includes suggestions that academic or employment reprisals or reward will follow the refusal or granting of sexual favors, or conduct that unreasonably interferes with an individual’s work or academic performance or creates an intimidating, hostile, or offensive work environment. Sexual violence as used in this policy refers to physical sexual acts perpetrated without the affirmative consent of the parties or where a person is incapable of giving consent and includes, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Incidents of domestic violence, dating violence, and stalking are also processed under this policy. For additional information and definitions on sexual assault, domestic violence, dating violence, and stalking, please refer to section VII of this policy.
None of these actions reflect a Christian attitude or commitment and adversely affect the working or learning environment. All forms of sexual misconduct constitute violations of the university’s spiritual expectations and standards of conduct for the university community; and such misconduct will not be tolerated. Any individuals engaging in such conduct may also be personally liable in legal action brought against them and/or prosecuted for criminal violations.

Under the direction of the appropriate administrator, the university will thoroughly investigate all reports of sexual misconduct and will take whatever corrective action is deemed necessary, including disciplining or discharging any individual who is found to have violated this prohibition against sexual misconduct. The reporting student or employee will be informed of the action taken. These university officials will also take action to protect the reporting student or employee to prevent further misconduct or retaliation, and as appropriate, to redress any harm done.

A student or employee who feels that he or she has been sexually harassed, assaulted, or the victim of domestic violence, dating violence, or stalking involving sexual assault or sexual harassment may meet with a person officially designated to receive reports of discrimination and to work for resolution in such situations.

Under Title IX, certain individuals employed by the university are considered “responsible employees.” These responsible employees are obligated to report incidents of alleged sexual violence that they become aware of to a Title IX Coordinator. According to guidance from the U.S. Department of Education, a responsible employee includes: any employee who has authority to take action to redress sexual violence; has been given the duty of reporting incidents of sexual violence or other misconduct by students to the Title IX Coordinator; or whom a student could reasonably believe has this authority or duty. At Biola, responsible employees are defined as all regular and adjunct faculty members, academic department administration personnel, athletics personnel, all human resources employees, student development officers and their administrative assistants, resident directors (RDs), resident assistants (RAs), all staff personnel director level and above, and any employee who is supervising student employees. All other employees and all students are also strongly encouraged to share any incidents of alleged sexual violence that they become aware of to a Title IX Coordinator.
Discrimination, Sexual Harassment, And Sexual Misconduct

I. Intent of the Procedure

Biola University is committed to maintaining the university environment as a Christian community that provides a place for spiritual growth, work, and study free of all forms of unlawful discrimination and sexual misconduct. The intent of this procedure is to implement all applicable civil rights legislation and to make a good faith effort to ensure that no person shall, on the basis of race, ethnic group identification, national origin, age, sex, color, or physical or mental disability be unlawfully subjected to discrimination under any program or activity offered under the control of Biola University. Complaints of sexual misconduct are included in the complaint procedures described below. It is the intent of these procedures to allow for the prompt and equitable resolution of all complaints. This policy and the procedures for the processing of complaints are intended to comply with Title IX, the guidance issued by the White House Task Force to Protect Students from Sexual Assault, the guidance issued by the Department of Education’s Office for Civil Rights, and the requirements of the Campus SaVE Act (and the Violence Against Women Act).

II. General Provisions

A. Coverage:

These procedures apply to the processing of complaints arising from alleged unlawful discriminatory actions and sexual misconduct. Any student, applicant for admission, employee, or applicant for employment (administrative staff or faculty) who believes that he or she is a victim of discriminatory action may file a complaint under these procedures. Student or employee complaints based on grounds other than discrimination or sexual misconduct should be pursued under the grievance and appeal procedures contained in the student handbook or employee handbook.

B. Definitions:

1. Complainant: The complainant is an individual or group of individuals who believe that unlawful discrimination or sexual misconduct may have or has occurred.

2. Respondent: The respondent is an individual or group of individuals against whom an allegation of unlawful discrimination or sexual misconduct is made.
3. Complaint: A complaint is an allegation that a student, employee, or applicant for admission or employment has been subjected to unlawful discrimination or sexual misconduct.

4. Preponderance of Evidence: Standard of determining the validity/outcome of a complaint. Preponderance infers it is more likely than not, that the alleged incident did or did not occur.

