

Title IX: Sexual and Gender Based Harassment and Misconduct Policy

ALLIANT INTERNATIONAL UNIVERSITY - UPDATED JULY 2024

Effective for incidents occurring prior to and including July 31, 2024.



Sexual and Gender Based Harassment and Misconduct Policy

Alliant International University (also referred to as Alliant or the University) strives to promote and provide an environment free from sexual and gender-based misconduct and all forms of sexual and gender-based harassment. “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

Title IX is a federal law that prohibits schools from discriminating based on sex/gender. The University strives to meet all the requirements defined by Title IX, the Campus Sexual Violence Elimination (SaVE) Act, the Clery Act and the re-authorized Violence Against Women Act (VAWA). Title IX discrimination includes sexual harassment, sexual misconduct, gender-based harassment, sexual violence, sexual assault, stalking, and intimate partner violence (domestic and dating violence).

Alliant prohibits sexual harassment and sexual violence, including forcible and non-forcible sex offenses, sexual assault, domestic violence, dating violence, or stalking, as defined below, in addition to the guidelines set forth in the Non-Discrimination policy.

This policy applies to all conduct in any academic, educational, extra-curricular, or other University program and activity, whether those programs and activities occur in University facilities, on or off campus, or are committed by a stranger or non-stranger. Conduct that occurs outside of the United States or conduct that occurs in an activity not sanctioned as an academic, educational, extra-curricular, or other University program and activity may be addressed via other University policies. Accordingly, the University will investigate all Complaints regardless of where the alleged conduct occurs to determine if it should be addressed by Title IX or another University policy. Conduct that does not meet the definition of sexual harassment for Title IX purposes can still be addressed through an institution’s own disciplinary processes.

The University shall take reasonable steps to respond to each incident of sexual harassment involving individuals subject to the institution’s policies that occur in connection with any educational activity or other program of the institution, as well as incidents that occurred outside of those educational programs or activities, whether they occurred on or off campus, if, based on the allegations, there is any reason to believe that the incident could contribute to a hostile educational environment or otherwise interfere with a student’s access to education.

Regardless of whether or not a complaint has been filed under the University’s grievance procedures, if the University knows, or reasonably should know, about possible sexual harassment involving individuals subject to the University’s policies at the time, the University shall promptly investigate to determine whether the alleged conduct more likely than not occurred, or otherwise respond if the University determines that an investigation is not required. If the University determines that the alleged conduct more likely than not occurred, it shall immediately take reasonable steps to end the harassment, address the hostile environment, if one has been created, prevent its recurrence, and address its effects.

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or other unwanted conduct of a sexual nature. Harassment is further defined as unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively



offensive that unreasonably interferes with a person's employment or education, interferes with a person's work or educational performance, or creates an environment such that a reasonable person would find the conduct intimidating, hostile, or offensive.

Where unwelcome sex/gender-based conduct consists of speech or expressive conduct, the University will balance Title IX enforcement with respect for free speech and academic freedom. Students and employees and others should enjoy free speech and academic freedom protections, even when speech or expression is offensive.

Sexual Harassment includes sexual violence (see definition below). Sexual violence is a form of sexual harassment prohibited by Title IX/Campus SaVE.

Sexual Harassment may occur in hierarchical relationships, between peers, or between individuals of the same sex or opposite sex. To determine whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

Sexual Misconduct includes but is not limited to sexual harassment and sexual violence, including forcible and non-forcible sex offenses, sexual assault, domestic violence, dating violence, or stalking, as defined below. This behavior is unacceptable in the academic environment and in other University-related settings such as University-sponsored activities or University-related social events. Additional details can be found on our Consumer Information webpage.

The University will not tolerate such conduct on the part of any employee, student, vendor, or other individuals. Compliance with this policy will be strictly enforced and violations will be dealt with in accordance with the appropriate employee or student disciplinary policy and procedure.

Alliant International University finds sexual misconduct totally unacceptable to this working/learning environment. Staff, faculty, and administrators are not to engage in sexual relationships with students, whether consensual or otherwise. Supervisors are not to engage in sexual relationships, whether consensual or otherwise, with those staff who report to them, directly or indirectly.

The University will take all reasonable steps necessary to prevent harassment and sexual misconduct. Alliant maintains a program to eliminate sexual and other forms of harassment from its working/learning environment including the provision of supervisory, staff, faculty, and student sexual awareness and prevention training. In compliance with California State law, all University employees and students are given a copy of the Department of Fair Employment and Housing's pamphlet (DFEH-185) entitled "Sexual Harassment: The Facts About Sexual Harassment." Should the University become aware that any contractor, vendor, partner, or other affiliate engages in Sexual or Gender Based Misconduct/Harassment appropriate action up to and including termination of the contractual business relationship may occur.

Administrators will support and assist staff, faculty, and students in the pursuit of investigating and remediating problems of harassment or sexual misconduct whenever it occurs. If you are a student or employee who feels you have been subjected to such abuses, you should report all harassment and sexual misconduct complaints (knowing that it will be in confidence and without reprisal or retaliation) to the University Title IX Coordinator:



Esmeralda Silva - Vice President of Student Affairs

Alliant International University
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San Diego, CA 92131
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The Title IX Coordinator is responsible for ensuring that all records relating to sexual harassment and sexual violence reports, investigations, and adjudication of formal complaints of sexual harassment, as well as informal resolutions, and the availability and utilization of supportive measures are maintained properly and securely. Records shall be maintained in accordance with University Record Retention Policies but no less than seven (7) years. All records pertaining to pending litigation or a request for records shall be maintained in accordance with instructions from University Legal and Compliance.

Definitions of Sexual and Gender Based Misconduct

The University reserves the right to determine the applicable definition based upon factors including but not limited to location of the alleged offense, applicable laws, or location of the university. Under university policy or federal law, conduct may constitute Sexual or Gender Based Misconduct/Harassment even though that conduct does not meet a specific state or other definition of an offense.

As required by law and policy, Alliant International University prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking.

The following definitions are used for purposes of reporting dating violence, domestic violence, sexual assault and stalking under the Clery Act as amended by VAWA:

Dating Violence is 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. It includes sexual or physical abuse or the threat of such abuse. It does not include acts covered under domestic violence.

Domestic Violence is a crime of violence committed by a current or former spouse or intimate partner of the complainant. Intimate partners refer to relationships between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time. Other relationships may fall 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 complainant 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.

Incapacitation is the physical and/or mental inability to make informed, rational judgments. States of incapacitation include but are not limited to unconsciousness, sleep, and blackouts. Where alcohol or drugs are involved, incapacitation is defined with respect to how the alcohol or other drugs consumed affects a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments. Being intoxicated by drugs or alcohol does not diminish one's responsibility to obtain



consent. The factors to be considered when determining whether consent was given include whether the respondent knew, or whether a reasonable person should have known, that the complainant was incapacitated.

Stalking is behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of their safety or the safety of others, or that would cause a reasonable person to suffer substantial emotional distress.

Sexual Assault Any person who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if:

- It occurs when sexual activity is engaged without the consent of one party or when one party is unable to consent to the activity.
- The activity or conduct may include physical force, violence, threat, or intimidation, ignoring the objections of the other person,
- Causing the other person's intoxication or incapacitation through the use of drugs or alcohol,
- Or taking advantage of the other person's incapacitation (including voluntary intoxication).

Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other Sexual or Gender Based Misconduct/Harassment offenses.

Sexual Violence is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Several different acts fall into the category of sexual violence, including, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion, domestic violence, dating violence, and/or stalking. Sexual violence can be carried out by University employees, other students, or third parties. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

Consent is defined at Alliant International University as an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. Consent must be informed, voluntary, and given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

Consent is revocable. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion does not constitute consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent.

