

1.0. PHILOSOPHY

campus where all community members have the capacity to thrive. The Title IX Coordinator works in partnership with community stakeholders to support the culture of equity and

community members challenges the well-being of others, the Title IX Coordinator, in conjunction with relevant University officials determines, to the extent possible, whether the sex discrimination were violated.

policies will not be tolerated. As such, the University community is asked to report incidents that may violate University anti-discrimination and sexual misconduct policies so that efforts can be made to end discriminatory and harassing conduct based on protected characteristics, prevent its reoccurrence, and, where possible, remedy its effects. The University takes these reports seriously and is therefore committed to following up on reports of alleged violations of this Policy.

1.1. Policy Statement

The University is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination and harassment based on sex¹, and retaliation for engaging in a protected activity

Prohibited

Conduct

The University values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the grievance process (Appendix A) during what is often a difficult time for all involved.

To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the education program or activity, the University has developed policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sex discrimination, sex-based harassment, or retaliation.

¹ Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, and gender expression.

1.2. Policy Scope

This Policy is only applicable to alleged incidents that occur on or after August 1, 2024. For alleged incidents of sex discrimination or sexual harassment occurring prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident apply. Applicable versions of those policies and procedures are available from the Title IX Coordinator and

3. Report online: Title IX/Bias Reporting Form

Anonymous reports are accepted but can give rise to a need to investigate to determine if the Parties can be identified. If not, no further formal action is taken, though measures intended to protect the community may be enacted. The University tries to provide supportive measures to all Complainants, which may be impossible with an anonymous report that does not identify the Complainant.

Because reporting carries no obligation to initiate a formal response, and because the University respects Complainant requests for confidentiality unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of confidentiality by making a report that allows the University to discuss and/or provide supportive measures.

Inquiries may be made externally to:

Office for Gvil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100

Oustomer Service Hotline #: (800) 421-3481

Facsimile: (202) 453-6012 TDD#: (877) 521-2172 Email: OCR@ed.gov

Web: http://www.ed.gov/ocr

For complaints involving employee-on-employee conduct: Equal Employment Opportunity Commission (EEOC).

1.5. Supportive Measures

The University will offer and implement appropriate and reasonable supportive measures to the Parties upon notice of alleged Prohibited Conduct. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and as reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access

safety of all P I environment and/or to deter sex discrimination, sex-based harassment, or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the Parties upon receiving a report or complaint. At the time that supportive measures are offered, the University will inform the Complainant, in writing, that they may file a complaint with the University either at that time or in the future, if they have not done so already. The Title IX

Coordinator works with the Complainant to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

The University will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the ability to provide those supportive measures. The University will act to ensure as minimal an academic/occupational impact on the parties as possible. The University will implement measures in a way that does not unreasonably burden the other Party.

These actions may include, but are not limited to:

- Academic support, extensions of deadlines, or other course/program-related adjustments
- Class schedule modifications, withdrawals, or leaves of absence
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Referral to counseling, medical, and/or other healthcare services
- Referral to community-based service providers
- Implementing contact limitations (no contact orders) between the Parties
- Trespass, Persona Non Grata (PNG), or Be-

delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

1.7. Jurisdiction

place on property owned or controlled by the University, at University-sponsored events, and in

Respondent must be a member of University community in order for this Policy to apply.

This Policy can also be applicable to the effects of off-campus misconduct that effectively

may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial University interest.

Regardless of where the conduct occurred, the University will address reports/complaints to determine whether the conduct occurred in the context of its employment or education program or activity and/or has continuing effects on campus (including virtual learning and employment environments) or in an off campus sponsored program or activity. A substantial University interest includes:

- 1. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
- 2. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student, employee, or other individual.
- 3. Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
- 4. Any situation that substantially interferes with the educational interests or mission of the University.

If the Respondent is unknown or is not a member of the University community, the Title IX Coordinator will assist the Complainant in identifying appropriate institutional and local resources and support options. If criminal conduct is alleged, the University can assist in contacting local or institutional law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the University community, supportive measures, remedies, and resources may be provided to the Complainant by contacting the Title IX Coordinator.