C. Title IX Coordinator/s and Section 504 Coordinator:
The Title IX Senior Coordinator, Ron Mooradian, Sr. Director of Human Resources (Address: Human Resources, Biola University, 13800 Biola Avenue, La Mirada, CA 90639, (Metzger Hall) Phone: x4757, Email: ron.mooradian@biola.edu), maintains authority over the compliance and adjudication of all Title IX complaints and all other complaints of unlawful discrimination under this procedure with the exception of any complaint of unlawful discrimination based on disability which will be overseen by the Section 504 Compliance Coordinator designated below. However, depending on the complainant’s affiliation with the university, a specific Deputy Title IX Coordinator will oversee the investigation.

1. Title IX Deputy Coordinators for undergraduate students (or applicants):

   Associate Dean of Students, Matthew Hooper (Address: Student Development, Biola University, 13800 Biola Avenue, La Mirada, CA 90639, (Student Services Building), Phone: x4874, Email: matthew.hooper@biola.edu)

   Associate Dean of Residence Life/Student Care, Sandy Hough (Address: Student Development, Biola University, 13800 Biola Avenue, La Mirada, CA 90639, (Student Services Building), Phone: x5807, Email: sandy.hough@biola.edu)

2. Title IX Deputy Coordinator for graduate students (or applicants):

   Dr. Tamara Anderson (Address: Rosemead School of Psychology, Biola University, 13800 Biola Avenue, La Mirada, CA 90639, (Rose Hall), Phone: x4867, Email: tamara.anderson@biola.edu)
3. Title IX Deputy Coordinators for Biola University Faculty, Administration, and Staff:

   Sr. Director of Human Resources, Ron Mooradian (Address: Human Resources, Biola University, 13800 Biola Avenue, La Mirada, CA 90639, (Metzger Hall), Phone: x4757, Email: ron.mooradian@biola.edu)

   Assoc. Director of Human Resources, Susan Kaneshiro (Address: Human Resources, Biola University, 13800 Biola Avenue, La Mirada, CA 90639, (Metzger Hall), Phone: x4757, Email: susan.kaneshiro@biola.edu)

4. Title IX Deputy Coordinator for pre-college youth programs:

   Director of Ministry Outreach, Mike Brimmage (Address: Ministry Outreach, 14540 San Cristobal Dr. (Building 10), La Mirada, CA. 90638, Phone: x4056, Email: mike.brimmage@biola.edu)

5. Section 504 Compliance Coordinator, Asst. Dean of Students, Dr. Kevin Grant
   (Address: Learning Center, Biola University, 13800 Biola Avenue, La Mirada, CA 90639, (Library), Phone: x4542, Email: kevin.grant@biola.edu)

   The Section 504 Compliance Coordinator will be responsible for overseeing any complaint of unlawful discrimination based on disability under Section 504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act of 1990. All references in this procedure to a Title IX Deputy Coordinator will apply to the Section 504 Compliance Coordinator.

6. Title IX Coordinator for Inter-Collegiate Athletic Programs:

   Associate Athletic Director, Dr. Bethany Miller (Address: Biola University, 13800 Biola Avenue, La Mirada, CA. 90639 (Gymnasium Building), Phone: x4082, Email: bethany.miller@biola.edu).

If the complainant does not meet requirements of the procedure, the Title IX Coordinator/Deputy Coordinator shall immediately notify the complainant of the specific deficiencies of the complaint.
D. Title IX Advocates:

The university’s Title IX Advocates are available for referral and support services for student complainants and respondents. Members of the team are trained to assist individuals by providing information and discussing available resources and options (medical, legal, emotional, and academic), by making referrals and providing access to appropriate university and community services as needed and providing on-going follow-up with the individuals involved. When a situation arises and multiple individuals are involved, there may be times when the Title IX Coordinator will designate Title IX Advocates to meet with each of the individuals involved and help them understand their resources and options.

The University Title IX Advocates are:
- Dawn White, Director of Residence Life, x5842
- Garrett Suhr, Associate Director of Residence Life, x5872

Students who believe they have experienced a violation of the Title IX/Sexual Misconduct Policy are encouraged to contact a Title IX Advocate for assistance. Also, students who are facing allegations of such violations are encouraged to contact a Title IX Advocate for assistance.

