



SOUTHWESTERN UNIVERSITY

Policy Prohibiting Sex Discrimination & Sexual Misconduct

I. POLICY STATEMENT

Southwestern University is committed to providing an educational and working environment for students, faculty, and staff that is free of all forms of sex discrimination and sexual misconduct. This commitment also extends to applicants, donors, alumni, volunteers, and other University affiliates.

Accordingly, the University prohibits sex discrimination, sexual harassment, sexual assault, interpersonal violence (including domestic violence and dating violence), stalking, sexual exploitation, and other forms of sexual misconduct, as outlined in this policy.

This policy also prohibits false complaints or testimony; retaliation against anyone associated with a report, complaint, or grievance process; interference with the University's grievance process; and failure to report prohibited conduct as a responsible employee. All students, faculty, and staff are expected to be familiar with this standard of conduct set forth in this policy.

This policy is established in compliance with Title IX of the Education Amendments of 1972, the Violence Against Women Act of 1994, the Campus Sexual Violence Elimination Act of 2013, Title VII of the Civil Rights Act of 1964, Chapter 51 of the Texas Education Code, and all other applicable state and federal laws and regulation.

II. SCOPE & APPLICABILITY

A. This policy applies to all Southwestern University students, employees, student organizations, visitors, contractors, University affiliates, applicants for admission or employment, and others conducting business on campus.

1. For purposes of this policy, an individual becomes a Southwestern student and is expected to comply with University policy as soon as they have registered for at least one course. Student status continues during approved leaves of absence and until graduation. A student who withdraws after a semester begins will be held accountable for compliance with University policy through the end of that semester.

2. For purposes of this policy, an employee is an individual who receives compensation for work or services for which the University has the right (whether or not it exercises such right) to supervise and control the manner of performance as well as the result of the work or service. Faculty and staff members are considered employees. Volunteers, vendors, contractors, and third parties are not considered employees for the purposes of this policy.
 3. For purposes of this policy, individuals who are both students and employees will be treated according to their primary relationship to the University as determined by the University's Title IX Coordinator.
 4. A student organization may be held responsible for violations of this policy if one or more members permit, encourage, aid, or assist any of the organization's members, alumni, or guests in engaging in prohibited conduct. A student organization is any group that has complied with the formal requirements for University recognition and/or regulation.
- B. This policy applies to conduct that occurs on campus, in university-owned housing, or in an education program or activity. Campus means any building or property owned or leased by the University that is used in direct support of the University's educational purposes. An education program or activity means locations, events, or circumstances over which the University exercises substantial control, and includes any building owned or controlled by a registered student organization.
- C. This policy applies to off-campus conduct when the conduct substantially affects a person's education or employment with the University or poses a risk of harm to members of the University community. As required by federal law, the conduct and location of the underlying events will determine the appropriate resolution process track which will apply to a given complaint.
- D. The University takes seriously all allegations of violations of this policy. All reported occurrences of conduct prohibited by this policy will be reviewed by the Title IX Coordinator. The Title IX Coordinator's role is to oversee the University's application of this policy, including state reporting requirements; education for the prevention of sexual harassment; and coordination of supportive measures for affected individuals with the purpose of restoring or preserving access to the University's education programs and activities.

III. REPORTING & RESOURCES

A. Contacting the Title IX Office

Any person may report prohibited conduct to the University's [Title IX Office](#). A report to the Title IX Office results in a review under University policy.

- Phone: 512.863.1111
- Email: titleix@southwestern.edu
- Online Reporting: www.southwestern.edu/titleix/online-reporting-form/

Please be aware that the Title IX Office does not provide emergency services. In an emergency, always dial 9-1-1.

B. Medical Treatment

Individuals who experience sexual violence, sexual assault, dating violence, domestic violence, or stalking are encouraged to seek immediate medical attention to ensure the individual's safety; evaluate for physical injury, sexually transmitted infections, and pregnancy; and address the individual's needs related to their mental and emotional well-being.

A medical examination can also preserve physical evidence, with or without law enforcement involvement. Being examined as soon as possible, ideally within 72 hours, is important for collecting evidence, which may be used to support prosecution if the individual chooses to pursue criminal charges. If an immediate medical exam is not possible, individuals who have experienced a sexual assault may have a [Sexual Assault Forensic Exam](#) (SAFE) performed by a [Sexual Assault Nurse Examiner](#) (SANE) within 5 days (120 hours) of the incident.

Students may contact the [Counseling & Health Center](#) at 512.863.1252 during business hours or contact [Southwestern University Police Department](#) at 512.863.1944 to be connected with confidential medical services. The following services are also available to anyone seeking medical care, including SAFE exams:

- [Brave Alliance](#): 512.738.8817
- [Hope Alliance](#): 1.800.460.7233
- [St. David's Georgetown](#): 512.943.3000

Individuals who experience sexual violence while outside the Georgetown area are encouraged to contact local emergency services or the closest hospital. Members of the University community may also contact the Title IX Office for assistance finding medical care in their area.

C. Law Enforcement Assistance

The University recognizes and supports the right of a victim of a crime to choose whether to report the crime to law enforcement, to be assisted by the institution in reporting the crime to law enforcement, or to decline to report the crime to law enforcement.

The University encourages anyone who believes they have experienced or witnessed a crime to make a report to [Southwestern University Police Department](#), if the assault occurred on campus, or to local law enforcement, if the assault occurred off campus. If a report of a policy violation is made to SUPD, officers will advise the reporting party of their right to file a report with the [Title IX Office](#). SUPD will also notify the Title IX Office of the report, as required by [Tex. Educ. Code § 51.252](#), and provide the Title IX Office access to any related university law enforcement records, so long as doing so does not compromise any criminal investigation.

If a crime is reported to law enforcement in the state of Texas, they may be obligated to pursue an investigation even without the victim's consent. Therefore, reporting an assault to law enforcement may not be a strictly confidential process. Students and employees can contact the Title IX Office and request to be connected with confidential resources. Anyone may also contact [Hope Alliance](#) at 1.800.460.7233 and request to be connected with a victim advocate, who can provide assistance through the reporting process.

D. University Confidential Resources

The University officially designates all employees in the [Counseling & Health Center](#) and the [University Chaplain](#) as Confidential Employees. Students may speak confidentially with a Confidential Employee about prohibited conduct without the conversation requiring a mandatory report of incident details to the Title IX Office.

Students may contact the Counseling & Health Center at 512.863.1252 during business hours or, outside of business hours, contact [SUPD](#) at 512.863.1944 and asked to be connected to the University counselor on call. Both students and employees may contact the University Chaplain at 512.863.1959.

