WHAT IS THE GRIEVANCE PROCESS?

These procedures apply to student, staff, and faculty complaints of sexual misconduct against other students, employees or third parties.

The University will respond to allegations of sexual misconduct, which may include taking interim measures such as a “no contact” order between the parties, interim suspension, room reassignment, academic accommodations and/or counseling. The University prohibits retaliation against complainants and anyone participating in an investigation.

CUI will investigate all incidents of sexual misconduct of which it becomes aware, regardless of whether a complaint is filed. Both parties will be provided periodic updates during the grievance process. Both parties will be advised in writing of the outcome of a complaint once a decision has been reached. Either party may appeal the results of a hearing. Complaints may be resolved through formal or informal resolution procedures.

The investigation of a non-consensual sexual contact/intercourse allegation will proceed whether or not a related criminal matter is pending. The University will ask the complainant(s) and alleged perpetrator(s) for a written acknowledgment of the incident(s). Investigations will be kept as private as possible and that information is disclosed only on a “need to know” basis. The University is obligated to investigate the matter to the best of its ability even if a complainant asks the University not to take any action.

Title IX Coordinator: Dr. Gilbert Fugitt
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Concordia University fully subscribes to all Federal and State civil rights laws banning discrimination or private, church-affiliated institutions of higher education. Concordia will not discriminate against any employee, applicant for employment, student or applicant on the basis of race, color, sex, pregnancy, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, gender, veteran or military status, predisposing genetic characteristics, domestic violence victim status, or any other protected category under applicable local, State or Federal law.

CUI balances the rights of alleged perpetrators with complainants’ Title IX rights in disciplinary hearings involving sexual misconduct. The University will treat the parties equitably. Both parties will be given similar and timely access to information that will be used at the hearing. Both parties will be given the same opportunity to present relevant evidence and witnesses, including character witnesses. Both parties will receive simultaneous written notice of the outcome of the hearing and of any appeal process.

In cases of alleged sexual misconduct, CUI will disclose the results to both parties regardless of whether it concludes misconduct was committed. CUI will disclose to a victim of sexual misconduct any sanction imposed on the perpetrator that relates directly to the victim, such as a “no contact” order, transfer to different classes or reassignment/cancellation of housing, a suspension, or a termination.

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Information enclosed is adapted from Concordia Univ. Wisconsin
What is sexual harassment or sexual misconduct?

Sexual harassment is unwelcome, gender-based verbal or physical conduct that is severe or persistent or pervasive. Further, the effect of the harassment creates a hostile environment, and/or has the effect of unreasonably interfering with, denying or limiting someone’s ability to participate in or benefit from the University’s educational program and/or activities. Sexual misconduct includes, but is not limited to: sexual harassment, non-consensual sexual contact (or attempts to commit same), non-consensual sexual intercourse (or attempts to commit same), and sexual exploitation. Examples include: unwelcomed physical touching or remarks about a person’s body, an employee asking for sexual favors with promise of a reward or punishment, sexually suggestive jokes or innuendos, sexual assault or coerced sexual activity, and posting obscene remarks/images of another on social media sites.

PHYSICAL/SEXUAL BEHAVIOR CANNOT BE CONSENTED TO UNDER ANY OF THE FOLLOWING CONDITIONS: THE PERSON IS...

- under the influence of drugs or alcohol, a minor (under 18 years of age), mentally impaired, bullied, coerced or, threatened, or asleep or unconscious.

WHAT IF IT’S CONSENSUAL?

As Christians, we view sex as part of our total personality and part of the total context of life. However, God in His Word forbids sexual union or intercourse outside of the marriage relationship. Non-consensual physical behavior is inappropriate, unhealthy and against God’s word.

What are your responsibilities?

For unwelcomed gender-based verbal or physical conduct say “NO”! Tell the harasser to stop and that his/her behavior is unwanted. For gender-based verbal or physical conduct that is sufficiently severe or persistent or pervasive report the incident(s).

How can I file a complaint?

Complaints may be filed with the Title IX Coordinator or Campus Safety. If you do not wish to involve the University, you are strongly encouraged to contact the Sexual Assault Victim Services for South Orange County: (949) 752-1971.