In the evaluation of complaints in any disciplinary process, 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 respondent's belief in affirmative consent arose from the intoxication or recklessness of the respondent.



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

Applicable Law and California Penal Code Definitions

The following definitions reflect California state law and may be different from the federal definitions above. The federal definitions are used for purposes of reporting crime statistics as mandated by the Clery Act as amended by VAWA. It is important to be aware of state law definitions that govern criminal proceedings.

Dating Violence - Included within the definition of domestic violence as set forth in California Penal Code § 13700.

Domestic Violence California Penal Code Section § 13700 (relevant excerpts)

(a) "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another

(b) "Domestic violence" means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as spouses, (5) the continuity of the relationship, and (6) the length of the relationship.

Sexual Assault (Defined under the Clery Act to be an offense that meets the definition of rape, fondling, incest, or statutory rape)

Rape California Penal Code Section § 261 (relevant excerpts)

(a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

(1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.



(3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.

(4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets any one of the following conditions:

(A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.

(D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) Where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) Where the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) As used in this section, “duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

(c) As used in this section, “menace” means any threat, declaration, or act which shows an intention to inflict an injury upon another.

Fondling (Sexual Battery) California Penal Code Section § 243.4.

(a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation



of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(e) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Department of Fair Employment and Housing for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.



(2) As used in this subdivision, “touches” means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

(f) As used in subdivisions (a), (b), (c), and (d), “touches” means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

(g) As used in this section, the following terms have the following meanings:

(1) “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.

(2) “Sexual battery” does not include the crimes defined in Section 261 or 289.

(3) “Seriously disabled” means a person with severe physical or sensory disabilities.

(4) “Medically incapacitated” means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.

(5) “Institutionalized” means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.

(6) “Minor” means a person under 18 years of age.

(h) This section shall not be construed to limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section.

(i) In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer, and the victim was an employee of the defendant shall be a factor in aggravation in sentencing.

(j) A person who commits a violation of subdivision (a), (b), (c), or (d) against a minor when the person has a prior felony conviction for a violation of this section shall be guilty of a felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not exceeding ten thousand dollars (\$10,000).

Incest California Penal Code Section § 285

Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

Statutory Rape California Penal Code Section § 261.5

(a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age.

(b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.



(c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

(e) (1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts:

(A) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars (\$2,000).

(B) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars (\$5,000).

(C) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to exceed ten thousand dollars (\$10,000).

(D) An adult over the age of 21 years who engages in an act of unlawful sexual intercourse with a minor under 16 years of age is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000).

(2) The district attorney may bring actions to recover civil penalties pursuant to this subdivision. From the amounts collected for each case, an amount equal to the costs of pursuing the action shall be deposited with the treasurer of the county in which the judgment was entered, and the remainder shall be deposited in the Underage Pregnancy Prevention Fund, which is hereby created in the State Treasury. Amounts deposited in the Underage Pregnancy Prevention Fund may be used only for the purpose of preventing underage pregnancy upon appropriation by the Legislature.

(3) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision

Stalking California Penal Code Section §646.9

(a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.



(b) Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.

(c) (1) Every person who, after having been convicted of a felony under Section 273.5, 273.6, or 422, commits a violation of subdivision (a) shall be punished by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or five years.

(2) Every person who, after having been convicted of a felony under subdivision (a), commits a violation of this section shall be punished by imprisonment in the state prison for two, three, or five years.

(d) In addition to the penalties provided in this section, the sentencing court may order a person convicted of a felony under this section to register as a sex offender pursuant to Section 290.006.

(e) For the purposes of this section, "harasses" means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.

(f) For the purposes of this section, "course of conduct" means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."

(g) For the purposes of this section, "credible threat" means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of "credible threat."

(h) For purposes of this section, the term "electronic communication device" includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. "Electronic communication" has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

(i) This section shall not apply to conduct that occurs during labor picketing.

(j) If probation is granted, or the execution or imposition of a sentence is suspended, for any person convicted under this section, it shall be a condition of probation that the person participate in counseling, as designated by the court. However, the court, upon a showing of good cause, may find that the counseling requirement shall not be imposed.

(k) (1) The sentencing court also shall consider issuing an order restraining the defendant from any contact with the victim, that may be valid for up to 10 years, as determined by the court. It is the intent of the



Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family.

(2) This protective order may be issued by the court whether the defendant is sentenced to state prison, county jail, or if imposition of sentence is suspended and the defendant is placed on probation.

(l) For purposes of this section, "immediate family" means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

(m) The court shall consider whether the defendant would benefit from treatment pursuant to Section 2684. If it is determined to be appropriate, the court shall recommend that the Department of Corrections and Rehabilitation make a certification as provided in Section 2684. Upon the certification, the defendant shall be evaluated and transferred to the appropriate hospital for treatment pursuant to Section 2684.

Consent

In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, "consent" shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 288a, or 289.

Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent.

Sexual Assault Prevention Programs and Publications

The University provides programs to promote the prevention and awareness of sexual violence, sexual assault, domestic and/or dating violence, stalking, sexual exploitation, awareness of rape, acquaintance rape, and other sexual misconduct offences are provided in order to promote a safe living and learning environment.

These programs will include, but are not limited to, education about the definition of consent, consensual relationships, options for bystander intervention, how to avoid potential attack, trauma-informed approaches, risk reduction to recognize warning signs of abusive behavior, and risk reduction awareness information. These programs promote behaviors that foster healthy and respectful relationships while also encouraging a safe environment for bystanders to intervene in a potential case of Sexual Violence.

University sexual assault prevention programs include on-campus/on-line presentations on prevention, awareness, and response. These prevention programs are hosted by the University or may be in partnership with local building/facilities management, or local community agencies. Resource information is also available in Student Services and on the Alliant student portal.

The University has numerous primary prevention and awareness programs that include the distribution of educational materials to new students and new employees at such events as New Student Orientation,



and New Employee orientations held throughout the year. In addition, ongoing prevention and awareness events are presented throughout the year for students and employees.

Employee Focused Primary and On-Going Prevention Programming

At Alliant International University, Human Resources hosts a quarterly New Hire Orientation for new employees and provides an overview of multiple policies, including addressing Harassment & Discrimination and reporting sexual and gender misconduct issues to University Title IX officers. In addition, all employees must complete annual training on **Preventing Harassment & Discrimination for Higher Education**, presented by Vector Solutions. The course content also helps postsecondary institutions comply with the employee training requirements of Title IX and the Campus Sexual Violence Elimination Act (Campus SaVE Act). This course also provides state-specific legal definitions of sexual violence, and describes victim protections, bystander intervention strategies, and school disciplinary proceedings. Employees are trained to:

- Identify the factors that contribute to a safe and healthy campus community.
- Understand rights and responsibilities under Title IX.
- Recognize different forms of sexual harassment/assault, dating/domestic violence, and stalking that are common in a college environment.
- Identify safe, positive and effective responses, and intervention options applicable to people experiencing sexual and relationship violence.
- Practice empathetic and active listening to someone who has experienced sexual or relationship harassment or violence.
- Understand reporting options and disciplinary proceedings for sexual and relationship misconduct.