A Confidential Employee, or any other employee who receives information regarding conduct prohibited under this policy under circumstances that render the employee's communications confidential or privileged under other law, must report to the Title IX Office only the type of incident reported and may not include

any information that would violate a student's expectation of privacy report any information that would violate an individual's expectation of privacy. This provision does not affect any employee's duty to report incidents of sexual misconduct as required by other law.

E. Responsible Employees

All employees who are not designated as Confidential Employees are considered Responsible Employees and are required, by this policy and under [Tex. Educ. Code § 51.252](#), to promptly make a report to the [Title IX Coordinator](#) or a Deputy Title IX Coordinator when, in the course and scope of employment, the employee witnesses or receives information about conduct prohibited under this policy alleged to have been committed by or against a person who was a student enrolled at or an employee of the University at the time of the incident. Such reports must include all known details of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident.

An employee who fails to report as required by [Tex. Educ. Code § 51.252](#) will be terminated in accordance with applicable disciplinary procedures, as required under [Tex. Educ. Code § 51.255](#), and may be subject to criminal prosecution. An employee who fails to report in circumstances outside the scope of [Tex. Educ. Code § 51.252](#) but within the scope of this policy will be subject to disciplinary action, up to and including termination, in accordance with applicable disciplinary procedures.

Exceptions:

- An employee is not required to report an incident in which the employee was a victim.
- An employee is not required to report prohibited conduct under this policy when information is received due to a disclosure made at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored a postsecondary institution or affiliated student organization
- A report made by a campus peace officer who receives information from an alleged victim who chooses to complete a pseudonym form under the Texas Code of Criminal Procedure shall state only the type of incident reported and may not include the victim's name, phone number, address, or other information that may directly or indirectly reveal the victim's identity.

F. Anonymous Reporting

Anyone may submit an anonymous report through the [Title IX Online Reporting Form](#) or by calling 512.863.1111. However, this may limit the University's ability to respond to the incident.

Once a report has been shared with the Title IX Coordinator, a Complainant may request that their identity remain private, that no investigation occur, and/or that no disciplinary action be taken. However, the University must determine whether or not it is required to investigate an alleged incident, even against such a request, in order to protect the health and safety of the University community. As necessary, the University reserves the right to initiate a formal complaint without the active participation of the complainant, at the determination of the Title IX Coordinator.

If the Title IX Coordinator elects to initiate a formal complaint, the University will inform the complainant of that decision. Even if the University determines not to investigate the alleged incident, the University may take additional steps it deems necessary to protect the health and safety of the University's community in relation to the alleged incident.

G. Amnesty

To support reporting of conduct potentially prohibited by this policy, the University will not pursue student conduct proceedings against a student complainant, respondent, or witness for personal use of alcohol, marijuana, or other drugs at or near the time of the incident, provided such use did not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion with any student regarding their personal use of alcohol, marijuana, or other drugs. Additional information about the University's Good Samaritan Policy can be found in the [Student Handbook](#).

Additionally, Texas state law (see [Tex. Alc. Bev. Code § 106.04](#)) provides an exception to underage drinking law for minors who report their own sexual assault or the sexual assault of another person, or who is the victim of a sexual assault reported by another person, to:

1. A healthcare provider treating the victim of the sexual assault;
2. An employee of a law enforcement agency, including an employee of a campus police department of an institution of higher education;
3. The Title IX Coordinator of an institution of higher education; or

4. Another employee of an institution of higher education responsible for responding to reports of sexual assault.

This provision applies only when the minor is in violation of state underage drinking law at the time of the commission of the reported sexual assault and does not apply to a minor who commits sexual assault.

H. Community Resources

A list of community resources can be found on the [Title IX Office webpage](#).

Members of the campus community members may also contact the Title IX Office for assistance in identifying the resources that best fit their needs and for any necessary guidance in navigating the options.

IV. ONGOING TRAINING

The University is committed to preventing and raising awareness of the harm resulting from the conduct prohibited by this policy. Prevention includes offering ongoing education to both employees and students, publishing this policy on the University's website, and including information about this policy in orientation materials for new students, faculty, and staff. Training includes information on how to report incidents and available resources, as well as safe and positive options for intervention that may be carried out by individuals to prevent harm in situations of misconduct.

In addition, the University Title IX Coordinator, Deputy Title IX Coordinators, appointed investigators, and members of the Sexual Misconduct Hearing Board receive training each academic year about prevention efforts, investigatory procedures, due process requirements, conducting a hearing, state and federal laws, and University policies related to or described in this policy.

V. PROHIBITED CONDUCT DEFINITIONS

- A. Discrimination based on sex or gender identity: Disparate treatment of an individual on the basis of sex or gender (including, but not limited to, sexual orientation, gender identity, gender expression, and pregnancy status) that adversely affects the terms or conditions of the individual's employment or substantially interferes with the individual's access to an education program or activity, or benefits thereof.
- B. Inappropriate Conduct of a Sexual Nature: Behavior that occurs on campus in an education program or activity, and off-campus in an education program or activity, including online conduct that substantially affects the employment or education environment.

1. The University will determine whether conduct is inappropriate by evaluating the totality of the circumstances, including the frequency and severity of the conduct; the impact on the employment and education environment; whether a reasonable person would construe the conduct as sexual in nature; and whether the conduct deserves the protections of academic freedom.
2. Behavior that could constitute inappropriate conduct of a sexual nature may include, but is not limited to: repeatedly engaging in sexually oriented conversations, comments, horseplay; repeatedly telling jokes or anecdotes of a sexual nature; and engaging in a course of conduct that fails to observe the appropriate boundaries of the supervisor/subordinate or employee/student relationship.

C. Interpersonal Violence

1. Domestic (Family) Violence: A felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim under the domestic or family violence laws of the state of Texas, including the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior by:
 - i. A current or former spouse or intimate partner of the affected individual, or a person similarly situated to a spouse of the affected individual;
 - ii. A person with whom the affected individual shares a child in common;
 - iii. A person with whom the affected individual is cohabitating (or has cohabitated) with; or
 - iv. Any other person who commits acts against an individual protected from that person's acts under the domestic or family violence laws of the state of Texas. (See [Tex. Fam. Code §§ 71.0021-71.006.](#))
2. Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the harmed party. The University will determine the existence of such a relationship based on a consideration of the length of the relationship, type of relationship, and frequency of interaction between the persons involved in the relationship.

3. Relationship Abuse: Abuse committed by a person who is a member of a family or household or who has been in a social relationship of a romantic or intimate nature with the harmed party, as defined above. For purposes of this form of prohibited conduct, "abuse" means any act, threat, or pattern of behavior, including verbal, physical, psychological, sexual, academic, technological, or economic, that one person uses to attempt to gain or maintain power or control over another.