In addition, the University may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from University property and/or events.

All vendors serving the University through third-party contracts are subject to the policies and procedures of their employers and/or to these Policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that cies.

Smilarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the University where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse.

1.8. Online Harassment and Misconduct

The University policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the education program and activities, or when they involve the use of University networks, technology, or equipment.

Although University may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to University, it will engage in a variety of means to address and mitigate the effects. [These means may include use of the Resolution Process to address off-campus conduct whose effects contribute to

1.9 Inclusion Related to Gender Identity/ Expression

The University strives to ensure that all individuals are safe, included, and respected in their working and learning environments, regardless of their gender identity or expression, including intersex, nonbinary, transgender, agender, two-spirit, and gender-diverse students and employees.

Discrimination and harassment on the basis of gender identity or expression are not tolerated by the University. If a member of the University community believes they have been subjected to discrimination under this Policy, they should follow the appropriate reporting process described herein.

1.X Emergency Removal

time after receiving a report of Prohibited Conduct, including during the pendency of the investigation and adjudication process.

1.9. Privacy/Confidentiality

Every effort is made by the University to preserve the privacy of reports.² The University will not share the identity of any individual who has made a report or complaint of sex discrimination, sex-based harassment, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of sex discrimination, sex-based harassment, or retaliation; any Respondent; or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA) or its implementing regulations, or as required by law; or to carry out the resolution process, including any investigation, hearing, or informal resolution proceeding arising under this Policy.

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While there is an expectation of privacy around what is discussed during the Resolution Process, the Parties have discretion to share their own experiences with others if they so choose but are encouraged to discuss with their Advisors first before doing so.

Unauthorized Disclosure of Information

Parties and Advisors are prohibited from disclosing information obtained by the Recipient through the Resolution Process, to the extent that information is the work product of the Recipient (meaning it has been produced, compiled, or written by Recipient for purposes of its investigation and resolution of a Complaint), without authorization. It is also a violation of

personally identifiable information without authorization or consent. Violation of this Policy is subject to significant sanctions.

2.0. PROHIBITED CONDUCT

Students and employees are entitled to an educational and employment environment that is free of sex discrimination, sex-based harassment, and retaliation. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive, subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited sex discrimination, sex-based harassment, and retaliation that are also prohibited under Recipient Policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of Recipient Policy, though supportive measures will be offered to those impacted.

All offense definitions below encompass actual and/or attempted offenses.

Any of the following offenses can be charged as or combined as pattern offenses, in which case the Notice of Investigation and Allegation (NOIA) will clearly indicate that both individual incidents and a pattern of conduct are being investigated. A pattern may exist and be charged when there is a potential substantial similarity to incidents where the proof of one could make it more likely that the other(s) occurred, and vice versa. Patterns may exist based on target selection, similarity of offense, or other factors. Where a pattern is found, it can be the basis to enhance sanctions, accordingly.

Sex Discrimination

Discrimination can take two primary forms:

- 1) Disparate Treatment Discrimination:
 - Any intentional differential treatment of a person or persons that is

Excludes a person from participation in; Denies a person benefits of; or

participation in a Recipient program or activity.

- 2) Disparate Impact Discrimination:
 - Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on the basis of sex that:

Excludes a person from participation in; Denies a person benefits of; or

participation in a Recipient program or activity.

Sex-based Harassment (Applicable under Title IX, Title VII, and the Fair Housing Act)

Sex-based Harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex,³ including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; sexual assault, dating violence, domestic violence, and stalking.