E. Related Violation of Standards of Conduct:

Sometimes an individual may be reluctant to report an instance of unlawful discrimination or sexual misconduct because of the fear of being charged with a violation of the university’s Standard of Conduct, such as the use of alcohol or drugs. The university encourages individuals to report instances of unlawful discrimination or sexual misconduct and will take into consideration the importance of reporting such instances in addressing a violation of Standards of Conduct. This means that, whenever possible, the university will respond educationally rather than punitively to a violation of the Standards of Conduct associated with an instance of unlawful discrimination or sexual misconduct.

F. Retaliation Prohibited:

Any retaliatory action of any kind by an employee or student of the university against any other employee, student, or applicant of the university as a result of that person’s seeking redress under
these procedures, cooperating with an investigation, or other participation in these procedures is prohibited and may be regarded as the basis for disciplinary action. As such, if a student, parent, teacher, coach, or other individual complains formally or informally about sexual violence or participates in a university investigation related to sexual violence, the university is prohibited from retaliating (including intimidating, threatening, coercing, or in any way discriminating against the individual) because of the individual's complaint or participation.

Also, the university recognizes that complaints of sexual violence may be followed by retaliation against the complainant or witnesses by the respondent or his or her associates. When the university knows or reasonably should know of possible retaliation by other students or third parties, it will take immediate and appropriate steps to investigate or otherwise determine what occurred, protect the complainant and witnesses, and ensure their safety as necessary. At a minimum, this includes making sure that the complainant and witnesses know how to report retaliation by school officials, other students, or third parties by making follow-up inquiries to see if there have been any new incidents or acts of retaliation and by responding promptly and appropriately to address continuing or new problems. Furthermore, the university will also inform complainants and witnesses that Title IX prohibits retaliation and that university officials will not only take steps to prevent retaliation, but will also take strong responsive action if it occurs.

G. Privacy:
The privacy and confidentiality of the parties shall be maintained to the extent possible during the processing of a complaint.

University response may be hindered and limited with a complainant desiring anonymity and/or inaction. The university may be obliged to pursue an alleged sexual assault through internal disciplinary procedures without the cooperation of the complainant. In such instances, the university will inform the complainant of its obligation to address a community safety issue.

H. Resolution Options:
Individuals are encouraged to use this procedure to resolve their complaints of unlawful discrimination or sexual misconduct. However, they may also file a complaint at the beginning, during, or after use of Biola’s complaint procedure with:
III. Processing of a Complaint

Any person who believes he/she has been discriminated against, sexually harassed, or subject to domestic violence, dating violence, or stalking involving sexual assault or sexual harassment may file a complaint with the Title IX Coordinator or Deputy Coordinator. All individuals are encouraged to file a timely complaint. The university’s ability to investigate and respond effectively may be reduced with the passage of time.

If an individual requests that the university not investigate or seek action against the alleged perpetrator, the university will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all individuals, including the individual who reported the incident. The university will consider the following factors in weighing an individual’s request not to investigate or seek action:
1. Circumstances that suggest there is an increased risk of the alleged perpetrator committing additional acts of sexual violence, sexual harassment, sexual assault, domestic violence, dating violence, stalking, or other violence against the complainant or others in the university community, such as:

   a. Whether there have been other complaints of sexual violence, sexual harassment, sexual assault, domestic violence, dating violence, stalking, or other violence about the same alleged perpetrator.

   b. Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence.

   c. Whether the alleged perpetrator threatened further sexual violence, sexual harassment, sexual assault, domestic violence, dating violence, stalking, or other violence against the complainant or others.

   d. Whether the sexual violence, sexual harassment, sexual assault, domestic violence, dating violence, stalking, or other violence was committed by multiple perpetrators.

2. Circumstances that suggest there is an increased risk of the alleged perpetrator committing additional acts of sexual violence, sexual assault, domestic violence, dating violence, stalking, or other violence under similar circumstances at a given location or by a particular group (e.g., whether the report reveals a pattern of perpetration).

3. Whether the sexual violence, sexual harassment, sexual assault, domestic violence, dating violence, stalking, or other violence was perpetrated with a weapon.

