



American
Jewish
University

Procedures on Prohibition of Sex Discrimination: Resolution Processes

January 2025

AMERICAN JEWISH UNIVERSITY
PROCEDURES ON PROHIBITION OF SEX DISCRIMINATION:
RESOLUTION PROCESSES

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1. Overview

American Jewish University ("AJU" or "the University") provides Procedures on Prohibition of Sex Discrimination: Resolution Processes ("Procedures") for the timely and equitable resolution of complaints alleging any action that would be prohibited by Title IX and its regulations, and other applicable state and federal laws prohibiting Sex Discrimination including Discriminatory Harassment and Sexual Harassment, made by Students, Employees, or other individuals who are participating or attempting to participate in its educational programs, activities, or employment, or by the Title IX Coordinator.

Questions about these Procedures should be directed to the Title IX Coordinator.

The Title IX Coordinator's contact information is listed below:

Morgan Dyrek
Title IX Coordinator
15600 Mulholland Drive
Los Angeles, CA 90077
Phone: 310-440-1571
Email: titleix@aju.edu

2. Reporting

The process for reporting a Prohibited Act to the Title IX Coordinator under the Policy on Prohibition of Sex Discrimination ("Policy") is provided in the Policy. The reporting form can be found on the University's [Title IX webpage](#).

3. Pregnancy and Related Conditions

The University provides Students and Employees who are experiencing Pregnancy or Related conditions with resources and modifications. These resources and modifications are put in place to ensure that Students and Employees are able to access the University's educational or employment programs or activities while experiencing Pregnancy or related conditions. For more information regarding the University's procedures on the provisioning of these measures, please see Appendix B: Procedures on Pregnancy and Related Conditions. Students or Employees seeking Reasonable Modifications and/or Supportive Measures should contact Morgan Dyrek, Title IX Coordinator at 310-440-1571 or email titleix@aju.edu.

4. Application of Section 504/Americans with Disabilities Act

The University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the University's Resolution Processes.

Parties may request reasonable accommodations for disabilities to the Title IX Coordinator at any point relating to the implementation of these Procedures, including making a Report

or complaint, and initiating a grievance procedure. Accommodations will be granted if they are reasonable and do not fundamentally alter the processes established by these Procedures. Please note that the Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other University programs and activities.

With the consent of the impacted Student or Employee, the Title IX Coordinator will work collaboratively with the 504 Coordinator (Students) or Human Resources (Employees), and the person requesting the accommodations to determine which accommodations are appropriate and necessary for full participation in the process.

5. Procedural Scope and Jurisdiction

These Procedures are effective January 9, 2025, and are not retroactive. The Procedures below should be used for alleged incidents of Prohibited Conduct that occur on or after January 9, 2025. For alleged incidents that occurred before January 9, 2025, please use [AJU Sexual Misconduct Policy & Procedures \(Revised August 9, 2022\)](#).

These Procedures are used to address conduct that may violate AJU's Policy on Prohibition of Sex Discrimination ("Policy"). The University will use these Procedures to timely, appropriately, and impartially review and respond to allegations and/or Policy Violations. AJU will also take appropriate action to prevent continuation of and correct Policy Violations. Depending on the nature of the reported conduct and the interests of the Complainant, the University's response may or may not include an Investigation.

- Complaints against the University's President or Title IX Coordinator:
 - a. Complaints against the University's President or Title IX Coordinator are administered by these Procedures and the associated Policy.
 - b. Complaints alleging violations of the Policy against the University's President shall be made to Chairperson of the Board of Directors at chairperson@aju.edu.
 - c. Complaints alleging violations of the Policy against the Title IX Coordinator shall be made to Human Resources office at hr@aju.edu, or in person at the University Human Resources office suite, Familian Campus.

The capitalized terms in these Procedures are defined in Section 6. Prohibited Conduct and Section 8. Policy Definitions of the Policy.

6. Title IX Coordinator's Responsibilities

The University's Title IX Coordinator oversees implementation of the Policy and these Procedures. The Title IX Coordinator has the primary responsibility for coordinating the University's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remedy, and prevent discrimination, harassment, and retaliation prohibited under this Policy.