D. Sexual Assault

1. Rape: The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the harmed party.
2. Fondling: The intentional touching of the clothed or unclothed body parts, or the forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
3. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
4. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

E. Sexual Exploitation: Any actual or attempted action that takes, or threatens to take, non-consensual sexual advantage of a person for the actor's own benefit or to benefit anyone other than the affected person, including, but not limited to:

1. Conduct that meets the definition of indecent assault under Texas law.
2. Electronically recording, videoing, photographing, or transmitting sexual sounds or images of another individual without their consent.
3. Sending or forwarding sexual material to non-consenting recipients.
4. Voyeurism, such as observing, or allowing a third-party to observe, private sexual activity without the consent of all participants.
5. Viewing another person's intimate parts in a place where that person would have a reasonable expectation of privacy.
6. Disclosing, or threatening to disclose, a person's sexual activities, sexual orientation, gender identity, or gender expression with the intent to harm that person.

- F. Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety (or the safety of others) or suffer substantial emotional distress.
1. "Course of conduct" means two or more acts, including, but not limited to, acts in which a party directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, or communicates to or about a person, or interferes with a person's property.
 2. "Reasonable person" means a person under similar circumstances and with similar identities to the affected individual.
 3. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- G. Title IX Prohibited Sexual Harassment
1. Quid Pro Quo Sexual Harassment: An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.
 2. Hostile Environment Sexual Harassment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education programs or activities.
- H. University Prohibited Sexual Harassment: Unwelcome, sex- or gender-based verbal or physical conduct that, in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or, in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities.
1. "Sex-based" means based on an individual's actual or perceived sex.
 2. "Gender-based" means based on an individual's actual or perceived gender, sexual orientation, gender identity or gender expression.
 3. "Verbal conduct" includes oral, written, symbolic or gestures.
 4. "Physical conduct" means unwelcome or forced touching of another person's body.

5. The University will evaluate the totality of circumstances from the perspective of a reasonable person in the complainant's position, including factors such as the demonstrated impact the conduct has had on the complainant; the nature and severity of the conduct; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual has authority over the other); the respective ages of the parties; the context in which the conduct occurred; the number of persons affected; and whether the speech or conduct deserves the protections of academic freedom. A person's adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of sexual harassment.

VI. SUPPORTING TERMINOLOGY

- A. Complainant: An individual alleged to have been impacted by conduct prohibited by this policy.
- B. Formal Complaint: A document filed by a complainant or signed by the Title IX Coordinator alleging conduct prohibited by this policy against a respondent and requesting that the University investigate the allegation in accordance with this policy. A "document filed by a complainant" means a document or electronic submission (such as an email or online report form) that contains the complainant's physical or electronic signature or otherwise indicates that the complainant is the person filing the complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party. A report made to the Title IX Office may or may not result in a formal complaint.
- C. Reasonable Person: When used in references about the harmed party or complainant, "reasonable person" means a person under similar circumstances and with similar identities to the affected individual.
- D. Respondent: An individual who is alleged to have engaged in conduct prohibited by this policy.
- E. Report: Information submitted to the Title IX Office regarding allegations of conduct prohibited by this policy. A report may or may not result in the filing of a formal complaint.
- F. Reporter: Anyone who submits information or a referral to the Title IX Office regarding allegations of conduct prohibited by this policy.

- G. Participant: When used in reference to the resolution process outlined in this policy, the complainant(s), respondent(s), and witness(es) are participants.
- H. Party: When used in reference to the resolution process outlined in this policy, the complainant(s) and respondent(s) are the parties.
- I. Preponderance of the Evidence: The standard for determining responsibility with regard to allegations of conduct prohibited by this policy. Preponderance of the evidence means the greater weight of the credible evidence. This standard is satisfied if the evidence and information gathered in the investigation and hearing indicate that the action is more likely to have occurred than not.
- J. Chief Administrative Officers: University President; Vice President for Academic Affairs; Dean of the Faculty; Vice President for Finance and Administration; Vice President for Integrated Communications; Vice President for Student Life; Vice President for Strategic Recruitment & Enrollment; Vice President for University Relations; and the President's Chief of Staff.
- K. Witness: An individual who provides testimony or evidence during an investigation, alternative resolution, or hearing proceeding. Witnesses provide information directly relevant to the allegations. Witnesses are not character references. Participation as a witness is optional for students and non-affiliated persons but is mandatory for University employees.

VII. CONSENT

- A. Consent is the act of willingly agreeing to engage in each specific sexual contact or activity. Obtaining consent is required to initiate sexual activity. Consent must be clear, knowing, voluntary, and expressed prior to engaging in and during each sexual act.
- B. Securing consent is the responsibility of the person initiating each particular sexual activity or contact. Consent may be expressed by mutually understandable words or actions. Parties to a sexual contact or activity must obtain agreement from each party engaging in the sexual contact or activity. Any expression of an unwillingness to engage in any instance of sexual activity, whether through words or clear actions, establishes a presumptive lack of consent.
- C. Consent to one act does not imply consent to another, nor does past consent imply future consent. Consent can be withdrawn at any time by any party. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. An individual's manner of dress does not

constitute consent to engage in sexual contact or activity. Participation in social activities, sexual history, previous sexual involvement, or a lack of response does not, by itself, establish consent. Consent is affirmative and is not established by silence, passivity, lack of protest, lack of resistance.

D. Consent is not effective if it results from:

1. The use of force, physical violence, threat, intimidation, or coercion.

- i. "Physical violence" means that a person is exerting control over another person through the use of physical force and includes, but is not limited to, hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.
- ii. "Threat" means an expression, through actions or words, of an intent to inflict harm that would compel a reasonable person to engage in unwanted sexual activity. This includes, but is not limited to, threats to harm a person physically, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.
- iii. "Intimidation" means an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit). Previous occurrences of threats or physical violence may also constitute intimidation.
- iv. "Coercion" means the use of an unreasonable amount of pressure to initiate or continue sexual activity against an individual's will. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular form of sexual contact or sexual intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider the nature, intensity, frequency, and duration of the pressure and the degree of isolation of the person being pressured.

2. The incapacitation of another.

- i. Incapacitation is a state in which someone does not have the ability to indicate agreement to engage in sexual contact or activity, due

to a temporary or permanent mental or physical condition; as a result of consuming alcohol or drugs, whether voluntarily or involuntarily; because the person is unconscious, asleep, or otherwise unaware that the sexual contact or activity is occurring; or because the individual is legally unable to provide consent (for example, due to the individual's age).