In addition, the Employee Assistance Program provides comprehensive prevention and support resources that are available 24/7 through the Human Resources employee portal. Examples of articles, videos, and online seminars related to safety and security include:

- Preventing Sexual Harassment in the Workplace
- What is Sexual Harassment?
- Dealing with Domestic Abuse
- What Is Domestic Abuse?
- Recognizing Domestic Violence
- Sexual Assault

Student Focused Primary Prevention Programming

All incoming students, at the time they sign their enrollment agreement receive a link to the University Catalog which includes a section called "Student Rights and Responsibilities" that contains policy information regarding: Student Conduct, Public Safety, Problem Solving and Dispute Resolution, and Sexual Harassment & Misconduct. Within the University catalog is a link to the full Annual Security and Safety Report which encompasses information regarding Campus, Criminal, and Civil Consequences of Committing Acts of Sexual Violence, Bystander Intervention Techniques, Confidentiality of Reports of Sexual or Gender Based Misconduct/Harassment of Dating Violence and Stalking, Amnesty, Reporting Options including Reporting to University or Local Police and How and Where to File a Formal Complaint,



Supportive Measures, Sexual Assault and Domestic Violence Counselors and Advocates and the University's Investigation and Complaint Resolution process. The policy also includes definitions of Sexual Harassment, Sexual Misconduct, Sexual Assault, Sexual Exploitation, Sexual Violence, Affirmative Consent, Dating Violence, Domestic Violence, and Stalking. In August of each year, all current students and employees receive an email with the annual notice of the University Catalog and embedded policies.

Alliant communicates to its new incoming students that they are required to attend New Student Orientation, during which they receive information from the Office of the Vice President of Student Affairs regarding the University Title IX policy prohibiting sexual harassment, sexual misconduct, dating and domestic violence, and stalking, examples of acts which may constitute sexual violence and links to on and off campus resources, how to file a Title IX complaint, and a description of victim's rights and options. The New Student Orientation also covers campus safety topics including Crime preventing/reporting, Medical emergencies, and Safety escorts.

Alliant requires the completion of a mandatory online course for new incoming students. This course provides practical training for identifying, reporting, and preventing campus sexual violence, as well as assisting victims of sexual assault. Interactive case studies and videos provide engaging educational content that explains how to respond to known or suspected sexual violence, which includes sexual assault, acquaintance rape, dating violence, domestic violence, and stalking. Many interactions are based on real cases that teach important concepts to help create a safe campus community and create a culture that prohibits and does not tolerate sexual violence. The course teaches students valuable skills for assisting victims and survivors of sexual violence and reporting sexual violence. The course content also helps postsecondary institutions comply with the training requirements of Title IX and the Campus Sexual Violence Elimination Act (Campus SaVE Act). This course also provides state-specific legal definitions of sexual violence, and describes victim protections, bystander intervention strategies, and University disciplinary proceedings.

On-Going Prevention Programming

Examples of ongoing prevention programming provided to students and employees include:

- Take Back the Night march and rally
- The Psychology of Sexual Harassment training for Mental Health Professionals
- I-MERIT Author Event: The Shattered Oak with author Sherry Genga that provided insight into the mind of a spousal-abused woman.

In addition, the Student Assistance Program provides comprehensive prevention and support resources that are available 24/7 through the Student Assistance Program portal. Examples of articles, videos, and online seminars related to safety and security include:

- When Domestic Violence Comes to Work
- Examining Relationships: Healthy vs. Unhealthy
- Getting Help for Domestic and Intimate Partner Violence
- Help End Domestic and Intimate Partner Violence
- Understanding Intimate Partner Violence
- What Can Bystanders Do?



- Facts About Sexual Harassment

Bystander Intervention Techniques

Bystander intervention is when someone chooses to take action when witnessing an uncomfortable situation. It encompasses safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking.

- **Direct** – You can be direct when confronting a situation where someone else is being harmed or at risk of being harmed. In the case of witnessing a fight, the direct approach might involve asking the students who were fighting if everything is alright or asking the other students in the room if they are as uncomfortable with the situation as you were.
- **Distract** – In a situation that involves more than one person, you can also distract one or both people involved. In a fight, this can allow people to cool off, and in cases of sexual violence, it can create an opportunity for the potential victim to get away. The goal of distraction is to interrupt the harmful behavior, not necessarily to confront it.
- **Delegate** – You can delegate the task by looking for people to back you up when it's time to intervene. Depending on the situation, that could mean asking for help from fellow party goers when you witness a fight or see sexual violence. Delegating is great because it can create a shared sense of responsibility among community members.
- **Delay** – If the first 3 Ds don't work for you or your situation, you can also use a delayed response, such as following up and asking if someone is okay after the fact. The important thing is to show your fellow students that you care and are there to support them

Warning Signs of Abusive Behavior

Domestic violence (also referred to as intimate partner violence (IPV), dating abuse, or relationship abuse) is a pattern of behaviors used by one partner to maintain power and control over another partner in an intimate relationship.

Domestic violence doesn't discriminate. People of any race, age, gender, sexuality, religion, education level, or economic status can be a victim — or perpetrator — of domestic violence. That includes behaviors that physically harm, intimidate, manipulate, or control a partner, or otherwise force them to behave in ways they don't want to, including through physical violence, threats, emotional abuse, or financial control.

Common signs of abusive behavior in a partner include:

- Telling you that you never do anything right.
- Showing extreme jealousy of your friends or time spent away from them.
- Preventing or discouraging you from spending time with friends, family members, or peers.
- Insulting, demeaning, or shaming you, especially in front of other people.
- Preventing you from making your own decisions, including about working or attending school.



- Controlling finances in the household without discussion, including taking your money or refusing to provide money for necessary expenses.
- Pressuring you to have sex or perform sexual acts you're not comfortable with.
- Pressuring you to use drugs or alcohol.
- Intimidating you through threatening looks or actions.
- Insulting your parenting or threatening to harm or take away your children or pets.
- Intimidating you with weapons like guns, knives, bats, or mace.
- Destroying your belongings or your home.

Adapted from <https://www.thehotline.org>

Help Reduce Risk and Avoid Potential Attacks

If you are being abused or suspect that someone you know is being abused, speak up or intervene.

- Get help by contacting the Student Assistance Program (students) or Employee Assistance Program (employees) for support services including free and confidential critical counseling services.
- Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
- Consider making a report with the local municipal Police Department and/or the University Title IX coordinator and ask for a “no contact” directive from the University to prevent future contact.

Notice Pursuant to the Campus Sex Crimes Prevention Act (CSCPA)

In accordance with the Campus Sex Crimes Prevention Act (CSCPA), California’s Megan’s Law and in conjunction with the police department jurisdictions in which Alliant’s California campuses are located, this policy will be the guiding factor in notifying the Alliant International University community of registered sex offenders associated with the University.

All persons required to register with a local law enforcement agency as a sex offender, according to California Penal Code 290, who enroll in class, work, or make deliveries on the Alliant International University campus 30 days or more in one year, must register at the relevant Police Department as being associated with Alliant International University.

The police department will evaluate the classification of the offender according to California’s Megan’s Law. If the offender fits into a category of a High-Risk Sex Offender or Serious Sex Offender, the police department is supposed to inform the University of the registration.

Per CSCPA and California’s Megan’s Law, Alliant International University will then notify the campus community of the sex offender’s registration. This notification will include the name of the offender and may include a photo and a summary of the offender and prior convictions. Alliant International University will make an effort to contact and inform the offender of the intent to notify the community before notification is made. Notification to the community may be made by using copies of flyers supplied by the police department, flyers developed by the University, campus wide email, flyers in campus mailboxes, or establishing a web page on Alliant’s intranet.



The purpose of the notification is not to cause undue hardship to a student seeking an education at Alliant International University or to create a hostile work environment. The purpose of this policy is to keep the University community informed for their safety, and to comply with local and federal law.

Any member of the Alliant International University community who wishes to obtain further information regarding sexual offender/predators in the area of our campuses may refer to the State of California Attorney General website at: www.meganslaw.ca.gov.

Making a Report of Sexual or Gender Based Misconduct/Harassment

Alliant International University community members who have experienced sexual or gender-based misconduct/harassment or are aware of incidents of sexual misconduct experienced by other University members are encouraged to make an immediate report to the University Title IX Coordinator.

