

University of Phoenix Policy

Title: Title IX and VAWA- Gender Discrimination, Sexual Harassment, & Sexual Violence	Policy Number: UOPX 900
Effective: May 2, 2018	Supersedes: 4.0
Policy Owner: Ethics and Compliance	Version Number: 5.0

1.0 Overview

University of Phoenix is firmly committed to providing equal opportunity and an environment free of all forms of improper or unlawful harassment, discrimination, exploitation, intimidation or violence in its educational programs and activities, including admissions and employment practices.

The University will not tolerate any discrimination, harassment or violence of any kind including, but not limited to, discrimination, harassment or violence based on sex/gender (including pregnancy and childbirth), sexual orientation, gender identity, gender expression, gender transition, transgender status, or gender variance, age, national origin, disability, veteran status, or any other category protected by federal, state, or local law.

More specifically, the University complies with Title IX of the Education Amendments of 1972, Titles VI and VII of the Civil Rights Act of 1964, Violence Against Women Reauthorization Act of 2013 (VAWA) and regulations for any other applicable federal, state, or local law and will promptly address conduct deemed to be in violation of this policy.

2.0 Scope

This policy applies to all conduct involving students, faculty, staff, visitors or other third parties that occurs on University-controlled properties, as well as offsite conduct when the University determines in its sole discretion that the offsite conduct affects a substantial University interest.

3.0 Policy

The University's Title IX Coordinator is responsible for the oversight of disciplinary complaints involving sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence, sexual assault and stalking. The Title IX Coordinator can be reached at 602-557-3391 or at TitleIX@phoenix.edu.

Definitions of conduct that violate this policy and other terms contained within this policy are located in the [University Campus Safety Policies](http://www.phoenix.edu/about_us/campus-safety/campus-safety-policies.html) (see Section 10.1 Definitions) at http://www.phoenix.edu/about_us/campus-safety/campus-safety-policies.html.

3.1 Reporting Policies and Protocols

To file a complaint with the University for conduct in violation of this policy including, but not limited to, sex/gender discrimination, sexual harassment, sexual violence, domestic violence, dating violence, sexual assault or stalking, individuals may contact the Title IX Coordinator at



TitleIX@phoenix.edu or 602-557-3391. Reports may be made by individuals, third parties and bystanders.

1. Individuals may contact local law enforcement to report a criminal offense of a sexual nature.
2. Individuals may also report prohibited conduct to the Ethics Helpline at [University of Phoenix Helpline](#) or by calling 1-888-310-9569. Complaints may be submitted to the Ethics Helpline anonymously. Please note that the Ethics Helpline cannot keep complaints confidential and is required to report any instances of alleged Title IX/VAWA violations to the Title IX Coordinator.
3. Reports can be made directly to the U.S. Department of Education's Office for Civil Rights (OCR). Individuals can find the appropriate office at <http://www2.ed.gov/about/offices/list/ocr/addresses.html>, by contacting the OCR Headquarters at 400 Maryland Avenue SW, Washington, DC 20202-1100, or by calling 800-421-3481.
4. Reports can also be made to one of the University's responsible employees, such as a faculty member, enrollment representative, academic or finance advisor, manager, Campus Security Authority (CSA) or Human Resources Business Partner. All University staff members are "responsible employees."
 - a. Please note that responsible employees cannot keep complaints confidential and are required to immediately report any instances of alleged Title IX/VAWA violations (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator.
 - b. Allegations will be appropriately reported for Clery consideration.
5. Any University of Phoenix student in the state of Illinois who has experienced sexual violence, domestic violence, dating violence or stalking while either attending online or enrolled at the University of Phoenix Chicago Campus may utilize the Illinois Confidential Advisor services provided by Rape Victim Advocates (RVA) at any time.
 - a. To reach RVA please call their 24 hour message center at 773-907-1062. Please note that this is a message center and that you will need to ask that they page RVA.
 - b. Upon receiving a request for RVA support, the message center will page the RVA Advocate on call.
 - c. After being paged a Confidential Advisor from RVA will respond to the request for support over the phone within fifteen (15) minutes.
 - d. Students will need to provide a number for the Confidential Advisor to call them back and if they are not comfortable providing a number they can ask to be placed on hold while an RVA is reached.

3.2 University Response and Information for Victims

The University will send the complainant a receipt of complaint acknowledgement upon receiving a Title IX/VAWA concern. The University will provide a "Victim's Bill of Rights" written notification any time a student, staff member or faculty member reports they have been a victim of dating violence, domestic violence, sexual assault, or stalking, *whether the offense occurred on or off campus*. The University's Title IX Coordinator and/or CSA will assist the victim with exercising their rights including accommodations or protective measures if the victim requests them and if they are reasonably available, *regardless of whether the victim chooses to report the crime to authorities*.