- ii. A person is not necessarily incapacitated merely as a result of drinking or using drugs. The impact of alcohol and other drugs varies from person to person. However, common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation include slurred or incomprehensible speech, unsteady walking or standing, combativeness, emotional volatility, vomiting, incontinence, or unconsciousness. A person who is incapacitated may not be able to understand or answer questions such as where they are, how they got there, what is happening, or who is with them.
- iii. An individual violates this policy if they engage in sexual contact or activity with a person whom they knew, or should have known, to be incapacitated. When determining whether an individual should have known another person to be incapacitated, the University considers whether a sober, reasonable person in a similar set of circumstances would have known that person to be incapacitated.
- iv. An individual's use of alcohol or drugs does not diminish that individual's responsibility to obtain consent if that individual is the one who initiates sexual contact or activity.
- v. In most circumstances, a person under the age of 17 does not have capacity to consent to sexual activity under Texas law.

VIII. RETALIATION PROHIBITED

- A. Retaliation is prohibited and considered a stand-alone policy violation without regard to any finding of responsibility for other prohibited conduct. Any person who knowingly and intentionally engages in retaliation against an individual is subject to disciplinary action, up to and including termination or dismissal from the University.

- B. Retaliation means intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with the individual's rights or privileges; or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.
- C. Retaliation should be reported immediately to the [Title IX Coordinator](#).

IX. FALSE INFORMATION & FALSE COMPLAINTS

- A. The University does not tolerate intentional false reporting of information. Any person who knowingly makes a false report or complaint; knowingly makes a materially false statement during the course of an investigation, adjudication, or appeal, or other proceeding under this policy; or intentionally tampers with or destroys evidence is subject to disciplinary action, up to and including termination or dismissal from the University.
- B. An employee, other than a student employee, who, with the intent to harm or deceive, knowingly makes a false report under [Tex. Educ. Code § 51.252](#) will be terminated in accordance with applicable disciplinary procedures in accordance with [Tex. Educ. Code § 51.255](#) and may be subject to criminal prosecution.
- C. An individual does not violate this policy simply because a report or complaint is ultimately dismissed due to insufficient evidence or found to be untrue. An individual who provides information in good faith (i.e., the individual truly and reasonably believes the information to be accurate) will not be considered to have made a false report in violation of this policy. Members of the University community are encouraged to seek assistance even if they are unsure that what they are experiencing is a violation of this policy.

X. PROCEDURES & RESOLUTION PROCESSES

A. Report Intake

- 1. Upon receipt of a report, the Title IX Coordinator will complete a preliminary assessment to determine whether the reported conduct may constitute a violation of this policy. The Title IX Coordinator may request from the reporter more information about the incident to complete this preliminary assessment.
 - i. If the Title IX Coordinator determines that the alleged conduct, as reported, even if investigated, does not fall within the scope of this policy, the Title IX Coordinator will close the matter. The Title IX

Coordinator may notify the reporter if doing so is consistent with the Family Educational Rights and Privacy Act (FERPA). The Title IX Coordinator may refer the report to other University offices, as appropriate.

- ii. If the Title IX Coordinator determines that the alleged conduct may fall within the scope of this policy, the Title IX Coordinator, or their designee, will promptly contact the complainant to: inform the complainant of their rights and options under this policy, including about their right to seeking medical assistance and/or report to law enforcement; discuss the availability of supportive measures; consider the complainant's wishes with respect to supportive measures; inform the complainant of the availability of supportive measures with or without filing a formal complaint; and explain to the complainant the process for filing a formal complaint.

B. Supportive Measures & Resources

1. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures to the complainant(s) and respondent(s).
2. Supportive measures are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to the University's education programs and activities without unreasonably burdening another party, including measures designed to protect the safety of all parties implicated by a report or the University's education environment, or to deter conduct prohibited by this policy. The University will maintain the confidentiality of supportive measures provided, to the extent that maintaining such confidentiality does not impair the University's ability to provide the supportive measures.
3. Supportive measures may include, but are not limited to: counseling; extensions of academic or other deadlines; course-related adjustments; modifications to work or class schedules; changes in work or housing locations; leaves of absence; increased security and monitoring of certain areas of campus; and other similar measures. Supportive measures may also include mutual restrictions on contact between the parties implicated by a report via an administrative no-contact directive. In addition, a party

is permitted to drop a course in which another party is also enrolled without any academic penalty.

4. The University encourages any individual who has questions or concerns to seek support of University resources. The Title IX Coordinator is available to provide information about the University's policy and procedure and to provide assistance.

C. Interim or Administrative Removal

1. At any time after receiving a report of conduct prohibited by this policy, the University may impose the interim removal of a student respondent from the University's education programs and activities if an individualized safety and risk analysis determines that there is an immediate threat to the physical health or safety of any University community member arising from the allegations of conduct prohibited by this policy. In the event the University imposes an interim removal, the student respondent may challenge the interim removal within twenty-four hours of notification.
2. At any time after receiving a report of conduct prohibited by this policy, the University may place a non-student employee respondent on administrative leave during the pendency of a grievance process.
3. For all other respondents, including independent contractors and guests, the University retains broad discretion to prohibit such persons from entering onto its campus at any time, and for any reason.

D. Reasons for Dismissal

1. No Formal Complaint: The Title IX Coordinator may close a report if the complainant indicates they do not wish to file a formal complaint, either affirmatively or through lack of response, and the Title IX Coordinator does not determine a need to initiate a formal complaint without the complainant's participation. A report closed for this reason may be reopened if the complainant later decides to file a formal complaint in accordance with this policy or if additional information becomes available.
2. Dismissal After a Formal Complaint: In a case where the complainant files a formal complaint, the Title IX Coordinator will evaluate the formal complaint and must dismiss it from investigation under this policy if the Title IX Coordinator determines the conduct alleged in the formal complaint would not constitute prohibited conduct, even if proved, under this policy.

3. Dismissal During Investigation or Adjudication: The University may dismiss a formal complaint at any point during the investigation or adjudication process if:
 - i. The complainant provides the Title IX Coordinator written notice that the complainant wishes to withdraw the formal complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);
 - ii. The respondent is no longer enrolled at or employed by the University; or
 - iii. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).
4. Notice of Dismissal: Upon a dismissal of a formal complaint, the Title IX Coordinator will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties and advise them of their right to appeal. The Title IX Coordinator may refer the subject matter of the formal complaint to other University offices, as appropriate. A dismissal pursuant to this section is presumptively a final determination for purposes of this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of complaint.

E. Referrals

1. Following the formal complaint process, the Title IX Coordinator will, if necessary, facilitate the referral of allegations of conduct prohibited under another University policy to the appropriate University department.