4. The age of the student subjected to the sexual violence, sexual harassment, sexual assault, domestic violence, dating violence, stalking, or other violence.
5. Whether the university possesses other means to obtain relevant evidence (e.g., security cameras, physical evidence).

Additionally, individuals are strongly encouraged to report alleged incidents of sexual assault, domestic violence, or stalking immediately to Department of Campus Safety and/or other local law enforcement. Campus Safety personnel will assist and advise regarding the importance of preserving evidence for the proof of a criminal offense and to whom the alleged offense should be reported. However, it is the individual's decision whether or not to file a police report or to pursue civil action against the alleged perpetrator. (See section VII of this policy for further guidance.)

Individuals will have access to support and referral services on campus regardless of whether or not he/she decides to report the incident to local law enforcement.

IV. Informal Procedures
The university has established the following informal process to resolve charges of unlawful discrimination or sexual misconduct (not including allegations of sexual violence). This informal procedure is not appropriate for cases involving alleged sexual violence.

A. The complainant or person who would like assistance in determining whether unlawful discrimination or sexual misconduct has occurred should be referred to the Title IX Coordinator or the appropriate Title IX Deputy Coordinator (hereinafter “Title IX Coordinator”). If the university becomes aware of a situation that may be considered a violation of our Title IX Policy and the alleged victim has not come forward, the university will initiate a process with that person. If the situation involves an alleged incident of sexual assault, domestic violence, dating violence, or stalking, Campus Safety will be notified to begin an initial investigation.

B. The Title IX Deputy Coordinator or their designee (who is a person also trained to process such complaints), shall meet with the concerned individual to:

1. understand the nature of the concern;

2. give to the complainant a copy of the Biola University policy and procedure concerning unlawful discrimination and sexual misconduct and inform the complainant of his or her rights under any relevant complaint procedure or policy;
3. assist the individual in any way advisable.

C. If deemed appropriate, the Title IX Coordinator or their designee shall meet with the respondent to inform him/her of the nature of the concern.

D. If the parties agree to a proposed resolution that does not include disciplinary action, the resolution shall be implemented and the informal process shall be concluded. At any time during the informal process the complainant may initiate a formal complaint.

E. The Title IX Coordinator shall keep a written log of discussions and a record of the resolution. This information shall become part of the official investigation file if the complainant initiates a formal complaint. A letter summarizing the informal investigation and the resolution agreed upon shall be sent to the complainant and the respondent and kept as part of the record.

F. Once a complaint is put in writing and signed by the complainant, the complaint is considered to be formal and the formal complaint procedures should be followed.

Whether or not the complainant files a formal complaint and/or the parties reach a resolution, if the Title IX Coordinator determines that circumstances so warrant, the Title IX Coordinator shall initiate a formal investigation and take appropriate actions as necessary to fully remedy any harm that occurred as a result of unlawful discrimination or sexual misconduct and to prevent any further unlawful discrimination or sexual misconduct.

V. Formal Procedures
In all cases involving sexual violence or in other situations where informal complaint procedures fail to satisfactorily resolve the matter, the complainant may file a complaint with the Title IX Senior Coordinator or a Deputy Coordinator. Similar to the Informal Procedures, if the university becomes aware of a situation that may be considered a violation of the Title IX Policy and the alleged victim has not come forward, the Title IX Coordinator or Title IX Student Advocate will initiate a process with that person. If the situation involves an alleged sexual assault, domestic violence, dating violence, or stalking, Campus Safety will be notified to begin an initial investigation.
A. On the Unlawful Discrimination or Sexual Misconduct Complaint, the complainant shall submit a detailed account of the alleged, unlawful discrimination or sexual misconduct and the action the complainant requests to resolve the matter. All written complaints shall, where known, contain at least the name(s) of the individual(s) involved, the date(s) of the event(s) at issue, and a detailed description of the actions constituting the alleged, unlawful discrimination or sexual misconduct. Names, addresses, and phone numbers of witnesses or potential witnesses should also be included, if possible.

B. Within five (5) working days after the receipt of the complaint, the Title IX Coordinator will review the complaint to determine whether it describes the kind of unlawful discrimination or sexual misconduct which is prohibited under these procedures and whether the complaint sufficiently describes the facts of the alleged misconduct.