1. If an individual does not wish to file a formal complaint, there are confidential resources available as described in the 3.4 Counseling, Advocacy, and Support section of this policy.

2. Retaliation against a person who reports or discloses an alleged violation of this policy, filing a complaint or participation in an investigation is prohibited. Disciplinary action up to and including suspension, expulsion, or termination may be taken for retaliatory actions.
3. Complainants may receive amnesty for a conduct violation, for example, from University policies prohibiting alcohol and other drug use during an incident of sexual misconduct. Fear of being charged for violating these or other policies should not prohibit a person from reporting an incident of sexual misconduct.
4. Financial Aid related services and information, such as information about how to apply for a leave of absence or about options for addressing concerns about loan repayment terms and conditions can be obtained by contacting your University of Phoenix finance advisor, in the University's Consumer Information Guide or general information may be found at <http://www.finaid.org/> and <https://www.fastweb.com/financial-aid>.

3.3 Confidentiality

The University will maintain the confidentiality and protect the privacy of any complainant, respondent, and other necessary parties and witnesses to the maximum extent possible. Confidentiality means that the University will not disclose the identity of the complainant or respondent to the other party and/or to third parties unless it is determined during the course of the investigation that it is unavoidable or that the University is required by law to disclose the information.

1. In Illinois, all communications between a confidential advisor and a survivor pertaining to an incident of sexual violence shall remain confidential, unless:
 - a. the survivor consents to the disclosure of the communication in writing;
 - b. failure to disclose the communication would violate State or Federal law; or
 - c. failure to disclose would result in a clear, imminent risk of serious physical injury to or death of the survivor or another person.
2. Faculty members, advisors, administrators, and all University staff members are "responsible employees." This means that they are required to immediately report any disclosures of Title IX/VAWA violations (including the identities of both the complainant and alleged respondent) to the Title IX Coordinator and the University is required to investigate the incident and take appropriate actions to address the situation.
3. Individuals seeking professional counseling through University of Phoenix's Counseling Skills Centers will have their information kept in confidence. Even if an individual gives the professional counselor permission to release their identity, the counselor may only report the occurrence of the event itself to be included in the Annual Crime Statistics, unless otherwise required by law.
4. In order to ensure the safety of the members of the University community, disclosure of some details of a Title IX/VAWA complaint may be necessary.
 - a. The details may include, but are not limited to, when and where the misconduct occurred, who the responsible party is, and other details necessary to ensure the safety of the University community.
 - b. The Title IX Coordinator is responsible for determining confidentiality on a case by case basis. For questions about a specific situation, please contact TitleIX@phoenix.edu.
5. The University discloses information about crime on and near our campuses as required by the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* ("Clery Act") in the Annual Security Report. However, the University does not disclose

personally identifiable information in its Campus Crime Statistics at http://www.phoenix.edu/about_us/campus-safety.html or in the public Campus Crime Log.

3.4 Counseling, Advocacy, and Support

1. *Students:* Currently enrolled students have access to free confidential counseling and other resources including information on sexual assault, dating violence, domestic violence and stalking through the Life Resource Center (LRC).
 - a. Access the LRC via eCampus or by calling 866-320-2817. Other services regarding counseling, health, mental health, victim advocacy, legal assistance, drug and alcohol information and visa and immigration services may also be available. The LRC is available 24 hours a day, 7 days a week.
 - b. Additional information regarding assistance and services for survivors of sexual violence, domestic violence, dating violence, sexual assault and stalking can be found in the “Counseling and Assistance Resources” section of the University Campus Safety Policies at http://www.phoenix.edu/content/dam/altcloud/doc/about_uopx/Campus-Safety-Policies.pdf
 - c. *Illinois state-specific assistance and services:* The “Counseling and Assistance Resources” section of the University Campus Safety Policies (available at http://www.phoenix.edu/content/dam/altcloud/doc/about_uopx/Campus-Safety-Policies.pdf) includes information on Illinois state-specific assistance and services for victims of sexual violence as well as the nearest medical facility to campus for a medical forensic exam.
2. *Staff and Faculty:* All employees have access to confidential counseling through the Employee Assistance Program (EAP), which can be accessed by calling 1-866-380-5947 or by visiting <http://eappreferred.com>.
3. University of Phoenix operates educational training facilities known as Counseling Skills Centers. These Counseling Skills Centers model mental health clinics and offer complimentary services to members of the University and local community. Centers are staffed by counseling graduate students who work under the direct supervision of licensed, experienced professionals. For more information, or to contact a Counseling Skills Center near you, please visit <http://www.phoenix.edu/students/counseling-skills-centers.html>.
4. The local Campus Security Authority (CSA) can also provide additional referral resources such as counseling, health, mental health, victim advocacy, legal assistance, drug and alcohol information, and visa and immigration services within the local area. You can find your local CSA’s name and contact information at http://www.phoenix.edu/about_us/campus-safety/campus-safety-contact-list.html.