- 1) Quid Pro Quo:
 - an employee agent, or other person authorized by the Recipient,
 - program or activity,
 - explicitly or impliedly conditioning the provision of such aid, benefit, or service,
 - •
- 2) Hostile Environment Harassment:
 - unwelcome sex-based conduct, that
 - based on the totality of the circumstances,
 - is subjectively and objectively offensive, and
 - is so severe or pervasive,

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- i. The existence of such a relationship shall be determined based on the
 - relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition
 - a) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b) Dating violence does not include acts covered under the definition of domestic violence.
- 5) Domestic Violence, 5 defined as:
- a. violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,
- d. by a person with whom the Complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of <<state>>>, or
- g. by any other person against an adult or youth Complainant who is protected

Sexual Misconduct

- 1) Sexual Exploitation:⁶
 - a person taking non-consensual or abusive sexual advantage of another, that does not constitute Sex-based Harassment as defined above,
 - for their own benefit or for the benefit of anyone other than the person being exploited.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing
 or using the bathroom or engaging in sexual acts, without the consent of the person
 being observed)
- Invasion of sexual privacy (e.g., doxxing)
- sexual orientation, gender identity, or gender expression
- Taking pictures, video, or audio recording of another person in a sexual act, or in any
 other sexually related activity when there is a reasonable expectation of privacy during
 the activity, without the consent of all involved in the activity; or exceeding the
 boundaries of consent (such as allowing another person to hide in a closet and observe

consent), including the making or posting of non-consensual pornography

- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Causing or attempting to cause the incapacitation of another person (through alcohol,

consent to sexual activity, or for the purpose of making that person vulnerable to nonconsensual sexual activity

designed for dating or sexual connections (e.g., spoofing)

sexual activity

- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Knowingly creating, possessing, or disseminating child sexual abuse images or recordings
- Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually related things that never

- Adverse action, including intimidation, threats, coercion, or discrimination,
- against any person,
- by the Recipient, a student, employee, or a person authorized by the

o Destruction of or concealing of evidence

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Pursuing a code of conduct violation for making a materially false statement in bad faith in the course of a resolution process under this Policy and procedure does not constitute retaliation, provided that the determination of responsibility, by itself, is not sufficient to condude that any party has made a materially false statement in bad faith.

5.0. MANDATORY REPORTING AND CONFIDENTIALITY

The University makes students, administrators, faculty, and staff aware of the various reporting and confidential disclosure options available to them—so they can make informed choices. The University encourages anyone who experiences any kind of Prohibited Conduct to talk to someone identified in one or more of these groups but to be aware that different employees

5.1. Mandated Reporters

All University employees, including administrators,

• Whether the report reveals a pattern of inappropriate conduct (via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action. If none of these factors are present, the University will likely respect the request for confidentiality.

If the University determines that it cannot maintain a confidentiality, the University will inform the Complainant prior to commencing an investigation and will, to the extent possible, only share information with individuals responsible for coordinating the

The University will remain mindful of a C well-being and will take ongoing steps to protect the Complainant from retaliation or harm and/or work with the Complainant to create a safety plan. The University will partner with campus-based resources and community organizations as appropriate to protect the -being.

Dominican University will also:

- assist the Complainant in accessing other available advocacy, academic support, counseling, disability, and health or mental health services;
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the Respondent pending the outcome of an investigation) or adjustments for assignments or tests;
- inform the Complainant of the right to report a crime to campus or local law enforcement (or not to do so) and provide the Complainant with assistance if the Complainant wishes to do so.

Sexual Assault

- Seek forensic medical assistance at the nearest hospital, ideally within 120 hours of the incident (sooner is better).
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or a secure evidence container (if provided one by law enforcement)
- Seeking medical treatment can be essential, even if it is not for the purpose of collecting forensic evidence.

Stalking/Dating Violence/Domestic Violence/Sex-Based Harassment

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
 - Make a secondary recording of any voice messages and/or save the audio files to a doud server.
 - Take screenshots and/ or a video recording of any text messages or other electronic messages (e.g., Instagram, Shapchat, Facebook).
- Save copies of email and social media correspondence, including notifications related to account access alerts.
- Take time-stamped photographs of any physical evidence, including notes, gifts, etc., in place when possible.
- Save copies of any messages, including those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

During the initial meeting between the Complainant and Title IX Coordinator, the importance of taking these actions will be discussed, if timely.