**Morgan Dyrek
Title IX Coordinator
15600 Mulholland Drive
Los Angeles, CA 90077
Phone: 310-440-1571
Email: titleix@aju.edu**

7. Revision of the Policy and Procedures

These Policy and Procedures will be reviewed and updated annually by the Title IX Coordinator. The University reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect.

During the Resolution Processes, the Title IX Coordinator may make minor modifications to these procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules.

The Title IX Coordinator may also vary Procedures materially with notice (on the University's [website](#), with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in these Policy and Procedures.

If government laws or regulations change- or court decisions alter- the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws or regulations or court holdings.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

8. Criminal Investigation or Procedures

These Procedures are separate from any criminal investigation or procedure implemented by an external law enforcement agency or investigatory body. The outcome under University Policy may differ from criminal investigations, reports or verdicts because the standards for determining a violation of criminal law differ from the standards for determining a violation of the Policy. The University may share information and coordinate Investigation efforts with law enforcement when necessary or appropriate.

9. Participation and Cooperation

The Complainant or Respondent may participate or decline to participate in the complaint Resolution Process. The University may proceed with the complaint Resolution Process based on the nature of the complaint and available information, especially if the alleged conduct poses an immediate or on-going threat to the University community. Non-participation by a Party to the complaint may not be used as a basis for appeal. When Process A is in effect, lack of participation in the hearing may impact the ability to utilize statements in the decision-making process.

All University community members are expected to participate in the complaint Resolution Process when they are identified as Witnesses. When identified as Witnesses, Employees (including Student Employees) must participate in the complaint Resolution Process. Student Witnesses are required to respond to requests for participation in Investigations and highly encouraged to be cooperative and forthcoming. Witnesses from outside the University community cannot be required to participate but are encouraged to cooperate with University Investigations and to share what they know about a complaint.

Meeting and Interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, etc.), or, in limited circumstances, by telephone. In very limited circumstances, Parties and Witnesses may also provide written statements or choose to respond to written questions in lieu of interviews, if deemed appropriate by the Investigator, though not preferred.

10. Communication from the University

Communication from the University to involved Parties will be sent to their designated AJU email address, unless the Party has requested in writing to the Title IX Coordinator or Investigator that communication be sent to a different email address. Communication with Parties who are neither Students nor Employees will be sent to an email address that they provide. The University will provide, in writing, any communication about the outcome of an Investigation to the Complainant and the Respondent at the same time. Once emailed, the University's communications will be presumptively delivered. It is the responsibility of the Parties and Witnesses to respond to communications, and failing to retrieve email is not a valid excuse for failing to respond.

11. Privacy of Information

The University will maintain the Privacy of Reports, complaints, and associated information whenever possible. When applicable, to protect the campus community and to facilitate Investigations and/or Supportive Measures, certain information may be shared on a "need-to-know" basis.

12. Consolidation of Complaints

At the discretion of the Title IX Coordinator, the University may consolidate complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations arise from the same facts or circumstances or involve a pattern, complicity, and/or other shared or similar actions. During the Investigation, if the existence of additional or different violations of the Policy are revealed, they may also be consolidated after the Parties are notified. Information shared in the Consolidation process is subject to the Family Educational Rights and Privacy Act (FERPA) and other applicable privacy laws.

13. Collateral Misconduct

Collateral misconduct includes potential violations of other university policies not

incorporated into the Policy that occur in conjunction with alleged Policy Violations, or during the Investigation and complaint Resolution Process, and as to which it makes sense to combine all allegations and provide one resolution. Examples of collateral misconduct include, but is not limited to, vandalism, physical abuse of another, making a false statement.

The collateral allegations may be charged along with potential violations of the Policy, to be resolved jointly under these Procedures, provided that it does not unduly delay the timely resolution of the complaint. In such circumstances, the Title IX Coordinator or designee may consult with University officials who typically oversee such conduct (e.g., human resources, student conduct) to solicit their input as needed on what charges should be filed, but the processing of collateral charges under these Procedures is within the discretion of Title IX Coordinator or designee. All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through procedures described in applicable University policies, manuals, or handbooks.