3.5 Interim and Protective Measures

Interim and protective measures include the individualized services, accommodations, or other assistance that the University may offer as appropriate to either or both the complainant(s) and respondent(s) involved after notice of alleged violation of the Title IX and VAWA Policy. Interim measures may change over time and the University will strive to ensure that any interim measures are necessary and effective based on the parties’ evolving needs. When determining interim measures, the University will make every effort to avoid depriving any student of her or his education.

1. To ensure the safety and well-being of the complainant(s) and respondent(s), both parties may be allowed to change their class schedule (or work schedule if an employee), withdraw from class without financial or academic penalty, or change campuses/modalities.
2. In-class accommodations may also be granted, such as additional time to submit assignments or allowing a test to be taken separately from the class.
3. During the investigation, the University may also take interim measures, such as issuing and enforcing a No Contact Order, removing a student or faculty member from class, interim suspension, changing a student, faculty member, or employee's schedule or class/work location, or placing an employee on administrative leave.
 - a. The University will also honor an Order of Protection or No Contact Order entered by a State civil or criminal court.
4. Interim measures may be revised over time to ensure they remain both necessary and effective based on the students' evolving needs.

3.6 Prevention and Education

Refer to the [University Campus Safety Policies](#) Section 10.11 "Educational Programs – Dating Violence, Domestic Violence, Sexual Assault, and Stalking Awareness" for information on the University's primary and ongoing prevention and awareness campaigns for students, faculty and staff.

4.0 Investigation Procedures and Protocols

The University will promptly, thoroughly and impartially investigate all Title IX allegations in a professional and timely manner.

1. Once the University decides to open an investigation that may lead to disciplinary action against the responding party, a written notice will be provided to the responding party within 72 hours of the University's decision to commence the investigation:
 - a. Written notice will include sufficient details to provide respondent with fair notice of the allegations, including;
 - a. identities of the parties allegedly involved;
 - b. specific section(s) of the code of conduct allegedly violated;
 - c. precise conduct allegedly constituting the potential violation(s); and
 - d. the date(s) and location(s) of the alleged incident(s).
2. Investigations are conducted by members of the Title IX team or other individuals specifically trained to conduct sexual misconduct and civil rights investigations who report their findings to the Title IX Coordinator.
3. Investigators are free of actual or reasonably perceived conflicts of interest or biases for or against any party.
 - a. Investigations may include interviews with complainant(s), respondent(s), witnesses, and other parties who may have knowledge relevant to the investigation. The complainant and the respondent will receive written notice at least 72 hours in advance when possible of any interview with sufficient time to prepare for meaningful participation. Parties may be interviewed more than once. Investigations also typically include review of any relevant documentation, such as text messages, emails, instant messages, or any other form of communication or documentation.
 - b. Investigator will analyze and document the available evidence, objectively evaluate the credibility of parties and witnesses and produce a written report that summarizes the relevant exculpatory and inculpatory evidence.

4. Complainant(s) and respondent(s) will be provided with the investigation report summarizing the relevant exculpatory and inculpatory evidence and will have equal opportunity to respond in writing to the report within one week of receipt before a finding is made or before a Title IX Committee is convened. Parties are not required to respond to the report. A party will have declined to respond if the permitted response time expires.
5. Parties involved in a Title IX investigation may be asked to preserve evidence, including, but not limited to, emails, text messages, or other documents. Knowingly destroying evidence related to a Title IX investigation or withholding requested evidence constitutes a violation of policy, for which disciplinary action may be taken.
6. Complainants and respondents will be treated without bias during the investigative process. Each will have an opportunity to speak with the investigator, provide witnesses to be interviewed, and provide documentation for the investigator's review.
7. Information obtained through the course of a Title IX investigation may be shared with law enforcement.
8. If a complainant reports a Title IX/VAWA violation, but does not want an investigation, an investigation may not be initiated.
9. If an investigation is not initiated, the University will still take steps to limit the effect of the alleged violation and prevent its recurrence without initiating formal action against the accused or revealing the identity of the complainant.
 - a. Such steps may include, but are not limited to, providing increased monitoring, supervision, or security at locations or activities where the alleged violation occurred; providing training and education materials for students, faculty and employees; revising and publicizing the school's policies and conducting climate surveys.
10. The University strives to complete any investigation, hearing, appeal, and any sanctions or actions as a result of the process within sixty (60) days. However, if the process exceeds the sixty (60) day timeframe, the investigator or Title IX Coordinator will contact the complainant and respondent in writing to explain the reason for the delay.