F. Written Notice of Formal Complaint

1. Within a reasonable amount of time after the formal complaint is filed, the Title IX Coordinator will provide a written notice to the complainant(s) and respondent(s) that includes:
 - i. A copy of or hyperlink to this policy;
 - ii. Sufficient details known at the time so that the parties may prepare for an initial interview with the investigator; the identities of the parties involved in the incident, if known; the behavior allegedly

constituting conduct prohibited under this policy; and the date and location of the alleged incident, if known;

- iii. A statement that the respondent is presumed not responsible for the alleged prohibited conduct and that a determination of responsibility will not be made until the conclusion of the adjudication and any appeal;
 - iv. Information about the parties' right to be accompanied by an advisor of their choice;
 - v. Notification to the complainant(s) and respondent(s) of their right to inspect and review evidence;
 - vi. Notification to the complainant(s) and respondent(s) of the University's prohibitions on retaliation and false statements; and
 - vii. Information about resources available on campus and in the community.
2. Should the University elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the University will provide a supplemental written notice describing the additional allegations to be investigated.
3. Consolidation of Formal Complaints: The University may consolidate formal complaints by the same complainant(s), against the same respondent(s), or between the parties where the allegations arise out of the same set of facts or circumstances.

G. Advisor of Choice

- 1. From the time a formal complaint is filed, and until an investigation, adjudication, and appeal are complete, the complainant and respondent will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process.
- 2. The advisor may be, but is not required to be, an attorney. The only persons disqualified from being an advisor are witnesses, administrators over the adjudication process, and anyone who supervises a participant in the process as an employee.

3. If a party is not able to secure an advisor, the University will provide the party an advisor, without fee or charge. The University will have sole discretion to select the advisor it provides to the party.
4. Except for the questioning of witnesses during a hearing for a Track A matter, advisors will play a passive role and are not permitted to communicate on behalf of a party, insist that communication flow through the advisor, or communicate with the University about the matter without the party being included in the communication.
5. In the event a party's advisor engages in a material violation of this policy, the University may preclude the advisor from further participation, in which case the party may select a new advisor of their choice.

H. Resolution Process Options

1. Track A: Title IX Prohibited Conduct Formal Proceedings

- i. Track A applies where all of the following conditions are met:
 - a. The alleged conduct constitutes Title IX Prohibited Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking, as defined in this policy;
 - b. The alleged conduct occurred against a person in the United States;
 - c. The complainant was participating or attempting to participate in an education program or activity of the University when the alleged conduct occurred;
 - d. The complainant or the Title IX Coordinator has filed a formal complaint.
- ii. After providing written notice of the formal complaint to the parties, the University may, at the Title IX Coordinator's discretion and with the agreement of the parties, facilitate an alternative resolution process in accordance with the procedures outlined in section X.H.4. of this policy.
- iii. If an alternative resolution process is not utilized, Track A matters will follow procedures for the formal resolution process outlined in sections X.I. – X.K. of this policy.

- iv. There may be instances where the same set of underlying facts gives rise to allegations simultaneously within the scope of Track A and Track B or C. When this occurs, all allegations will be joined to be resolved under the Track A process.

2. Track B: University Prohibited Conduct for Student Respondents

- i. Track B applies in all instances covered by this policy where the respondent is a student and the allegations do not meet the requirements of Track A.
- ii. Track B requires either:
 - a. A formal complaint filed by the complainant or the Title IX Coordinator; or
 - b. A written request from the complainant to initiate the alternative resolution process.
- iii. The University may, at the Title IX Coordinator's discretion and with the agreement of the parties, facilitate an alternative resolution process in accordance with the procedures outlined in section X.H.4. of this policy.
- iv. If an alternative resolution process is not utilized, Track B matters will follow procedures for the formal resolution process outlined in sections X.I. – X.K. of this policy.

3. Track C: University Prohibited Conduct for Non-Student Respondents

- i. Track C applies in all instances covered by this policy where the respondent is not a student and the allegations do not meet the requirements of Track A.
- ii. Track C requires either:
 - a. A formal complaint filed by the complainant or the Title IX Coordinator; or
 - b. A written request from the complainant to initiate the alternative resolution process.
- iii. The University may, at the Title IX Coordinator's discretion and with the agreement of the parties, facilitate an alternative resolution

process in accordance with the procedures outlined in section X.H.4. of this policy.

iv. If an alternative resolution process is not utilized, Track C matters will proceed as follows:

- a. The Title IX Coordinator will consult with the appropriate Chief Administrative Officer to decide whether further investigation or a recommendation for an alternative resolution is warranted. The Title IX Coordinator and Chief Administrative Officer shall notify the accused employee member as soon as reasonably possible of the formal complaint and next procedures.
- b. Investigations will proceed in the manner outlined in section X.I.1. of this policy. Upon completion of the investigation, the investigation report will be given to the appropriate Chief Administrative Officer who will consult with the Title IX Coordinator about a recommendation of finding.
- c. A written decision will be issued in accordance with the procedures outlined in section X.I.4. of this policy.
- d. Appeal proceedings will follow the procedures outlined in section X.K. of this policy.

4. Alternative Resolution

- i. The University may, at the Title IX Coordinator's discretion and with the agreement of the parties, facilitate an alternative resolution process in accordance with the procedures outlined below. Alternative resolution will not be permitted if the respondent is a non-student employee accused of committing conduct prohibited by the policy against a student.
- ii. Alternative resolution involves a structured intervention process between the parties and/or other affected community members that seeks to identify and meet the needs of the complainant and/or other affected community members while providing an opportunity for the respondent to repair harm, to the extent possible. Alternative resolution may not include an investigation, hearing, or disciplinary action against a respondent, including transcript notations, but may include imposing appropriate and

reasonable remedies as agreed to by the parties. All alternative resolutions are facilitated by a trained administrator, which may be the Title IX Coordinator, a designee, or an outside expert.

- iii. Parties may request an alternative resolution process at any time prior to the final determination of a formal complaint. After initiating an alternative resolution, parties may request to end the resolution process any time before signing the resolution agreement. Ending the alternative resolution process may result in commencing with the formal resolution process. Should the parties resume the formal resolution process, no statements made during the alternative resolution process may be used for or against either party, and the hearing officer and appeal officer may not consider any such statement made during alternative resolution.
- iv. Factors the University will consider when determining whether an allegation of conduct prohibited by this policy is suitable for alternative resolution include, but are not limited to:
 - a. The nature and severity of the conduct, including whether the use of force or a weapon was involved;
 - b. The respondent's prior known disciplinary or criminal conduct, including whether the University has received other reports of prohibited conduct alleged to have been committed by the respondent;
 - c. Whether the alleged conduct poses a risk of harm to other individuals or the community;
 - d. The dynamics of power or control associated with the alleged conduct or the nature of the parties' relationship;
 - e. Whether multiple parties are affected or involved;
 - f. Any admissions of responsibility by the respondent; and
 - g. Any other factor deemed relevant by the Title IX Coordinator or their designee in the interest of overall campus safety or safety of the parties involved.

v. Procedure:

- a. After a party submits a written request for an alternative resolution process to the Title IX Coordinator, this request will be communicated to the other party or parties. All parties must indicate, in writing, that they voluntarily agree to the alternative resolution process; if all parties do not agree, the alternative resolution process will not proceed.
- b. The specific manner of any alternative resolution process will be determined by the parties and the Title IX Coordinator, in consultation together. Prior to commencing the agreed-upon alternative resolution process, the Title IX Coordinator will provide the parties written notice that:
 1. Describes the parameters and requirements of the informal resolution process to be utilized;
 2. Identifies the individual responsible for facilitating the informal resolution, who may be the Title IX Coordinator, another University official, or a suitable third party;
 3. Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue through the formal resolution process; and
 4. Explains any other consequence resulting from participation in the alternative resolution process, including a description of records that will be generated, maintained, and/or shared.
- c. If the parties reach a resolution and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will document the terms of the agreed resolution in writing and present the resolution to the parties for written signature. Once both parties and the Title IX Coordinator have signed the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further

investigation, adjudication, appeal, or discipline by the University, except as otherwise provided in the resolution itself. Failure to comply with an alternative resolution agreement may result in disciplinary action.

I. Formal Resolution Proceedings

1. Investigation

- i. After the written notice of formal complaint is transmitted to the parties, the investigator will undertake an investigation to gather evidence relevant to the alleged misconduct. The investigator may be the Title IX Coordinator, a Deputy Title IX Coordinator, a designee, or a qualified third party. The responsibility of gathering evidence lies with the University and not with the parties.
- ii. The investigation will culminate in a written investigation report that will be submitted to the hearing officer prior to the hearing proceedings. Although the length of each investigation may vary depending on the totality of the circumstances, the University strives to complete each investigation within 60 days of the provision to the parties of the written notice of the formal complaint.

iii. Equal Opportunity

- a. During the investigation, the investigator will provide an equal opportunity for the parties to be interviewed and to present witnesses and evidence. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.
- b. The investigation is a party's opportunity to present testimonial and other evidence that the party believes is relevant to resolution of the allegations in the formal complaint. A party who is aware of and has a reasonable opportunity to present evidence and/or identify witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, or excusable neglect.

iv. Sexual History

- a. During the investigation and adjudication processes, questioning regarding a complainant's sexual predisposition or prior sexual behavior is not relevant unless:
 - 1. Such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the alleged conduct; or
 - 2. 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.

v. Witnesses & Evidence

- a. The investigator will make reasonable attempts to:
 - 1. Contact and interview individuals who are identified as witnesses with information relevant to the allegations of prohibited conduct; and
 - 2. Obtain other relevant evidence available from the Parties, witnesses, or other University departments.
- b. The investigator retains discretion to limit the number of witness interviews if the investigator finds that:
 - 1. Testimony would be unreasonably cumulative;
 - 2. The witnesses are offered solely as character references and do not have information relevant to the allegations at issue; or
 - 3. The witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the complainant.

2. Investigation Report

- i. At the conclusion of the evidence-gathering phase of the investigation, the investigator will transmit to each party and their advisor an electronic copy of the preliminary investigation report

including all evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence the University may choose not to rely on at any hearing and inculpatory or exculpatory evidence, whether obtained from a party or some other source.

- ii. The preliminary investigation report will:
 - a. Outline each allegation that potentially constitutes a violation of this policy;
 - b. Outline the procedural steps of the investigation;
 - c. Summarize the relevant evidence collected;
 - d. Summarize participant statements; and
 - e. List material facts on which the parties agree and disagree.
- iii. The parties will have ten business days in which to submit to the investigator a written response, which the investigator will consider prior to completing the final investigation report.
- iv. After the period for the parties to provide a written response has expired, and no later than ten business days before the scheduled hearing, the investigator will provide, the final investigation report to each party and their advisor.
- v. The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not duplicate or disseminate the evidence to the public.

3. Adjudication

- i. Hearing Officers
 - a. The Title IX Coordinator will appoint one or more hearing officers to oversee the hearing process and render, at the conclusion of the hearing process, a determination of responsibility for the allegations in the formal complaint. In most cases, hearing officers are convened from the University's Sexual Misconduct Hearing Board to create a panel of three members to collectively serve as hearing officers.

- b. The pool of potential hearing officers is composed of faculty and staff who receive training prior to serving as a hearing officer. The hearing officer(s) will be provided access to the completed investigation report and all relevant evidence prior to the scheduled hearing.
- c. The complainant(s) and respondent(s) will be informed of the names of the potential hearing officers at least seven days prior to the hearing and can request dismissal, with cause, of any potential hearing officer up to 72 hours prior to the scheduled hearing. The Title IX Coordinator retains sole discretion to grant a requested dismissal.

ii. Coordination of Hearing

- a. The Title IX Coordinator will appoint a hearing coordinator (usually a Deputy Title IX Coordinator) to convene and conduct a hearing pursuant to the procedures outlined in this policy.

iii. Hearing Notice to Parties

- a. The Title IX Coordinator, hearing coordinator, or designee will provide to each party written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate, and will provide each party with a copy of the University's hearing procedures. The hearing may not be held any earlier than ten business days from the date of the written hearing notice.
- b. Each party will be asked to provide a written response to the hearing notice, which should include:
 - 1. A list of any witnesses that the party requests to attend the hearing pursuant to an attendance notice issued by the hearing officer;
 - 2. Any objection that the party has to the University's hearing procedures;

3. Any request that the parties be separated physically during the hearing; and
4. The name and contact information of the advisor who will accompany the party at the hearing, or if the Party does not have an advisor who will accompany the Party at the hearing, a request that the University provide an advisor for purposes of conducting questioning.

iv. Notice of Attendance to Other Participants

- a. The Title IX Coordinator, hearing coordinator, or designee will provide a notice of attendance to any University employee whose attendance is required at the hearing, as well as any student or non-affiliated person whose attendance is requested at the hearing as a witness. The notice will advise the subject of the specified date and time of the hearing and advise the subject to contact the Title IX Coordinator immediately if there is a material and unavoidable conflict.
- b. The employee or student subject of an attendance notice should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. If requested in writing to the Title IX Coordinator, a letter requesting accommodations with academic, athletic, or work obligations may be issued. All such managers, faculty members, coaches, and other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice.

v. Hearing Procedures

- a. The hearing will be recorded. The audio or video recording will be made available to the Parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.