6.0. AMNESTY

To encourage reporting, the University pursues a policy of offering witnesses and individuals who wish to report incidents limited amnesty from being charged for policy violations, such as alcohol or drug use. While violations cannot be completely overlooked, the University will provide educational rather than punitive responses in such cases. The seriousness of Prohibited Conduct is a major concern, and the University does not want any of the circumstances (drug or alcohol use) to inhibit the reporting of Prohibited Conduct. However, the University reserves the right to require counseling, education, or other preventative measures to help

these situations does not prevent action by police or other legal authorities against an individual who has illegally consumed alcohol or drugs.

7.0. RIGHT TO AN ADVISOR

Each Party may choose an Advisor⁹ who is eligible and available¹⁰ to accompany them throughout the process. The Advisor can be anyone, including an attorney, but should not be someone who is also a witness in the process. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout.

The University may permit parties to have more than one Advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

7.1. Advisor Expectati

The University will act on any formal or informal allegation or notice of violation of this Policy that is received by the Title IX Coordinator¹¹ or a member of the administration, faculty, or other employee, with the exception of confidential resources, as articulated above.

The procedures described below apply to all allegations of Prohibited Conduct involving students, administrators, staff, faculty members, or third parties.

These procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with Prohibited Conduct (vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this Policy will be addressed through the procedures elaborated in the respective student, faculty, and staff handbooks.

8.1. Stage 1: Initial Assessment, Counterdaims, and Informal Resolution

- seek to determine if the Respondent is also willing to engage in Informal Resolution.
- If Formal Resolution is preferred, the Title IX Coordinator initiates the investigation process and determines whether the scope of the investigation will address:

An incident
A potential pattern of misconduct
A culture/dimate issue

The Title IX Coordinator may consult with Campus Safety, in cases where conduct violations or threats to individual or campus safety are concerned, and other University Administrators, as appropriate.

The University will act on all reports of alleged Prohibited Conduct. Complaints will be investigated unless the initial assessment determines that one or more of the following conditions apply:

- The alleged conduct is not a violation under the Policy,
- Another adjudicatory process has jurisdiction over the alleged conduct,
- The complaint can be resolved through Informal Resolution,
- There is not enough information to proceed with the complaint,

are met. A Complainant who decides to withdraw a Complaint may later request to reinstate or refile it.

Upon any dismissal, the Recipient will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations, the Recipient will also notify the Respondent of the dismissal.

This dismissal decision is appealable by any party.

8.1.3 Appeal of Dismissal

Administrator will forward the appeal, as well as any response provided by the other Parties and/or the Administrator to the Dismissal Appeal Officer for consideration.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the Dismissal Appeal Officer will deny the request, and the Parties, their Advisors, and the Administrator will be notified in writing of the denial and the rationale.

If any of the asserted grounds in the appeal satisfy the grounds described in this Policy, then the Dismissal Appeal Officer will notify all Parties and their Advisors, and the Administrator, of their decision and rationale in writing. The effect will be to reinstate the Complaint.

In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the Resolution Process. If the Respondent accepts responsibility, the Title IX Coordinator determines that the individual is in violation of University policy.

The Title IX Coordinator then works with appropriate University officials to determine appropriate sanction(s) or responsive actions, which are promptly implemented in order to effectively stop the Prohibited Conduct; prevent its recurrence; and remedy the effects of the conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all the alleged policy violations and the appropriate University officials have determined appropriate sanction(s) or responsive actions, to which the Respondent agrees, and which are promptly implemented, the process is over. The Complainant may be consulted on and will be informed of this outcome.

If the Respondent accepts responsibility for <u>some</u> of the alleged policy violations and the appropriate University officials have determined appropriate sanction(s) or responsive actions, to which the Respondent agrees, and which are promptly implemented for

Pool Member Appointment

The Title IX Coordinator [, in consultation with senior administrators as necessary,] appoints the Pool, which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different Complaints, the University can also designate permanent roles for individuals in the Pool.

Notice of Investigation and Allegations (NOIA)

Prior to an investigation, the Title IX Coordinator will provide the Parties with a detailed written NOIA. Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations. For dimate/culture investigations that do not have an identifiable Respondent, the NOIA will be sent to the department/office/program head for the area/program being investigated.