4.1 Grievance/Adjudication Procedures

1. The standard of proof for fact-finding in all Title IX and VAWA proceedings is based on preponderance of the evidence, which means "more likely than not." This standard will be used for all Title IX/VAWA cases for students, faculty, and staff members.
2. For **students** and **faculty members**, a Title IX Committee (facilitated by the Assistant Title IX Coordinator, a Deputy Title IX Coordinator, or designee) will be comprised of three (3) trained individuals who will hear the cases, make factual determinations, and recommend any sanctions to the Title IX Coordinator, who will have the ultimate decision-making authority regarding the complaint. Each party will receive written notice in advance of any Title IX Committee hearing with sufficient time to prepare for meaningful participation.
 - a. For **students**, the Title IX Committee is comprised of a faculty member and two staff members: one from Student Services and one representative from the college.
 - b. For **faculty members**, the Title IX Committee is comprised of a director (or designee) and two faculty members, one of which cannot be a full-time University employee.
3. For **employees**, the Title IX investigator will make factual determinations and the Title IX Coordinator, in conjunction with Human Resources, will make the ultimate determination. Unlike the process for students and faculty members, committees are not utilized for employee respondents.
4. If a party involved in a complaint feels that a member of the Title IX Committee, Human Resources, or the Title IX Coordinator has a conflict of interest, the party may raise the issue to the Title IX Coordinator.

- a. If it is determined by the Title IX Coordinator or their designee that there is a conflict or bias or the appearance of a conflict or bias, that person will be removed from the process and a qualified proxy will assist.
5. *Rights and Roles of the Parties during the Adjudication Process*
- a. Following a final determination of an institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault or stalking, both the complainant and respondent are notified within seven (7) days simultaneously and in writing of: the outcome of the proceeding; appeal procedures; any change to the result before it becomes final; and when the result will become final.
 - i. The University will be responsible to document how each party is notified of the determination and ensure that the application is consistent and comparable for both parties.
 - ii. Compliance with the provisions does not constitute a violation 20 U.S.C. 1232g, commonly known as the Family Educational Rights and Privacy Act (FERPA).
 - b. Complainant and respondent are afforded the same opportunity to address the Title IX Committee and may answer questions. Each party is given up to ten (10) minutes to speak to the Title IX Committee.
 - c. Title IX Committees are conducted telephonically and the parties will not have the opportunity to cross examine or question one another or the committee members. However, the complainant and respondent may, at the discretion and direction of the Title IX Committee, suggest questions to be posed by the committee.
 - d. The complainant and respondent may not be compelled to testify in the presence of the other party. If a party invokes this right, the University will provide an opportunity for each party to hear the other party's testimony if requested.
 - e. Complainant and respondent are entitled to the same opportunity to have one support person present during a disciplinary proceeding. This includes the opportunity to be accompanied by one person of their choice to any related meeting or proceeding.
 - i. While University permits each party to have one (1) support person present, complainants and respondents are not entitled to representation by an attorney or any other third party at any point in the process.
 - ii. Any third party in attendance is there for support and not representation. The support person will not be permitted to speak to the Title IX Committee.
 - f. Parties are able to present evidence for the Title IX Committee's review; however, this evidence may not include sexual history of the complainant or respondent. Evidence of a prior consensual dating or sexual relationship does not imply consent or preclude a finding of sexual misconduct.
 - g. Parties will concurrently be provided with written notice of the outcome. The notice of the outcome will include: (i) any initial, interim, or final decision by the institution; (ii) any sanctions that will be imposed; and (iii) the rationale for the result and sanctions. Parties will also be provided with the appeal procedures.

4.2 Outcomes

1. *Students*: If a student is found to be in violation of this policy, the following sanctions may be imposed either alone or in combination.
 - a. Composition of a self-reflective or academic paper.
 - b. Completion of the Title IX or VAWA Sanction Workshop or another applicable workshop.