If the complaint does not describe the kind of prohibited conduct the university investigates under these procedures, the complainant will be notified and will be referred to the appropriate process. If the complaint does not sufficiently describe the facts giving rise to the complaint so that a determination can be made regarding the alleged misconduct, the complaint will be returned and the complainant will be invited to submit an amended complaint providing enough factual detail to allow the above determination to be made.

C. Within ten (10) working days of receiving the complaint or amended complaint, the appropriate Title IX Coordinator shall act as investigator or shall appoint one or more investigators to act alone, together, or in conjunction with the Title IX Coordinator to investigate the charges and shall notify the appropriate vice president and the respondent that a written complaint has been received and a formal investigation has begun.

For allegations involving sexual misconduct, the appropriate Title IX Coordinator will determine whether “interim actions” should be taken. This process seeks to assess the need to remove any person from campus deemed an immediate threat or danger to any member of the campus community or to take other temporary actions to protect the safety of the complainant. The university will investigate claims of sexual misconduct even if the complainant does not wish to pursue disciplinary or legal action. Additionally, if the complainant desires to press legal charges, local law enforcement may also conduct a formal investigation.
D. The investigator(s) shall, within ten (10) working days of the complainant’s referral to the formal complaint process, commence an investigation of the alleged, unlawful discrimination or sexual misconduct. The investigator(s) shall meet with the complainant to review:

1. the nature of the complaint, and
2. identify the scope and nature of the investigation.

The investigator(s) shall also meet with the respondent to:

1. present a copy of the complaint,
2. present a copy of the Title IX policy if needed,
3. receive the respondent’s answer to the complaint, and
4. review with the respondent the scope and nature of the investigation.

Any written response from the respondent shall be given to the complainant.

E. The investigator(s) shall thoroughly investigate the complaint. Prior to completing the investigation, the investigator(s) may meet again with the complainant and the respondent separately to give an overview of the steps taken during the investigation, to ask the complainant and the respondent for the names of any others the investigator(s) should speak with, and to request any additional information.

F. After completion of the investigation, the investigator(s) shall meet with the vice president designated below. The appropriate vice president shall be responsible for reviewing the report of the investigator(s), making factual determinations, and reaching a conclusion regarding the charges and appropriate disciplinary sanction, if any, in consultation with the Title IX Coordinator involved in the matter.

1. If both parties are students or if both are faculty – Provost/Senior Vice President.
2. If one or both parties are administrative staff members – Vice President of Financial and Business Affairs, unless the complainant or respondent is a Financial and Business Affairs employee, in which case the Vice President of University Services.

3. Any case not covered above – Provost/Senior Vice President or other appropriate vice president designated by the Provost.

G. Within sixty (60) calendar days of receiving the complaint, the investigation shall be completed and a determination shall be made. A preponderance of evidence standard will be utilized. The Provost or other appropriate vice president shall concurrently forward to the complainant and respondent all of the following:

1. a summary of the investigative report; and

2. a written notice setting forth:
   a. the findings of the appropriate vice president as to whether unlawful discrimination, sexual misconduct, domestic violence, dating violence, or stalking did or did not occur with respect to each allegation in the complaint;
   b. a description of actions taken, if any, to remedy any unlawful discrimination, sexual misconduct, domestic violence, dating violence, or stalking that occurred and to prevent similar problems from occurring in the future;
   c. the complainant’s and respondent’s right to appeal the determination either as to the finding or to the appropriateness of the recommended actions.

VI. Appeal Rights

A. If the complainant or respondent is not satisfied with the results of the formal level administrative decision, the complainant or respondent may appeal the determination by submitting a written appeal setting forth his/her objections to the results to the Title IX Senior Coordinator within ten (10) calendar days of the receipt of the determination.
B. The appeal shall be considered by a committee comprised of five (5) persons selected from a standing list of faculty and administrative staff available for such purpose. The complainant and respondent shall each select one committee member. The two members so chosen shall select a faculty member (from the standing list) who shall be the third committee member. The appropriate vice president and the Title IX Coordinator involved in the matter shall each select one committee member. The committee members chosen shall select one member to be the voting Chairperson for the committee.