- b. The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. The hearing may also be conducted virtually, using video conference technology, with all participants in different physical locations.
- c. While the hearing procedures and rulings from the hearing officer(s) will govern the particulars of the hearing, each hearing will include, at a minimum:
 - 1. Opportunity for each party to address the hearing officer(s) directly and to respond to questions posed by the hearing officer(s);
 - 2. For Track A matters only, an opportunity for each party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other party and any witnesses, including questions that support or challenge credibility;
 - 3. For Track B and C matters only, an opportunity for each party to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other party and any witnesses, including questions that support or challenge credibility;
 - 4. Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing officer and a reason for the ruling provided;
 - 5. Opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect; and
 - 6. Opportunity for each party to make a brief closing statement.
- d. Except as otherwise permitted by the hearing officer(s), the hearing will be closed to all persons except the parties, their advisors, the investigator(s), the hearing officer(s), the

hearing coordinator(s), and other necessary University personnel. Witnesses will be sequestered until such time as their testimony is complete.

- e. A party has the right to attend and participate in the hearing with an advisor. However, a party or advisor who violates hearing rules in a manner that is materially disruptive may be barred from further participation or have their participation limited at the discretion of the hearing officer(s).
- f. Subject to the minimum requirements specified above, the hearing officer(s) will have sole discretion to determine the manner and particulars of any given hearing, including the length of the hearing, the order of the hearing, and questions of admissibility. The hearing officer(s) will independently and contemporaneously screen questions for relevance and resolve any contemporaneous objections raised by the parties and will explain the rationale for any decisions to exclude evidence or questions.
- g. The hearing officer(s) retain(s) discretion to limit the number of witnesses at the hearing if the hearing officer(s) find(s) that:
 - 1. Testimony would be unreasonably cumulative;
 - 2. The witnesses are offered solely as character references and do not have information relevant to the allegations at issue; or
 - 3. The witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the complainant.
- h. The hearing is not a formal legal proceeding and strict rules of evidence do not apply. The hearing officer(s) will have discretion to modify the hearing procedures when good cause exists to do so and provided the minimal requirements specified above are met.
- i. Parties and witnesses are subject to questioning during the hearing. If a party or witness refuses to attend the hearing or attends but refuses to submit to questioning, the hearing officer(s) may determine if previous statements of that party

or witness will be considered in reaching a determination of responsibility. Participating parties may also choose to allow the testimony of a party or witness who does not submit to questioning or in the case where the attendance of the witness at the hearing was not requested.

- j. The hearing officer(s) will consider the totality of witness statements and evidence to ensure that equal opportunity has been given for each party to respond to the evidence and investigation report. The hearing officer(s) will not draw an inference regarding responsibility based solely on a party's or witness's absence from the live hearing and/or refusal to submit to questioning by the parties' advisors.

vi. Deliberation & Determination

- a. After the conclusion of the hearing, the hearing officer(s) will evaluate all relevant evidence collected during the investigation, together with testimony and evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a complainant, respondent, or witness.
- b. The hearing officer(s) will take care to exclude from consideration any evidence that was ruled inadmissible at the hearing or during the investigation.
- c. The hearing officer(s) will resolve disputed facts using a preponderance of the evidence standard and reach a determination regarding whether those facts supported by a preponderance of the evidence constitute one or more violations of this policy as alleged in the formal complaint.

4. Written Decision

- i. After reaching a determination and consulting with the Title IX Coordinator an appropriate Chief Administrative Officer (or other University official), the hearing officer(s) will prepare a written decision that will include:
 - a. Identification of the allegations made in the formal complaint potentially constituting conduct prohibited under this policy;

- b. A description of the procedural steps taken by the University upon receipt of the formal complaint, through issuance of the written decision, including notification to the parties; interviews with the parties and witnesses; site visits; methods used to gather non-testimonial evidence; the date and location of the hearing; and a list of individuals who were present at or presented testimony during the hearing;
 - c. Articulation of findings of fact, made under a preponderance of the evidence standard, that support the determination;
 - d. A statement of, and rationale for, each allegation that constitutes a separate potential incident of conduct prohibited under this policy, including a determination regarding responsibility for each separate potential incident;
 - e. The sanction(s) imposed, if any;
 - f. Whether the complainant will receive any ongoing supportive measures or other remedies, as determined by the Title IX Coordinator; and
 - g. A description of the appeal process and grounds for appeal.
- ii. The provision of the written determination to the parties concludes the hearing process, subject to any right of appeal.
 - iii. Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, the University strives to issue the written determination within 15 days of the conclusion of the hearing.

J. Sanctions & Remedies

1. Student Respondents

- i. In the event the hearing officer(s) determine(s) that the respondent is responsible for violating this policy, the hearing officer(s) will also determine the sanction(s) to be imposed, if any. Regardless of the finding, the Title IX Coordinator will determine whether and to what extent ongoing support measures or other remedies will be provided to the complainant.

- ii. The range of sanctions for student respondents includes, but is not limited to:
 - a. Written warning;
 - b. Disciplinary probation;
 - c. Withholding of official transcript and/or degree;
 - d. Bar against readmission or enrollment;
 - e. Restitution or reimbursement for damage to or misappropriation of University property;
 - f. Suspension of rights and privileges, including, but not limited to, participation in athletic or extracurricular activities and residing in or entering University housing;
 - g. Suspension from the University for a specified period of time;
 - h. Expulsion; and
 - i. Other sanctions as deemed appropriate under the circumstances, including additional remedies meant to bring restoration where harm was caused.
- iii. If a student is found responsible for conduct prohibited by this policy and the sanction imposed makes the student ineligible to reenroll in the University, the University will include a notation on the student's transcript (see [Student Handbook](#)).
- iv. If the University receives an appropriate request by another postsecondary educational institution, the University will provide to the requesting institution information relating to the University's determination that the student violated this policy.

2. Faculty and Staff Respondents:

- i. If an employee is found responsible for conduct prohibited by this policy, the hearing officer(s) will confer with the Title IX Coordinator to review the case findings. The Title IX Coordinator will confer with the appropriate Chief Administrative Officer to determine the sanction(s) to be imposed, if any. The Title IX Coordinator will then share that information with the hearing officer for inclusion in the written decision.

- ii. The range of sanctions for employee respondents includes, but is not limited to:
 - a. Written warning;
 - b. Mandated training;
 - c. Written reprimands or corrective action;
 - d. Conditions on teaching, supervising, or other official duties;
 - e. Financial penalty;
 - f. Unpaid time off;
 - g. Suspension with or without pay;
 - h. Demotion;
 - i. Reassignment of duties;
 - j. Other professional sanctions;
 - k. Termination; and
 - l. Other sanctions as deemed appropriate under the circumstances, including additional remedies meant to bring restoration where harm was caused.
- iii. Faculty: If procedures for dismissal with cause are instituted, those procedures must conform to the policy and procedures adopted at the January 27, 1978, meeting of the Board of Trustees and as may be subsequently amended. (See Dismissal with Cause, Section IV of the [Faculty Handbook](#).)
- iv. Staff: If found responsible for conduct prohibited by this policy, the University will follow the procedures described in the Performance Management Guidelines section of the [Staff Handbook](#).