The NOIA typically includes:

- A meaningful summary of all allegations
- The identity of the involved Parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies/ offenses implicated
- A description of, link to, or copy of the applicable procedures
- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence
- The name(s) of the Investigator(s), along with a process to notify the Title IX Coordinator
 of any conflict of interest that the Investigator(s) may have in advance of the interview
 process,
- A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination
- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity during the review and comment period to inspect and review all relevant evidence
- A statement that retaliation is prohibited
- Information about the confidentiality of the process, including that the Parties and their Advisors (if applicable) may not share University work product obtained through the Resolution Process
- A statement that the Parties may have an Advisor of their choice who may accompany them through all steps of the Resolution Process
- A statement informing the Parties that the University

- Detail on how a party may request disability accommodations or other support assistance during the Resolution Process
- A link to the s VAWA Brochure
- An instruction to preserve any evidence that is directly related to the allegations
- [A statement that Parties who are members of a union are entitled to union representation throughout the process]

Notification will be made in writing and may be delivered by one or more of the following

University University-issued email or designated accounts. Once mailed, emailed, and/or received in person, the notification will be presumptively delivered.

Resolution Timeline

The University will make a good faith effort to complete the Resolution Process within sixty to ninety (60-90) business days, including any appeals, which the Title IX Coordinator can extend

Interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, FaceTime, WebEx), or, in limited circumstances, by telephone. The University will take appropriate steps to ensure the security/privacy of remote interviews.

Parties and witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

Interview Recording

It is standard practice for Investigators to create record of all interviews pertaining to the Resolution Process. The Parties may review copies of their own interviews upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

All interviews are recorded, and all involved persons should be made aware of the audio and/or video recording. The recording and/or transcript of those meetings will be provided to the Parties for their review, after which the Parties may pose additional questions to each other. Those subsequent meetings or interviews are also recorded and/or transcribed and shared with the Parties.

Evidentiary Considerations

The Investigator(s) and the Decision-maker(s) will only consider evidence that is deemed relevant and not otherwise impermissible.

Relevant Evidence is that which may aid in determining whether the allegation occurred, or whether the behavior constitutes a violation of Policy.

offered to prove that someone other than the Respondent committed the alleged conduct, or

Respondent that is offered to prove consent.

The fact of prior consensual sexual conduct occurred between the Complainant and

determination that sex-based harassment occurred.

Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the sanction stage of the process and is not shared until then.

- When participation of a party is expected, provide that party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible.
- Interview the Complainant and the Respondent and conduct any necessary follow-up interviews with each.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Provide each interviewed party and witness an opportunity to review and verify the
 - evidence/testimony from their respective interviews and meetings.
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses. Document which questions were asked with a rationale for any changes or omissions in the investigation report.
- Where possible, complete the investigation promptly and without unreasonable deviation from the intended timeline.

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At the discretion of Title IX Coordinator, the assigned Decision-maker will be an individual or a panel drawn from the Resolution Process Pool, or other trained individuals either internal or external to the institution.

them until after the Decision-maker has made determinations on the allegations. If there are any findings of a Policy violation, the Decision-maker will request the Impact Statements from the Title IX Coordinator and review them prior to determining sanctions. They will also be exchanged between the Parties at that time.

If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for re-opening a Resolution Process at any time, and/or referring that information to another process for resolution

8.3.3. Sanctioning

In making the final determination on sanctions and other corrective actions, a history of the R

consult with appropriate individuals to assist with the Review for Standing of the appeal request. The Review for Standing is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds for appeal and is timely filed.

If any of the grounds in the appeal request do not meet the grounds in this Section, the request will be denied by the Appeal Officer and the Parties notified in writing of the denial and rationale.

If any of the grounds in the appeal request meet the grounds in this Section, the Appeal Officer will notify the Title IX Coordinator, who will share the appeal request with all other Parties or other appropriate persons such as the Investigator. Any response to the appeal must be filed in writing within five (5) business days. Another Party may also bring their own appeal on separate grounds.