C. Within thirty (30) calendar days of receiving the appeal, the committee shall consider the objections presented, review and evaluate the investigative report and findings of the appropriate vice president and any actions taken, reach its conclusion (by majority vote), and communicate its conclusion in the form of an advisory recommendation to the President.

D. The President shall issue a decision in writing to the complainant and respondent within ten (10) calendar days of the receipt of the committee’s recommendation, which shall be the final decision of the university in the matter.

VII. Sexual Assault, Domestic Violence, Dating Violence, and Stalking

Sexual violence is a criminal act that violates the standards of our community and is unacceptable at the university. Sexual violence can be devastating to the person who experiences it directly and can be traumatic to the person’s family, friends, and larger community as well. Situations involving sexual violence will follow the procedures set forth in the “Sexual Assault, Domestic & Dating Violence, and Stalking” section in the Annual Security & Fire Safety Report (http://www.biola.edu/offices/campus_safety/downloads/2014-ASFSR-09-24-14-FINAL.pdf#page=59) and in Section V of these policies/procedures. The Title IX Coordinator will request Biola University Campus Safety to work in conjunction with the Title IX Coordinator in the investigation of all matters involving sexual violence.

In addition to the above policy regarding sexual misconduct, the following information is meant as an additional resource for individuals involved in an incident of sexual violence. The Violence Against Women Act requires the university to follow certain disciplinary procedures in cases of alleged sexual assault, domestic violence, dating violence, and stalking. As such, in addition to the procedures described in Sections V and VI above, the procedures and information described below
apply in cases of alleged sexual assault, domestic violence, dating violence, and stalking. For more information about the university’s policy and procedures regarding these offenses, please see the “Sexual Assault, Domestic & Dating Violence, & Stalking” section in the Annual Security & Fire Safety Report (http:www.biola.edu/offices/campus_safety/downloads/2014-ASFSR-09-24-14-FINAL.pdf#page=59)

A. Protective Measures:

Following an allegation of sexual assault, domestic violence, dating violence, or stalking, the protective measure that the university may offer include:

- Moving a student’s residence
- Adjusting a student’s work schedule for university employment
- Changing a student’s academic schedule
- Changing a student’s transportation arrangements
- Allowing a student to withdraw from or retake a class without penalty
- Providing access to tutoring or other academic support
- Issuing a “no contact” directive
- Issuing a “no trespass” directive
- Written instruction on how to apply for a protective order
- Enforcement of the university’s anti-retaliation policy, which prohibits retaliation against a person for complaining of sex-based incidents

B. The university may impose any one or more of the following sanctions following the results of a disciplinary procedure for an allegation of sexual assault, domestic violence, dating violence, or stalking:

- Reprimand/warning
- Changing the respondent’s academic schedule
- Disciplinary probation
- Revocation of honors or awards
- Restricting access to university facilities or activities (including student activities and campus organizations)
- Community service
- Issuing a “no contact” directive to the respondent or requiring that such an order remain in place
• Moving the respondent's residence
• Dismissal or restriction from university employment
• Removal from student housing
• Suspension (limited time or indefinite)
• Expulsion

In addition to above sanction(s) (except where the sanction is expulsion), the university may require the respondent to receive appropriate education and/or training. The university may also recommend counseling or other support services for the respondent.

C. Procedures:

When an allegation of sexual violence, domestic violence, dating violence, or stalking is involved, the procedures set forth in Section V will also include the following:

1) a prompt, fair, and impartial process from the initial investigation to the final result, which shall include a proceeding that is:

   a) completed within reasonably prompt timeframes, allowing for an extension of timeframes for good cause;

   b) conducted in a manner that:

      i) is consistent with the university’s policies and transparent to the complainant and the respondent,

      ii) includes timely notice of meetings at which the complainant or the respondent, or both, may be present,

      iii) provides timely and equal access to the complainant, the respondent, and appropriate official to any information that will be used before any disciplinary action or appeal hearing; and
iv) provides the complainant and respondent with equal opportunities to have others present at any meeting or disciplinary proceeding, including an advisor of their choice; however, the university may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

c) conducted by officials who are appropriately trained and who do not have a conflict of interest or bias for or against the complainant or the respondent.