A complainant is not required to report to law enforcement to receive assistance from the University. University personnel will help the student or employee contact local police authorities in the event the student or employee has not done so already if the student or employee wishes to do so. If a report is made, University personnel will inform students and employees in writing of procedures that complaints should follow, including:

- A description of the rights and options available to the person making the report;
- The importance of preservation of any evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;
- Options regarding the assistance of local law enforcement, campus/site officials;
- The option to decline assistance, or decline notifying local law enforcement;
- Options for, and available assistance in making changes to academic, living, transportation, and working situations;
- Any interim protective measures that will be taken and their options for protective orders; and
- Resources, both within the University and in the community, including counseling, health, and mental health services, legal, visa and immigration, student financial aid, disability services, housing assistance, academic supports, and victim's advocacy resources, both within the institution and in the community.

The Title IX Coordinator (or designee) is responsible for investigating complaints of Gender Discrimination, Harassment and Retaliation, including Sex Discrimination and Sexual Harassment, as well as complaints of Sexual Misconduct, Domestic and Dating Violence, and Stalking. The University utilizes trauma informed victim interview protocols for the preliminary victim interview and comprehensive follow-up interviews as appropriate.

Inquiries or complaints regarding the application of Title IX and its implementing regulations may also be filed with the Office of Civil Rights (U.S. Department of Education), and/or with law enforcement.

Campus Resources

The following people are available to help you cope if you become the victim of a sexual assault:



- Public Safety: (858) 635-4444 (San Diego Campus)
- Student Assistance Program: 1-888-893-LINC (5462) (Offers confidential 24-hour counseling and referral services for legal and other supports services)
- Campus Directors:

Fresno

Lia Brooke – Associate Campus Director & Student Advisor

5130 E. Clinton Way
Fresno, CA 93727

lia.brooke@alliant.edu

(559) 795-4987

Irvine

Michele Pino – Campus Director

2855 Michelle Drive, Suite 300
Irvine, CA 92606

michelle.pino@Alliant.edu

(949) 812-7464

Los Angeles/Alhambra

Stephanie Byers-Bell - Director of Campus Services

1000 South Fremont Avenue, Unit 5
Alhambra, CA 91803

sbyers-bell@alliant.edu

(626) 270-3304

Sacramento

Binayak Joshi – Associate Campus Director and Student Advisor

2030 West El Camino Avenue, Suite 200
Sacramento, CA 95833

binayak.joshi@alliant.edu

(916) 561-3204

San Diego

Michelle Elghardgui - Director of Campus Services

10455 Pomerado Road,
San Diego, CA 92131

michelle.elghardgui@alliant.edu

(858) 635-4829



San Francisco Bay Area

Julie Cosenza – Regional Director of Campus and Student Services

1476 66th Street, Suite 104

Emeryville, CA 94608

julie.cosenza@alliant.edu

(415) 955-2163

Phoenix Arizona

Paul Nelson – Campus Director

3110 N Central Ave Suite G-125

Phoenix, AZ 85012

paul.nelson@alliant.edu

(630) 220-9428

Virtual Campus

Grant Gordon – Associate Director of Student Services

grant.gordon@alliant.edu

(858) 635-4058

Michelle Hayes – Associate Director of Student Services

michelle.hayes@alliant.edu

(858) 635-4661

Off-Campus Resources

Persons impacted by sexual or gender-based misconduct/harassment may feel anxious, frightened, depressed or angry and may be fearful, restless, or irritated. They may be experiencing difficulties in relationships with family members and friends and in dating. Talking with a counselor who understands rape and can discuss concerns and options may be helpful to them. The organizations listed below offer counseling services and referral to legal and other supports:

- National Domestic Violence Information & Referral Hotline (800) 799-7233 (Offers a confidential 24-hour crisis hotline, and shelter for battered women)
- Center for Community Solutions and Services (24-hour) – (888) 385-4657
- Rape, Abuse, Incest National Network (RAINN) – (800) 656-4673
- National Center for Victims of Crime Victim Service Helpline – 1-(800)-FYI-CALL
- Counseling services may be available from other sources such as the following:
- Local health department
- Rape crisis center
- Family doctor
- Hospital clinic
- Hotline



- Mental health professionals
- Clergy

Confidentiality of Reports of Sexual or Gender Based Misconduct/Harassment

Confidentiality is limited to counselors and psychologists in the employee assistance program (EAP) and student assistance program (SAP). Because content of discussions with confidential resources is not reported to an office of record, such discussions do not serve as notice to the University to address the alleged discrimination or sexual misconduct.

Individuals reporting incidents of Sexual or Gender Based Misconduct/Harassment may ask that the individual(s) name(s) not be disclosed or that no investigation or disciplinary action be pursued to address the alleged Sexual or Gender Based Misconduct/Harassment. The University supports a student's interest in confidentiality in cases involving Sexual or Gender Based Misconduct/Harassment.

The Title IX Coordinator (or their designee) attempts to balance the needs of the parties for privacy with the institutional responsibility of ensuring a safe educational environment and workplace. Confidentiality is an aspiration but is not always possible or appropriate. An individual's requests regarding the confidentiality of reports of discrimination or sexual misconduct will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the University's legal obligation to ensure a working and learning environment that is free from discrimination or sexual misconduct and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation.

The University will inform an individual requesting confidentiality when complying with a confidentiality request may limit the University's ability to respond to the complaint. The University will consider a complainant's request for confidentiality alongside its institutional responsibility to provide a reasonably safe and non-discriminatory environment.

The University will maintain as confidential any accommodation or protective measure provided to the complainant, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or protective measures.

If a complainant requests confidentiality, which could preclude a meaningful investigation or potential discipline of the potential respondent, or that no investigation or disciplinary action be pursued to address alleged sexual harassment, the University shall take the request seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including for the complainant. The University shall generally grant the request.

If the University determines that it can honor the student's request for confidentiality, it shall still take reasonable steps to respond to the complaint, consistent with the request, to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the complainant. These steps may include increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys



regarding sexual violence. The University shall also take immediate steps to provide for the safety of the complainant while keeping the complainant's identity confidential as appropriate. These steps may include changing course schedules, assignments, or tests. The complainant shall be notified that the steps the institution will take to respond to the complaint will be limited by the request for confidentiality.

When situations arise in which the University must override a complainant's request for confidentiality to meet its Title IX obligations, the following factors will be considered in making this determination:

1. Have there been other complaints of sexual harassment/misconduct against the alleged perpetrator?
2. Does the alleged perpetrator have a history of arrests or records from a prior school indicating a history of harassment/misconduct?
3. Has the alleged perpetrator threatened further sexual harassment/misconduct against the complainant, or others?
4. Was the harassment/misconduct perpetrated by multiple individuals?
5. Does the report of harassment/misconduct reveal a pattern of perpetration at a given location or by a particular group?
6. Was a weapon involved?
7. Are there other means of obtaining relevant information and the institution is able to conduct a thorough investigation and obtain relevant evidence in the absence of the complainant's cooperation?
8. Is the respondent a faculty or staff member with oversight of students?
9. Is there is a power imbalance between the complainant and respondent?
10. Does the complainant believe that the complainant will be less safe if the complainant's name is disclosed, or an investigation is conducted? The institution shall also take immediate steps to provide for the safety of the complainant where appropriate.

If the institution determines that it must disclose the complainant's identity to the respondent or proceed with an investigation, it shall inform the complainant prior to making this disclosure or initiating the investigation. These instances will be limited, and the information will only be shared with individuals who are responsible for handling the University's response to incidents of Sexual or Gender Based Misconduct/Harassment. The University will notify the complainants of the information that will be disclosed, to whom it will be disclosed, and why.

In the event the complainant requests that the institution inform the respondent that the student asked the institution not to investigate or seek discipline, the institution shall honor this request.