If new grounds are raised, the original appealing Party will be permitted to submit a written response to these new grounds within five (5) business days. These responses or appeal requests will be shared with each Party. The Appeal Officer will review the appeal request(s) within five (5) business days of completing the pre-appeal exchange of materials. If grounds are not sufficient for an appeal, or the appeal is not timely, the Appeal Officer dismisses the appeal.

When the Appeal Officer finds that at least one of the grounds is met by at least one Party, the Appeal Officer will gather any additional information needed and all documentation regarding the approved grounds for appeal. The Appeal Officer will render a decision within ten (10) business days, barring exigent circumstances. The preponderance of the evidence standard is used. The Appeal Officer will notify the Title IX Coordinator of their decision and will work with the Title IX Coordinator to finalize a notice of the appeal outcome.

A notice of the appeal outcome will be sent to all Parties simultaneously. The notice will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings. Notice will be shared with the Parties within five (5) business days of notification to the Title IX Coordinator of the Appeal extenuating circumstances. Notification will be made in writing and

-issued email or otherwise approved

account. Once emailed, notice will be presumptively delivered.

When the Appeal Officer finds that at least one of the grounds is met by at least one Party, additional principles governing the review of appeals include the following:

- Decisions by the Appeal Officer are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.





or surrounding community, i.e., volunteer activities at local churches, hospitals, agencies, campus projects or facilities.

- Restitution: Compensation for damage or loss to the University or any person's property.
- Fines: Reasonable fines may be imposed for violation of University policy.
- Confiscation of Prohibited Property: Items whose presence is in violation of University policy will be confiscated and will become the property of the University.
- Loss of Privileges: The student will be denied specs:1332.602 062 72 re(s)-61)7p001 g025 22.4513(i)7(e)7(s)-f00

Student Group and Organization Sanctions

The following are the common sanctions that may be imposed upon student organizations singly or in combination:

- Warning: A formal statement that the conduct was unacceptable and a warning that further violation of any University Policy, procedure, or directive will result in more severe sanctions/responsive actions.
- Probation: An official sanction for violation of institutional Policy, providing for
 more severe disciplinary sanctions in the event that the group or organization is
 found in violation of any institutional Policy, procedure, or directive within a
 specified period of time. Terms of the probation will be articulated and may
 include denial of specified social and event privileges, denial of University funds,
 ineligibility for honors and awards, restrictions on new member recruitment, nocontact orders, and/or other measures deemed appropriate.
- Suspension: Termination of student group or organization recognition and/or institutional support for a definite period of time not to exceed two years and/or until specific criteria are met. During the suspension period, a student group or organization may not conduct any formal or informal business or participate in Recipient-related activities, whether they occur on- or off-campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from the University.
- Expulsion: Permanent termination of student group organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- Loss of Privileges: Restricted from accessing specific University privileges for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

Employee Sanctions/Responsive/Corrective Actions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- Verbal or Written Warning
- Performance Improvement Plan/Management Process
- Enhanced Supervision, Observation, or Review
- Required Training or Education
- Probation
- Transfer
- Shift or schedule adjustments
- Reassignment

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APPENDIX A: STATEMENT OF RIGHTS OF THE PARTIES

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment, discrimination, and/or retaliation made in good faith to University officials.
- The right to timely written notice of all alleged violations, including the identity of the
 parties involved (if known), the precise misconduct being alleged, the date and location
 of the alleged misconduct (if known), the implicated policies and procedures, and
 possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated

- The right to have inadmissible sexual predisposition/prior sexual history or irrelevant character evidence excluded by the Decision-maker(s).
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to a fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- The right to receive a copy of all relevant and directly related evidence obtained during the investigation, subject to privacy limitations imposed by state and federal law, and a ten (10)-business-day period to review and comment on the evidence.
- The right to receive a copy of the final investigation report, including all factual, policy, and/or credibility analyses performed, and to have at least ten (10) business days to review and comment on the report prior to the hearing.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received relevant annual training.
- The right to preservation of confidentiality/privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are dosed to the public.
- The right to petition that any University representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process.
- The right to the use of the appropriate standard of evidence, preponderance of the
 evidence, to make a finding and written determination after an objective evaluation of
 all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any hearing.