K. Appeals

1. Appeal Proceedings

- i. A party must file an appeal within five business days of the date they receive notice of dismissal or determination, or within three business days of the other party appealing, whichever is later. The

appeal must be submitted in writing to the Title IX Coordinator. The appeal must specifically:

- a. Identify the determination and/or dismissal;
 - b. Articulate which one or more of the grounds for appeal are being asserted;
 - c. Explain in detail why the appealing party believes the appeal should be granted; and
 - d. Articulate what specific relief the appealing party seeks.
- ii. Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation and evidence available at the time of the Investigation, and pertinent documentation regarding the grounds for appeal.

2. Appellate Officer

- i. After receiving an appeal, the Title IX Coordinator will appoint one or more appellate officers who will oversee the appeal process and render a final determination. The appellate officer(s) will not be the Title IX Coordinator or any individuals involved in the related hearing or review proceedings.
- ii. Appellate officers may be Chief Administrative Officers or may be convened from the University's Sexual Misconduct Hearing Board to create a panel of three members to collectively serve as the appellate officers. The pool of potential appellate officers is composed of faculty and staff who receive training prior to serving as an appellate officer.

3. Grounds for Appeal

- i. A party may appeal the determination of an adjudication or the dismissal of a formal complaint only on the following grounds:
 - a. A procedural irregularity affected the outcome;
 - b. There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;

- c. The Title IX Coordinator or an investigator, hearing officer, or hearing coordinator had a conflict of interest or bias for or against complainants or respondents generally, or against the individual complainant or respondent, that affected the outcome; and/or
- d. The determination was arbitrary and capricious.

4. Resolution of Appeal

- i. Promptly upon receipt of an appeal, the appellate officer(s) will conduct an initial evaluation to confirm that the appeal is timely and invokes at least one of the permitted grounds for appeal.
 - a. If the appellate officer(s) determine(s) that the appeal does not meet the outlined criteria, the appellate officer(s) will dismiss the appeal and provide written notice of the same to the parties.
 - b. If the appellate officer(s) confirm(s) that the appeal is timely and invokes at least one permitted ground for appeal, the appellate officer(s) will provide written notice to the other party or parties that an appeal has been filed and that the other party or parties may submit a written statement in response. The appellate officer(s) shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal. After the period for submission of statements has passed, the appellate officer(s) will promptly provide the parties a written decision that explains the outcome of the appeal and the rationale.
- ii. The determination of a formal resolution process, including any sanctions, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision. No further review beyond the appeal is permitted.
- iii. Although the length of each appeal will vary depending on the totality of the circumstances, the University strives to issue the written appeal decision within 21 days of an appeal being filed.

XI. CONFLICTS OF INTEREST, BIAS, & PROCEDURAL COMPLAINTS

The Title IX Coordinator, Deputy Title IX Coordinator(s), hearing coordinator(s), investigator(s), hearing officer(s), appellate officer(s), and alternative resolution facilitator(s) will be free of any material conflicts of interest or material bias. A party who believes one or more of these individuals has a material conflict of interest or material bias must raise the concern promptly so the University may evaluate the concern and, if appropriate, find a substitute. Failure of a party to timely raise a concern of a conflict of interest or bias may result in a waiver of the issue for purposes of any appeal.

XII. ACADEMIC FREEDOM STATEMENT

This policy is not intended to limit the legitimate exercise of academic freedom (see the [Faculty Handbook](#)). In particular, this policy does not limit classroom teaching concerning sexual topics legitimately related to the content or purposes of a course, even though such topics may elicit discomfort in some class members.

XIII. OUTSIDE APPOINTMENTS, DUAL APPOINTMENTS, & DELEGATIONS

The University retains discretion to retain and appoint qualified persons who are not University employees to fulfill any function of the University under this policy, including, but not limited to, hearing coordinators, investigators, hearing officers, appellate officers, and alternative resolution facilitators. The University also retains discretion to appoint two or more persons to jointly fulfill the role of hearing coordinator, investigator, hearing officer, appellate officer, and/or alternative resolution facilitator.

The functions assigned to a given University official under this policy, including but not limited to the functions assigned to the Title IX Coordinator, Deputy Title IX Coordinator(s), hearing coordinator(s), investigator(s), hearing officer(s), appellate officer(s), and alternative resolution facilitator(s), may, in the University's discretion, be delegated by to another qualified individual. Such delegation may be recalled by the University at any time.

XIV. VENDORS, CONTRACTORS, & THIRD PARTIES

The University does business with various vendors, contractors, and other third-parties who are not students or employees of the University. Notwithstanding any rights that a given vendor, contractor, or third-party respondent may have under this policy, the University retains its right to limit any vendor, contractor, or third-party's access to campus for any reason. The University retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party, irrespective of any process or outcome under this policy.

XV. TREATMENT OF RECORDS & OTHER PRIVILEGED INFORMATION

A. Privileged Information

1. During the investigation and adjudication processes, investigators and adjudicators are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party; or information or records protected from disclosure by any other legally recognized privilege, such as the attorney client privilege, unless the University has obtained the party's voluntary, written consent to do so for the purposes of the investigation and adjudication process.
2. Notwithstanding the foregoing, investigators and adjudicators may consider such records or information if the party holding the privilege affirmatively discloses the records or information to support their allegation or defense.

B. Recordings

1. Wherever this policy specifies that an audio or video recording will be made, the recording will be made only by the University and is considered property of the University, subject to any right of access that a party may have under this policy or applicable federal, state, or local laws.
2. Only the University is permitted to make audio or video recordings under this policy. The surreptitious recording of any meeting, interview, hearing, or other interaction contemplated under this policy is strictly prohibited. Any party who wishes to transcribe a hearing by use of a transcriptionist must seek pre-approval from the hearing officer(s).

XVI. LIMITATIONS & RIGHTS RESERVED

The University retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the University's interpretation or application differs from the interpretation of the parties.

This policy is subject to continuous review and evaluation by the University. The University reserves the right to make changes to this policy in its sole discretion, at any time, for any reason, and without prior notice. Substantive revisions will be communicated to members

of the University community. The University may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

The provisions of this policy are not contractual in nature, and nothing in this policy is designed to create contractual rights, explicit or implied, between the University and any individual. Nothing in this policy should be interpreted to interfere with or restrict an individual's rights or obligations under the law.

Any questions about this policy may be directed to the [Title IX Coordinator](#).

XVII. HISTORY

Date	Action
July 1, 2023	Policy approved
October 21, 2025	Substantive and editorial changes made
November 10, 2025	Substantive changes made to comply with federal law

Next Scheduled Review: Fall 2027