Regardless of whether the complainant requests confidentiality, the University will take steps to protect the complainant as necessary. Even if an individual does not specifically ask for confidentiality, to the extent possible, the University will only disclose information regarding alleged incidents of Sexual or Gender Based Misconduct/Harassment to individuals who are responsible for handling the University's response. The University Title IX Coordinator is responsible for ensuring that all records relating to reports and investigations of this nature are maintained properly and securely. Employee records will be maintained properly and securely by Human Resources.



The University does not publish the name of victims/survivors or other identifiable information regarding victims/survivors in the Daily Crime Log or in the crime statistics that are disclosed in the Annual Security and Fire Safety Report. Furthermore, if a Timely Warning is issued on the basis of a report of dating violence, domestic violence, sexual assault or stalking, the name of the victim/survivor and other personally identifiable information about the complainant will be withheld.

Pursuant to California Education Code section 67380(a)(6)(A), Campus Security Authorities who receive reports from employees or students of a violent crime, sexual assault or hate crime (as defined by Section 422.55 of the Penal Code, Part I) that occurred in an on or non-campus location as defined by the Clery Act, may not disclose to local law enforcement agencies the names of the victims or the alleged assailant, unless the victim consents to disclosing their name after being informed of their right to have their personally identifying information withheld. The name of the alleged assailant may be disclosed, however, if all the following conditions are met:

1. The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution; and
2. The immediate assistance of the local law enforcement agency is necessary to contact or detain the alleged assailant.

University as Complainant

As necessary and when appropriate under the circumstances Alliant International University reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim of Sexual Misconduct/Harassment.

In the following circumstances, the University may elect to act as complainant, in the interest of the health and safety of the community, if the person making the report does not elect to do so:

- There have been other complaints of sexual harassment/misconduct against the alleged perpetrator.
- The alleged perpetrator has a history of arrests or records from a prior school indicating a history of harassment/misconduct.
- The alleged perpetrator threatened further sexual harassment/misconduct against the complainant, or others.
- The harassment/misconduct was perpetrated by multiple individuals.
- The report of harassment/misconduct reveals a pattern of perpetration at a given location or by a particular group.
- A weapon was involved.

Retaliation

This policy also prohibits retaliation against a person who reports in good faith, Sexual or Gender Based Misconduct/Harassment, assists someone with a report of Sexual Misconduct/Harassment, or participates in any manner in an investigation or resolution of a Sexual Misconduct/Harassment report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.



The exercise of rights protected under the First Amendment does not constitute retaliation. Student complaints alleging retaliation may be filed according to the University's [Problem Solving and Dispute Resolution Procedures](#). Employee complaints alleging retaliation may be filed with Human Resources.

Amnesty

Alliant International University encourages the reporting of crimes by victims and/or witnesses. Sometimes, victims and/or witnesses are hesitant to report to University officials because they fear that by reporting an incident, he/she may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims and/or witnesses as possible choose to report to University officials.

For example, if a student reported a rape in which he or she was involved as an accused individual, he or she would not be immune from policy violations.

To encourage reporting, an individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the institution's student conduct policy at or near the time of the incident, unless the institution determines that the violation was 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.

Orders of Protection/No Contact

Alliant International University encourages reporting parties of sexual misconduct to make a formal report to the appropriate local law enforcement authorities for the purpose of filing a criminal complaint and/or seeking and enforcing a no contact, restraining or similar Court Order and has the right to be assisted by the University in exercising this option. The Title IX Coordinator can assist individuals with referrals to resources for obtaining an ex parte order of protection.

Members of the Alliant International University community who receive a lawful order of protection should provide a copy to the Campus Director (and to Human Resources if the person is an employee). The University also suggests that individuals with orders of protection meet with the Campus Director (and Human Resources if the person is an Alliant employee) to develop a Safety Action Plan – a plan intended to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to, escorts and special parking arrangements.

In addition to orders of protection issued by the courts, Alliant International University may impose a University-based no contact directive. A University-based no contact directive prohibits an individual from contacting a specific person or specific people until rescinded. Contact includes, but is not limited to in person, by phone, text messaging, social media, by third person, etc. The Vice President of Student Affairs (or designee), or the Campus Director may issue a no contact directive.



How and Where to File a Formal Complaint of Sexual or Gender Based Misconduct/Harassment with a Responsible Employee

Title IX regulations require that Title IX complaints be made to a responsible employee (“Responsible Employee”). A Responsible Employee is an employee who has the authority to take action to redress sexual harassment or provide supportive measures to students, or who has the duty to report sexual harassment or other incidents of Sexual Misconduct to an appropriate school official who has that authority. When an individual tells a Responsible Employee about an incident of sexual harassment or Sexual Misconduct, the individual has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. At Alliant International University, Responsible Employees are the following persons:

- Title IX Coordinator
- Campus Directors
- Faculty and associate faculty
- Graduate student instructors, while performing the duties of employment by the institution
- Laboratory directors, coordinators, or principal investigators
- Internship or externship directors or coordinators.

If complaints are made to anyone else, the complainant risks the possibility that it will not come to the attention of the appropriate University official, and therefore not be acted upon.

A Complaint can be filed with either of the following Title IX Officials and doing so will provide official notice to the University of a Title IX Complaint through the completion of a Title IX Complaint form that is submitted to the Title IX Coordinator. Only a “formal” complaint triggers the Title IX-specific grievance process.

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of Alliant International University. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator in this policy. Additional documents (e.g., police report, e-mails) may be submitted with the Complaint but it is not required.

The University does not limit the time frame in which a Formal Complaint may be submitted. However, the University encourages timely reporting to support the University’s ability to respond, investigate, remediate the complaint, and impose any appropriate disciplinary action(s). Any delays in reporting may impede the University’s ability to conduct an investigation or take appropriate actions.

The University’s Title IX Officials include the University Title IX Coordinator:

University Title IX Coordinator

Esmeralda Silva, Vice President for Student Affairs

Alliant International University

10445 Pomerado Road

San Diego, CA 92131



(858) 635-4535; Esmeralda.Silva@alliant.edu

Responding to the Formal Complaint

Upon receiving notice of a formal complaint of a possible violation of the Sexual or Gender Based Misconduct/Harassment policy, the University will take immediate and appropriate steps to:

- End the behavior and identify specific corrective measures to remediate, and prevent sex discrimination including sexual harassment and other sexual misconduct
- Conduct a prompt, fair and impartial investigation
- Remedy the effects, and
- Prevent it from reoccurring

Upon receipt of a formal complaint, the Title IX Coordinator (or a designee) will conduct an initial Title IX assessment. The University utilizes trauma informed victim interview protocols for the preliminary victim interview and comprehensive follow-up interviews as appropriate. The first step of the assessment will usually be a preliminary meeting with the complainant. The purpose of the preliminary meeting is to gain a basic understanding of the nature and circumstances of the report; it is not intended to be a full interview. At this meeting, the complainant will be provided with information about resources, procedural options and interim measures.

If it is determined that the alleged conduct is not within the scope of the Title IX policy, the investigation and disposition of the complaint may be referred to other offices or processes within the University, such as University Human Resources, Provost's Office, or Student Code of Conduct.

The University may, in their discretion, dismiss a formal complaint or allegations therein in the following circumstances:

- if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein,
- if the respondent is no longer enrolled or employed by the school,
- or if specific circumstances prevent the school from gathering sufficient evidence to reach a determination.

The University will give the parties written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal.

The University may also in their discretion, consolidate formal complaints where the allegations arise out of the same facts.

To ensure University-wide compliance with this policy and with federal and state law, the University Title IX Coordinator must be advised of all reported incidents of sex/gender-based discrimination or sexual misconduct. The University Title IX Coordinator will monitor the resolution of complaints by other offices with concurrent jurisdiction over non-Title IX discrimination or sexual misconduct.