2) simultaneous notification in writing to both the complainant and the respondent of:

a) the result of any disciplinary proceeding that arises from an allegation of sexual assault, domestic violence, dating violence, or stalking,

b) the university’s procedures for the complainant and respondent to appeal the result of the disciplinary proceeding,

c) any change to the result, and

d) when such results become final.

D. Definitions

The following terms are used as defined below by the university in our policy and procedures.

Consent: The State of California has adopted an affirmative consent standard in the determination of whether consent was given by both parties to sexual activity. “Affirmative consent” 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 he or she has 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 persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.
In addition, in the evaluation of complaints in any disciplinary process:

1) It shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:

   a) The accused’s belief in affirmative consent arose from the intoxication or recklessness of the accused.

   b) The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

2) It shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused 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 complainant was asleep or unconscious.

   b) 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.

   c) The complainant was unable to communicate due to a mental or physical condition.

**Sexual Assault:** The term “sexual assault" is used to mean an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the Federal Bureau of Investigation’s Uniform Crime Reporting program.

*Rape* is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object or oral penetration by a sex organ of another person, without the consent of the victim.


_Fondling_ is defined as the touching of the private parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

_Incest_ is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

_Statutory Rape_ is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Domestic Violence:** The term “domestic violence” means a felony or misdemeanor crime of violence committed:

- by a current or former spouse or intimate partner of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Dating Violence:** The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purpose of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.
**Stalking:** The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person’s safety or the safety of others; or
- Suffer substantial emotional distress.

For the purpose of this definition:

- “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, devise, or means, follows, monitors, observes, surveils, or communicates to or about a person, or interferes with a person’s property.
- “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

**E. College and Community Resources:**

The needs of someone who has experienced sexual assault, domestic violence, dating violence, or stalking vary from person to person and may vary over time. The university offers services and external resources, many of which may be accessed 24 hours a day, so that a person may choose what he or she would find most helpful and healing.

The university urges anyone who has experienced sexual assault, domestic violence, dating violence, or stalking to seek professional support as soon as possible to minimize and treat physical harm, assist with processing the unique and complex emotional aftermath, and help preserve and understand options for legal recourse including criminal prosecution and/or civil litigation. Even if the victim does not wish to report the event to the police or pursue civil litigation or formal university action, seeking medical attention as soon as possible is important. At any point that an individual is ready to come forward, Biola is prepared to help him or her.
The university offers educational resources to the campus community through Student Development, Campus Safety, and the Physical Education Department (Rape and Aggression Defense system).

Other Available Resources:
Biola Counseling Center: 562-903-4800
Information and resource referral, Professional Building

Biola Health Center: 562-903-4841
Medical and information resource, next to Library

Associate Dean of Residence Life/Student Care, Sandy Hough (Address: Student Development, Biola Unviersity, 13800 Biola Avenue, La Mirada, CA 90639, (Student Services Building), Phone x5807, Email: sandy.hough@biola.edu)

Biola Campus Safety Department: 562-777-4000 or (from campus phone) x5111
Emergency Response

National Sexual Assault Hotline: 1-800-656-HOPE

Sexual Assault Crisis Hotline 24 hour: 714-957-2737

Local hospitals that have a SART (Sexual Assault Response Team):

Whittier Presbyterian Intercommunity Hospital
12401 Washington Blvd.
Whittier, CA 90602
562-698-0811

Long Beach Community Hospital
1720 Termino Ave.
Long Beach, CA 90804
562-498-1000
F. Confidentiality/Legal Reporting Requirements:

The university will make every reasonable effort to preserve an individual’s privacy and protect the confidentiality of information related to sexual assault. The degree to which confidentiality can be protected, however, depends upon the professional role of the person being consulted. The professional being consulted should make these limits clear before any disclosure of facts. An individual can speak confidentially with certain persons in legally protected roles. They include counselors at the Biola Counseling Center, medical clinicians, clergy, and sexual assault counselors. Exceptions to maintaining confidentiality are set by law; for example, physicians and nurses who treat a physical injury sustained during sexual assault are required to report to law enforcement. Also, physicians, nurses, psychologists, psychiatrists, and social workers must report a sexual assault committed against a person under 18 years of age to a child protective agency. Information shared with other individuals is not legally protected from being disclosed.

Any requests for information by the press or other parties concerning incidents of sexual assault should be directed to the Biola University Communications and Marketing office.