

University of Phoenix Policy

Title: Title IX and VAWA- Gender Discrimination, Sexual Harassment, & Sexual Violence	Policy Number: UOPX 900
Effective: July 1, 2015	Supersedes: N/A
Policy Owner: Office of Compliance	Version Number: 1.0

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 and 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, nonconformity with sex stereotypes, 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 (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

1. This policy applies to all conduct involving students, faculty, staff, and third parties that occurs on University-controlled properties, as well as offsite conduct when that conduct can affect the University community.
2. This policy applies to all individuals identified in section 2.a., regardless of sex/gender, sexual orientation, gender identity, or gender expression.
3. Confidentiality: see under section 3, 6.j.

3.0 Policy

1. The University’s Title IX Coordinator is responsible for oversight of all sexual misconduct complaints. The Title IX Coordinator can be reached at 602-557-3391 or at TitleIX@phoenix.edu.
2. 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. *Reporting Policies and Protocols*
 - a. Individuals may contact local law enforcement to report a criminal offense of a sexual nature.
 - b. To file a complaint with the University for conduct in violation of this policy including, but not limited to, sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence or stalking, individuals may contact the Title IX Coordinator at TitleIX@phoenix.edu or 602-557-3391.
 - c. Individuals may also report prohibited conduct to the Ethics Helpline at <http://www.UOPXHelpline.com> 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 sexual misconduct to the Title IX Coordinator.

- d. Reports can be made directly to the 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.
- e. 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. Please note that responsible employees cannot keep complaints confidential and are required to report any instances of alleged sexual misconduct to the Title IX Coordinator.
- f. The University Title IX Coordinator and/or CSA will assist anyone who files a complaint of sexual violence, domestic violence, dating violence or stalking with exercising his or her rights even if he or she chooses not to file a report with authorities.
- g. If an individual does not wish to file a formal complaint, there are confidential resources available as described in the *Counseling, Advocacy, and Support* section of this policy.
- h. Retaliation against a person for filing a complaint or participation in an investigation will not be tolerated. Disciplinary action up to and including suspension, expulsion, or termination may be taken for retaliatory actions.
- i. Complainants may receive amnesty 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.
- j. *Confidentiality*
 - i. The University will maintain the confidentiality and protect the identity of any complainant and other necessary parties to the maximum extent possible. Confidentiality means that the University will not disclose the identity of the individual reporting the concern or allegation 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.
 - ii. Faculty members, advisors, administrators, and all University staff members are "responsible employees." This means that they are required to report any disclosures of sexual misconduct (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator and the University is required to investigate the incident and take appropriate actions to address the situation.
 - iii. Individuals seeking professional counseling will have their information kept in confidence. Even if an individual gives the professional counselor permission to release his or her 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.
 - iv. In order to ensure the safety of the members of the University community, disclosure of some details of a sexual misconduct complaint may be necessary. The details may include, but are not limited to, when and where the misconduct occurred, and other details necessary to ensure the safety of the University community. 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.

4. 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/campus-crime-statistics.html or in the public Campus Crime Log.
5. *Counseling, Advocacy, and Support*
 - a. Currently enrolled students have access to free confidential counseling and other resources including information on rape prevention, sexual assault, dating violence and domestic violence through the Life Resource Center 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 Life Resource Center is available 24 hours a day, 7 days a week.
 - b. Full time employees have access to confidential counseling through the Employee Assistance Program, which can be accessed by calling 1-866-380-5947 or by visiting <http://eapprefered.com>
 - i. Additional information regarding assistance and services for victims of sexual violence, domestic violence, dating violence and stalking can be found in the “*Counseling and Assistance Resources*” section of the [University Campus Safety Policies](#). 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.
 - c. 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 www.finaid.org, www.fastweb.com/financial-aid.
 - d. *Interim and Protective Measures*
 - i. Interim and protective measures include the services, accommodations, or other assistance that the University may provide to complainants after notice of violation of the Title IX and VAWA Policy. These measures should be requested through the Title IX Coordinator
 - ii. To ensure the safety and well-being of the complainant, the complainant may be allowed to change his or her class schedule (or work schedule if an employee), withdraw from class without financial or academic penalty, or change campuses/modalities. 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.
 - iii. During the investigation, the University may also take interim measures, such as issuing 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.