In response to reports of discrimination or sexual misconduct in cases where the complainant does not wish to engage in informal resolution, where informal resolution is not appropriate, or in cases where attempts at informal resolution are unsuccessful, the University Title IX Coordinator may conduct a formal investigation. In such cases, the individual making the report shall be encouraged to file a written complaint. As necessary, the University reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim.

In cases where there is no written complaint, such as situations that involve a third-party complainant, the University Title IX Coordinator may initiate an investigation after making a preliminary inquiry into the facts, and will inform the person(s) who were allegedly harmed by discrimination or sexual misconduct of the decision to initiate an investigation.

Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. At the time of notice of a possible violation of the Sexual or Gender Based Misconduct/Harassment policy, the Title IX Coordinator will promptly contact the complainant or respondent (as appropriate) to discuss the availability of supportive measures and consider the complainant's wishes with respect to supportive measure with or without the filing of a formal complaint.

Supportive measures are designed to restore or preserve safe and equitable access to the University's educational programs or activities and protect the safety of all community members. These supportive measures shall be maintained as confidential to the complainant or respondent to the extent that confidentiality would not impair the ability of the University to provide the supportive measures.

Examples of possible supportive measures include:

- Counseling services
- Modifications to academic deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services
- Mutual no-contact orders between the parties
- Changes in work locations
- Approved Academic Absence (students)
- Leave of Absence (employees)
- Increased security and monitoring of specific areas of campus

In addition to the supportive measures listed above, the University shall consider and respond to requests for accommodations relating to prior incidents of sexual harassment that could contribute to a hostile educational environment or otherwise interfere with a student's access to education where both individuals are, at the time of the request, subject to the institution's policies.

When requested by a complainant or otherwise determined to be appropriate, the University shall issue an interim no-contact directive prohibiting the respondent from contacting the complainant during the



pendency of the investigation. The University shall not issue an interim mutual no-contact directive automatically, but instead shall consider the specific circumstances of each case to determine whether a mutual no-contact directive is necessary or justifiable to protect the noncomplaining party's safety or well-being, or to respond to interference with an investigation. A no-contact directive issued after a decision of responsibility has been made shall be unilateral and only apply against the party found responsible.

Upon the issuance of a mutual no-contact directive, the University shall provide the parties with a written justification for the directive and an explanation of the terms of the directive. Upon the issuance of any no-contact directive, the University shall provide the parties with an explanation of the terms of the directive, including the circumstances, if any, under which violation could be subject to disciplinary action.

Notice of Complaint

Upon receipt of a formal complaint Alliant will promptly send written notice to both the complainant and the respondent(s) of the allegations. The individual(s) accused of conduct (the respondent) violating the University policy prohibiting Sexual or Gender Based Misconduct/Harassment shall be provided a copy of the written complaint or otherwise informed of the substance of the allegations. If the individual(s) accused cannot be located, attempts at notification shall be documented. At the time of notice of the complaint, the respondent shall be provided with information regarding supportive measures available to them.

The written notice of complaint shall contain a discussion of the formal complaint process, the identity of the complainant, and the date and location of the alleged incident if known, and the specific behavior that is considered a violation of the University's Sexual and Gender Based Harassment and Misconduct policy.

The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and that both parties may inspect, and review evidence gathered in the investigation. The written notice must inform the parties of Alliant's [Student Code of Conduct and Ethics](#) provisions that prohibits knowingly making false statements or knowingly submitting false information during the grievance process. Employees must be informed that the Alliant [Employee Code of Conduct](#) outlines binding minimum standards for responsible behavior toward students, vendors and contractors and the public, as well as for employee behavior within the University.

The notice of complaint will include a statement that a determination of responsibility is made at the conclusion of the University's investigation and hearing process and will be based on a preponderance of evidence standard.

Informal Resolution of a Complaint

In recognition that a wide spectrum of behaviors can constitute violations of University policies, the Title IX Office may resolve reports informally and appropriately, based on the circumstances. In all cases, the Title IX Program Officer will have discretion to determine whether or not informal resolution or mediation is appropriate to the circumstances.



Informal resolution is not appropriate for cases involving a complaint of sexual assault and/or relationship and interpersonal violence, nor for circumstances involving severe misconduct behavior. These types of cases will utilize the formal disciplinary process.

At any time prior to reaching a determination regarding responsibility, the Title IX Coordinator may facilitate an informal resolution process, such as mediation or arbitration, that does not involve a full investigation and adjudication. The following standards apply to any informal resolution:

- Both parties must voluntarily consent to resolve the complaint without engaging in the formal grievance procedure
- No conditions may be placed on the parties in exchange for their consent – The University may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section.
- Both parties will be notified, in writing, of the allegations made in the formal complaint, the requirements of the informal resolution process, and what elements of the process will remain confidential (or not).
- Complainant will not be required to "work out" the problem directly with the respondent.
- An informal resolution process may take the form of a mediation or arbitration before a neutral third party
- Either party can withdraw consent and end the informal process at any time, in which case the University will revert to the formal grievance procedures outlined herein.
- The informal resolution process will be confidential; however, if an informal resolution process is ended by request, any information obtained may be used in a subsequent formal resolution process and hearing.
- Once a Complaint has been resolved through an informal resolution process, the matter will be closed and documented in writing and signed by all parties. Complaints resolved through the informal process will not be referred for official disciplinary action.
- The results of an informal process may be the parties agreeing on counseling, education, or mutual avoidance, among other options.
- An informal resolution cannot be appealed.
- Informal resolution is not appropriate for cases involving a complaint of sexual assault and/or relationship and interpersonal violence, nor for circumstances involving severe misconduct behavior.

Role of the Title IX Coordinator

The University Title IX Coordinator is the designated individual to conduct or oversee formal investigation of allegations of discrimination or sexual misconduct, and to coordinate University response(s) to complaints of the same. The Title IX Coordinator may designate a Title IX Investigator to conduct investigations.

Title IX personnel will participate in annual comprehensive, trauma-informed training programs for campus officials involved in investigating and adjudicating sexual assault, domestic violence, dating



violence, and stalking cases training specific to their role. The Title IX Coordinator in charge of conducting the investigation shall receive a minimum of annual training on issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct the investigation and hearing process that protects the safety of victims and promotes accountability in a trauma informed manner. Decision-makers and investigators will receive training so that they understand the concept of relevance, the proper conduct of an investigation and the grievance process generally, including hearings, appeals, the drafting factual reports, as well as the conduct of informal resolution processes. Training will also be provided on how to serve impartially, including by avoiding prejudgment of the facts at issue and how to avoid both actual and the appearance of conflicts of interest, and bias. Title IX training materials will be available on the Title IX site on the University webpage. Documentation of training completion for Title IX personnel is maintained by the Title IX Coordinator.

Investigating the Complaint

Both parties have the right to have an advisor of their choice present at every step in the investigation and hearing process. The advisor may be a victim advocate or other supporting person. The advisor may be an attorney. During the investigation process, the advisor is only present to support the student (or employee) and will not represent the student (or employee) nor speak on behalf of the student (or employee). Advisors are permitted to speak with the student (or employee) as necessary, privately or during investigation meetings, to fully perform a supportive role. Whoever is selected as an advisor is limited to observing and consulting with, and providing support to the complainant, witness, or accused party during the investigation. The advisor role in the hearing process will be detailed in a further section of the policy.

Interview Protocol for Follow-Up Interviews

The University utilizes trauma informed victim interview protocols for the preliminary victim interview and comprehensive follow-up interviews as appropriate. The investigation generally shall include interviews with the complainant and respondent (parties if available) and, interviews with other witnesses as needed. The University shall seek the identification and location of witnesses not identified by the parties and a review of relevant documents as appropriate. The Investigator will send a written notice of the interview date, time, and location, name of participant(s), and purpose of the interview to the parties and witnesses, and any identified party advisor, in sufficient time for the party to prepare and participate.