- c. Suspension
 - d. Expulsion
2. *Faculty*: If a faculty member is found to be in violation of this policy, the following sanctions may be imposed either alone or in combination.
 - a. Composition of a self-reflective or academic paper.
 - b. Completion of the Title IX or VAWA Faculty Performance Module or another applicable faculty workshop.
 - c. Suspension from teaching.
 - d. Deactivation as a University faculty member.
3. *Employees*: If an employee is found to be in violation of this policy, the following sanctions may be imposed either alone or in combination.
 - a. Training – The employee may be required to undergo additional training on Title IX, VAWA and sexual misconduct.
 - b. Discipline – Documented formal coaching, Discussion Memo, Written Warning, or Termination.

4.3 Appeals

1. Each party has the opportunity to appeal the outcome on any of the following grounds:
 - a. a procedural error occurred;
 - b. new information exists that would substantially change the outcome of the finding; or
 - c. the sanction is disproportionate with the violation.
2. *Student Appeals* –
 - a. Must be requested in writing to the Office of Dispute Management within ten (10) days of receiving the Title IX Coordinator's decision.
 - b. The review of the appeal will be conducted by the Student Discipline Review Committee (SDRC). The SDRC is comprised of a manager, a director and a dean from the accused student's college or their respective designee.
 - c. The decision of the SDRC is final and shall be communicated in writing directly to the student, except in the case of a decision by the SDRC supporting a campus recommendation of expulsion.
 - d. If the student is sanctioned with expulsion, the review of the appeal will be conducted by the Senior Management Review Committee (SMRC) in the Office of Dispute Management. The SMRC is comprised of a representative from the Office of the Provost, a Vice President from Academic Operations or Student Services and a Dean (or their respective designees). The decision of the SMRC is final and will be communicated in writing directly to the student and the campus.
3. *Faculty Member Appeals* –
 - a. The review of the appeal will be conducted by the Central Administration Appeals Committee (CAAC) in the Office of Dispute Management. The Office of Dispute Management will provide the faculty member with written notification of the CAAC's decision.
 - b. The CAAC is comprised of University of Phoenix College Dean and two Vice Presidents, or their respective designees.
4. *Employee Appeals* –
 - a. Employee appeals are governed by and limited to Step 2 of the Formal Dispute Resolution Policy and Procedure in the Employee Handbook:
 - i. Appeals may be submitted in writing to a Senior Manager within thirty (30) calendar days of learning of the outcome. A Senior Manager is defined as the Campus Director or, in the case of

employees who do not work within a Campus, the highest ranking manager within the department at which the employee works.

- a) If the Senior Manager is directly involved in the dispute at issue, the employee may submit the appeal to the next highest ranking official beyond the Senior Manager.
- b) The written appeal must clearly and concisely identify the problem and specify what resolution the employee seeks.

5.0 Citations

Illinois Preventing Sexual Violence in Higher Education Act (110 ILCS 155)
Title VII of the Civil Rights Act of 1964 (40 U.S.C. §2000e)
Title IX of the Civil Rights Act of 1964 (20 U.S.C. §1681)
U.S. Code of Federal Regulations at 34 C.F.R. 668.46
Violence Against Women Reauthorization Act of 2013, PUBLIC LAW 113–4—MAR. 7, 2013.

6.0 Related Policies

[Student Code of Conduct](#)
[Faculty Handbook](#)
[Employee Handbook](#)
[UOPX Campus Safety Policies](#)
[UOPX Code of Ethics](#)
[Prohibition of Discrimination and Harassment Policy](#)

7.0 Definitions

Refer to the Section 10.1 of the [University's Campus Safety Policies](#) for definitions of terms in this policy including prohibited conduct and consent.

8.0 Revision History

Approval History			
Version	Date	Approved By	Title
1.0	6/22/2015	Tim Slottow	President, University of Phoenix
1.0	6/19/2015	Russ Paden	SVP, Academic Operations
2.0 3.0 4.0	7/15/2016 1/30/2017 8/31/2017	Camie Pratt	VP, Academic Operations/ Title IX Coordinator
2.0 3.0	7/15/2016 3/10/2017	Kathleen Schnier	Vice Provost, Institutional Effectiveness
4.0	9/1/2017	Rob Cantrell	VP, Human Resources
Change History			
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2.0 3.0 4.0	6/1/2016 1/27/2017 8/29/2017	Lara Fox	Ethics & Compliance Program Manager II
5.0	10/23/2017	Camie Pratt	VP, Academic Operations/Title IX Coordinator
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Version	Date	Reviewed By	Title
1.0	6/17/2015	Camie Pratt	VP, Academic Operations/ Title IX Coordinator
1.0 2.0 3.0	6/17/2015 7/11/2016 3/17/2017	Adrienne DePorter	Director, Institutional Effectiveness-Compliance
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