4.0 Investigation Procedures and Protocols

- a. The University will promptly, thoroughly and impartially investigate all Title IX cases in a professional manner.
 - b. Investigations are conducted by members of the Title IX team or other individuals specifically trained in sexual misconduct disciplinary proceedings who report their findings to the Title IX Coordinator. Investigations may include interviews with complainant(s), respondent(s), witnesses, and other parties who may have knowledge relevant to the investigation. 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.
 - c. 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.
 - d. 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 may be a violation of policy, for which disciplinary action may be taken.
 - e. 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.
 - f. Information obtained through the course of a Title IX investigation may be shared with law enforcement, if requested.
 - iv. Reports relating to criminal activity at University locations will be communicated to the Campus Security Authority (CSA) for purposes of Clery Act reporting.
 - g. If a complainant reports an instance of sexual misconduct, but will not cooperate in an investigation, an investigation may be terminated prior to conclusion. If an investigation is terminated prior to conclusion, the University will still take steps to limit the effect of the alleged sexual misconduct and prevent its recurrence without initiating formal action against the accused or revealing the identity of the complainant. Such steps may include, but are not limited to, providing increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred; providing training and education materials for students and employees; revising and publicizing the school's policies on sexual misconduct; and conducting climate surveys regarding sexual misconduct.
6. Grievance/Adjudication Procedures
- a. The processes for students, faculty, and staff members are detailed in the Student and Faculty Codes of Conduct and the Employee Handbook.
 - b. 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 sexual misconduct cases for students, faculty, and staff members.
 - c. For students and faculty members, committees will be comprised of trained individuals who will hear the cases, make factual determinations, and make recommendations to the Title IX Coordinator, who will have the ultimate decision making authority regarding the complaint. 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.
 - i. If a party involved in a complaint feels that a member of the committee, Human Resources, or the Title IX Coordinator has a conflict of interest, the

party may raise the issue to the Title IX Coordinator. If it is determined 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.

- d. Rights and Roles of the Parties During the Adjudication Process.
 - i. If a committee is convened, both Complainant and Respondent are notified 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.
 1. Complainant and Respondent are afforded the same opportunity to address the committee and may answer questions. Each party is given up to ten minutes to speak to the committee. Committees are conducted telephonically and the parties will not have the opportunity to question one another or the committee members.
 2. Complainant and Respondent are entitled to the same opportunity to have others present during a disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. The University permits each party to have at least one support person present.
 3. Parties are able to present evidence for the committee's review; however, this evidence may not include sexual history of the complainant. Evidence of a prior consensual dating or sexual relationship does not imply consent or preclude a finding of sexual misconduct.
 4. Outcomes
 - a. If an employee is found to be in violation of this policy, the following sanctions may be imposed. This list is not exhaustive.
 - i. Training – the employee may be required to undergo additional training on Title IX, VAWA and sexual misconduct.
 - ii. Discipline - Documented formal coaching, Discussion Memo, Written Warning, or Termination.
 - b. If a student is found to be in violation of this policy, the following sanctions may be imposed. This list is not exhaustive.
 - i. Composition of a self-reflective or academic paper.
 - ii. Completion of the Title IX or VAWA Sanction workshop or another applicable workshop.
 - iii. Suspension
 - iv. Expulsion
 - c. If a faculty member is found to be in violation of the Policy, the following sanctions may be imposed. This list is not exhaustive.
 - i. Composition of a self-reflective or academic paper.
 - ii. Completion of the Title IX or VAWA Faculty Performance Module or another applicable faculty workshop.
 - iii. Suspension from teaching.
 - iv. Deactivation as a University faculty member.
5. Appeals

- a. For students and faculty members, both parties have the opportunity to appeal the outcome. The appeal process is detailed in the Student and Faculty Codes of Conduct.
- b. Employee appeals are governed by the Formal Dispute Resolution Policy and Procedure in the Employee Handbook.

7. Prevention and Education

- a. Refer to the [University Campus Safety Policies](#) Section 10.11 “Educational Programs” for information on the University’s primary and ongoing prevention and awareness campaigns for students, faculty and staff.

5.0 Citations

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 Code of Conduct
 Apollo Education Group Employee Handbook
[UOPX Campus Safety Policies](#)
 UOPX Code of Ethics

7.0 Definitions

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

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
1.0	6/23/2015	Cheryl Naumann	SVP, Human Resources- UOPX
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1.0	6/17/2015	Camie Pratt	VP, Academic Operations/ Title IX Coordinator
1.0	6/17/2015	Adrienne DePorter	Director, University Compliance Officer