During the investigation, the complainant and respondent will be provided an equal opportunity to meet with the investigator, submit evidence, identify witnesses who may have relevant information, and propose questions for the investigator to ask the other party and witnesses. The investigator has discretion to determine which witnesses to interview and what questions to ask, and may decline to ask questions that are, for example, repetitive, harassing or not relevant to whether the reported violation(s) occurred.

Disclosure of facts to witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation.



At all time, the Investigator will maintain a working chronology of investigation process, build a timeline of the incident and the relationship/interactions between parties and witnesses, document interviews and contacts, address privacy and retaliation considerations in interviews, and use verbatim quotes where possible to ensure nothing lost in translation in individual interview summary

No person shall make an allegation that he or she knows to be untrue or knowingly provide false information during the course of an investigation. Making a false complaint or giving false information is a violation of this policy and may be a basis for discipline, including expulsion or termination. Evidence of false complaints or false information shall be referred by the University Title IX Coordinator to the appropriate University processes.

The Investigator will independently gather other relevant information or evidence, including documents, photographs, communications between the parties, and medical records (subject to the consent of the applicable person), and other electronic records as appropriate. The Investigator will conduct a review of relevant documents as appropriate.

The investigator shall not consider prior or subsequent sexual history between the complainant and anyone other than the respondent for any reason unless directly relevant to prove that physical injuries alleged to have been inflicted by the respondent were inflicted by another individual.

The investigator shall not consider the existence of a dating relationship or prior or subsequent consensual sexual relations between the complainant and the respondent unless the evidence is relevant to how the parties communicated consent in prior or subsequent consensual sexual relations.

Where the investigator allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the complainant and the respondent, the mere fact that the complainant and respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.

Before allowing the consideration of any evidence proffered pursuant to this subdivision, the investigator shall provide a written explanation to the parties as to why consideration of the evidence is consistent with the above reasons.

The investigation shall be completed as promptly as possible and in most cases within 60 working days of the date the written complaint was received unless the University determines in its discretion that good cause has been established and more time is required to initiate and complete the investigation. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Additionally, the University shall not unreasonably deny a student party's request for an extension of a deadline related to a complaint during periods of examinations or school closures. The University shall provide for notice in writing to parties of any extension of a time period granted in the investigation and fact-finding process that would change the prospective timeframes for the major stages of the complaint process, and the reason for that extension.

The University shall provide for periodic status updates on the investigation consistent with the 60 working day timeline to the complainant and respondent.



Interim Measures

At any time during the investigation, the investigator may recommend that interim protections or remedies for the complainant or witnesses be provided by appropriate University officials. The University may recommend short term, or interim, protections or remedies. These remedial actions may include, but are not limited to:

- making the complainant aware of their rights
- resources and support services
- issuance of No Contact orders to separate or limit contact between the parties
- modification of extracurricular, working or course schedules, assignments or tests
- increased monitoring, supervising, or security at applicable locations or activities
- and/or interim suspension(s) pending investigation

These remedies or protections may apply in ground or online contexts. Failure to comply with the terms of interim protections may be considered a separate violation of the policy prohibiting sexual misconduct.

Notification of Investigation Findings

Prior to the conclusion of the investigation, the Title IX investigator will provide the parties, and their advisors, all evidence directly related to the allegations, in electronic format or hard copy, and allow up to 10 days for either party to inspect, review and provide a written response to the evidence that has been collected. At the end of the 10-day response period, the Title IX investigator will develop an Investigative report.

The complainant and the respondent shall be simultaneously informed in writing of the completion of the investigation and provided with a copy of the Investigative report. At least 10 days before any hearing, the parties, and their advisors will be provided the investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, to which the parties may respond. If the alleged complainant is deceased as a result of such crime or offence, the next of kin of such complainant shall be treated as the alleged complainant for purposes of this notice. The report shall include a statement of the allegations and issues and a summary of the evidence and information that was gathered in the investigation and deemed relevant by the Title IX investigator for purposes of determining if a policy violation has occurred.

The report may be used as evidence in other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.

Live Hearing

The Title IX Coordinator shall decide whether or not a hearing is necessary to determine whether any sexual violence more likely than not occurred. In making this decision, the Title IX Coordinator may consider whether the parties elected to participate in the investigation and whether each party had the opportunity to suggest questions to be asked of the other party or witnesses, or both, during the investigation.

After both parties have received the Investigative report, a date will be set for a hearing to allow both parties to respond to the evidence gathered and for a Hearing Panel to determine if a policy violation has



occurred. The University will provide written notification to the complainant and respondent of the hearing date and procedures. The Complainant and Respondent will be provided at least 10 business days' notice of the hearing date from the date that the Investigative report was provided to the parties.

The Hearing Panel is a fact-finding committee comprised of individuals trained or experienced in Sexual Misconduct. Depending on the complexity of the issues, a Hearing Panel may have 3-5 panelists. The individuals who serve as panelists will be selected by the Title IX Coordinator, or other designated official.

The Hearing Panel will have for its review, the initial complaint, the respondent's response and any cross-complaints, all witness statements written or recorded, and any evidence preserved for the hearing in the form of the Investigative report. The Hearing Panel will be chaired by a person who is not the Title IX investigator nor the Title IX Coordinator.

The Hearing will occur either in person, or in a synchronous distance technology format enabling participants simultaneously to see and hear each other, at the discretion of the University. At the request of either party, the Title IX Coordinator must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions. An audio or video recording and transcript of the hearing will be made and will be made available to both parties for inspection and review. The complainant and respondent(s) will be provided the same opportunity to present fact and expert witnesses and other supporting and exculpatory evidence.

Advisor Role in Cross Examination at the Live Hearing

During the hearing, the advisor for each party is permitted to cross-examine the other party and any witnesses. Cross examination must be conducted directly, orally, and in real time by the party's advisor. Parties are not allowed to represent themselves. Neither party is permitted to directly cross-examine the other party and all cross-examination must be conducted by the advisor. Before a party or witness answers a cross-examination question, the Hearing Panel chair will determine if a question is relevant and explain any reasoning for determining to exclude a question.

If a party does not have an advisor present at the live hearing, the University must provide without fee or charge to that party, an advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

Student parties shall have the opportunity to submit written questions to the Hearing Panel Chair in advance of the hearing. At the hearing, the other party shall have an opportunity to note an objection to the questions posed. The Hearing Panel chair may limit such objections to written form, and neither the Hearing Panel chair nor the University are obligated to respond, other than to include any objection in the record. The Hearing Panel chair shall have the authority and obligation to discard or rephrase any question that the Hearing Panel chair deems to be repetitive, irrelevant, or harassing. In making these determinations, the Hearing Panel chair is not bound by, but may take guidance from, the formal rules of evidence.

Generally, the parties may not introduce evidence, including witness testimony, at the hearing that the party did not identify during the investigation and that was available at the time of the investigation.



However, the Hearing Panel chair has discretion to accept for good cause, or exclude, such new evidence offered at the hearing.

If a party or witness does not submit to cross-examination at the live hearing, the Hearing Panel must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Hearing Panel cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Questions about the complainant's sexual predisposition or prior sexual history are not permitted unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. Specifically:

The hearing officer shall not consider prior or subsequent sexual history between the complainant and anyone other than the respondent for any reason unless directly relevant to prove that physical injuries alleged to have been inflicted by the respondent were inflicted by another individual.

The hearing officer shall not consider the existence of a dating relationship or prior or subsequent consensual sexual relations between the complainant and the respondent unless the evidence is relevant to how the parties communicated consent in prior or subsequent consensual sexual relations.

Where the hearing officer allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the complainant and the respondent, the mere fact that the complainant and respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.

Before allowing the consideration of any evidence proffered pursuant to this subdivision, the hearing officer shall provide a written explanation to the parties as to why consideration of the evidence is consistent with the above reasons.

Determining Responsibility

At the conclusion of the Hearing, the Hearing Panel members will consider all information presented at the Hearing and determine if a policy violation has occurred.

Respondents are presumed not responsible until the school proves otherwise. The burden of gathering evidence and carrying the burden of proof is solely on the institution.

The standard of evidence in these cases is preponderance of the evidence. Preponderance of the evidence means that it is "more likely than not" that the respondent is responsible for the charged violation. The institution will use the same evidentiary standard for all sexual harassment proceedings, whether involving students or employees.

For allegations of discrimination or harassing behavior, there are two possible findings:

- Substantiated: It is more likely than not that the allegation is true



- Unsubstantiated: It is not possible to determine whether the allegation is true or untrue. There is insufficient evidence to prove or disprove that the allegation is true.

The Hearing Panel Chair will develop a written determination of responsibility that includes:

- A description of the specific behavior that is potentially considered a violation of the University's Sexual and Gender Based Harassment and Misconduct policy
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held
- A finding of fact supporting the determination
- Conclusions regarding the application of the University's Sexual and Gender Based Harassment and Misconduct policy to the facts
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility
- Any disciplinary sanctions the University imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant
- And the University's procedures and permissible bases for the complainant and respondent to appeal

The Hearing Panel Chair must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Sanctions

Not all forms of sex/gender-based misconduct will be deemed to be equally serious offenses, and the University will assign sanctions that are appropriate to the violation, taking into consideration the context and seriousness of the violation. Any student found responsible for violating this will receive a sanction in accordance with the Student Code of Conduct and/or offender history.

The following disciplinary sanctions comprise a range of official action for students, which may be imposed for violation of regulations. One or more sanctions may be imposed. Additionally, students who violate federal, state, or local laws also may be referred to the criminal justice system for prosecution.

Disciplinary Warning

This written action is taken when the individual's conduct or involvement merits an official admonition. The student is warned that further misconduct may result in more severe disciplinary action.

Disciplinary Probation

Probation A form of reprimand that is fitting for the type of violation or repeated violations as designated for a certain period of time by the hearing officer. The student may, if it is deemed appropriate, represent the University in activities and hold office in student organizations during the time stipulated as



probationary. The student is notified that further infractions of any University regulation may result in more stringent restriction being placed on his/her actions.

Interim Suspension

The Vice President of Student Affairs may suspend a student for an interim period pending full disciplinary proceedings whenever there is evidence that the continued presence of the student on the campus poses a substantial threat to the safety or well-being of any person or persons, University property, or the property of others. An interim suspension may become effective immediately without prior notice. A student suspended on an interim basis will be given an opportunity to appear personally before a hearing officer within 10 or fewer calendar days from the effective date of the interim suspension.

During an interim suspension, the student will be barred from all or part of the University's premises. Any student under interim suspension who returns to the portion of campus from which he/she is barred without written permission from the Vice President of Student Affairs Policy Assurance will be subject to dismissal from the University and arrest for trespassing.

Suspension

This sanction is one of involuntary separation of the student from the University for a designated period of time. After this period of time, the student is eligible to return. The Vice President of Student Affairs/or designee may establish additional requirements, which must be fulfilled to his/her satisfaction, prior to reinstatement. Permanent notation of suspension will appear on the student's transcript and academic history. The student shall not participate in any University-sponsored activity and may be barred from University premises during suspension.

Conduct Dismissal

This sanction by the Vice President of Student Affairs/or designee is one of involuntary and permanent separation from the University. Notice of permanent dismissal will appear on the student's academic history and transcript. The student will also be barred from University activities and premises.

Good Standing

A student is not considered to be in good standing for purposes of admission to the University while under a sanction of suspension or expulsion, or while his or her admission or re-admission has been qualified.

Administrative Hold and Withholding a Degree

The University may place an administrative hold on registration transactions and release of records and transcripts of a student who has been sent written notice of a pending investigation or disciplinary case concerning that student and may withhold awarding a degree otherwise earned until the completion of the process set forth herein, including the completion of all sanctions imposed.

Any employee found responsible for violating this or other University policies will receive a sanction in accordance with University policies and procedures.

The discipline may include, but is not limited to:



1. Unpaid leave from work during the investigation,
2. Unpaid suspension from work after a violation has been found,
3. A Performance Improvement Plan, or
4. Termination of employment

Any third party (visitor, guest, contractor, subcontractor, vendor, partner, or business affiliate) found responsible for violating this Policy will receive a sanction ranging from a written warning to being banned from any University property, activities, and/or programs.

Other Discrimination Incidents

It is University policy that all persons should enjoy freedom from unlawful discrimination of any kind, including harassment or retaliation for reporting a complaint (see Non-Discrimination policy). This policy prohibits discrimination between members of the University community, including between students and between employees and students.

All other incidents, including non-harassment, misconduct, or any other consideration made unlawful by federal, state, or local laws, should contact the compliance officers listed in the Non-Discrimination policy who are available to help students resolve issues. The University encourages discussion between the parties directly involved in any complaint, especially in the early stages of a dispute before the respective parties have assumed positions which may polarize the dispute and render a solution more difficult. In any event, students have the right to file a formal written grievance, either initially or if informal resolution is not possible.

Findings Appeal

If the complainant and/or the respondent(s) disagree with the findings, in part or in totality, either the complainant or the respondent may appeal the finding in part or in totality on the following bases:

- Procedural irregularity that affected the outcome of the matter
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
- The Title IX Coordinator, investigator(s), or Hearing Panel (s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The respondent and/or complainant have five (5) business days, barring documented unforeseen circumstances from the date of communication of findings, to present the formal appeal, in writing, to the University Provost, Dr. Tracy Heller.

Dr. Tracy Heller

10455 Pomerado Road

San Diego, CA 92131

theller@alliant.edu



The written appeal must state the basis for appeal and provide sufficient information that supports the grounds for appeal.

The Provost will review all cases presented for appeal within five (5) business days of the appeal, barring documented unforeseen circumstances, to determine if the presented grounds for appeal and supporting information will be accepted or rejected. If the appeal does not meet the stated grounds for appeal, the appeal will be rejected. The Provost, within two (2) business days of the determination, barring documented unforeseen circumstances, simultaneously and in writing, inform the complainant and the respondent the appeal decision.

If the Provost determines there is sufficient evidence to support an appeal based on procedural irregularity or new evidence, the matter will return to the Title IX Coordinator for further action unless the appeal alleges the Title IX Coordinator, investigator(s), or Hearing Panel (s) had a conflict of interest or bias which deprived the process of impartiality in a way that was outcome determinative.

In appeals of conflict of interest or bias, the appeal will remain with the Provost or their designee for review and final decision. The bias appeal review will be completed within fourteen (14) calendar days of submission to the Provost barring documented unforeseen circumstances that may extend the appeal review.

The Provost will communicate the appeal findings simultaneously and in writing to the complainant and the respondent. Additionally, the Provost will consult with the Title IX Coordinator for any impact to remedies implemented.

Additional Information for Sexual or Gender Misconduct/Harassment Investigations

Attempted Violations: In most circumstances, Alliant International University will treat attempts to commit Sexual or Gender Based Misconduct/Harassment as if those attempts had been completed.

Group Actions: When members of groups, individuals acting collusively, or members of an organization act in concert in violation of any policy, they may be held accountable as a group or individually and may proceed against the group of jointly accused individuals or individually, at the discretion of the University.

Resources

[Summary of Major Provisions of the Department of Education's Title IX Final Rule](#)

[Title IX Regulations Addressing Sexual Harassment - May 19, 2020](#)

[US Department of Education Title IX Final Rule Overview](#)