14. Counterclaims

The University is obligated to ensure that the Resolution Processes are not abused for the purpose of Retaliation, thus counterclaims made with retaliatory intent will not be permitted. The University permits the filing of counterclaims but uses an initial assessment, as described in these Procedures, to assess whether the allegations in the counterclaim are made in good faith.

Counterclaims determined to have been reported in good faith will be processed using the appropriate Resolution Processes described in these Procedures. Investigations of such claims may take place after resolution of the underlying initial complaint, in which case a delay may occur.

Counterclaims may also be resolved through the same Investigation as the underlying complaint, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of the Policy.

15. Supportive Measures

The University will offer and implement appropriate and reasonable Supportive Measures to the parties upon notice of 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 to the University's Education Program or Activity, including measures designed to protect the safety of all Parties and/or the University's educational environment and/or to deter Prohibited Conduct. The Title IX Coordinator is responsible for implementing Supportive Measures, if measures are requested and reasonably available.

Supportive Measures may include:

- Referrals to counseling and/or employee assistance programs
- Referral to community-based service providers
- Student financial aid counseling
- Education to the University community or community subgroup(s)
- Increased security and monitoring of certain areas of the campus
- Altering work arrangements for Employees or Student-employees
- Academic support, extensions of deadlines or other course/program-related adjustments for Students
- Class schedule modifications or withdrawals for Students
- Leaves of absence for Students or Employees
- Directives/orders limiting interactions between parties (unilateral or mutual, depending on the circumstances)
- Trespass or persona non grata (PNG) instructions
- Timely warnings
- Any other actions deemed appropriate by the Title IX Coordinator

An individual may request to receive support – including the measures mentioned in this section – even if they do not choose to participate in the University’s complaint Resolution Process. In the case of Students, such measures shall not be punitive and shall be applied to the fullest extent possible to avoid depriving any Student of their education.

The granting of Supportive Measures does not imply a determination of responsibility or any other outcome. These measures may be modified at any time and may be kept in place after a final decision is reached as to whether a Policy Violation has occurred.

Any Supportive Measures put in place will be kept Private, provided that doing so does not impair the University’s ability to provide Supportive Measures. This means that the University will not share information about any Supportive Measures with anyone other than the person to whom they apply, including informing one Party of Supportive Measures provided to another Party, unless necessary to arrange or provide the Supportive Measure or restore or preserve a Party’s access to the University’s educational programs, activities, or employment, or when otherwise required by state or federal law. 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 any Party.

The Title IX Coordinator or designee will describe and offer Supportive Measures to a Complainant during the initial assessment (even if no complaint is made or the complaint is ultimately not investigated) via a written notification, and if applicable, during an initial intake meeting with the Complainant. At the time that Supportive Measures are offered, if a Formal Complaint has not been filed, the University will inform the Complainant, in writing, that they may file a Formal Complaint with the University either at that time or in the future. The Title IX Coordinator works with the Complainant to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

If and when a Respondent is notified of the complaint, The Title IX Coordinator or designee will also offer Supportive Measures to the Respondent. A written notification will be sent to the Respondent, and this information will also be provided during an initial meeting with the Respondent.

The Parties are provided with a timely opportunity to seek modification or reversal of the University's decision to provide, deny, modify, or terminate Supportive Measures applicable to them. A request to do so should be made in writing to the Title IX Coordinator. An impartial employee other than the employee who implemented the Supportive Measures, who has authority to modify or reverse the decision, will determine whether to provide, deny, modify, or terminate the Supportive Measures if they are inconsistent with the requirements, expectations, or standards as stated in these Policy and Procedures.

- If the original decision about Supportive Measures was made by a person with authority designated by the Title IX Coordinator, the review will be conducted by the Title IX Coordinator.
- If the original decision about Supportive Measures was made by the Title IX Coordinator, the review will be conducted by the University President.

If the reviewer determines that the decision to provide, deny, modify, or terminate the Supportive Measure was inconsistent with the requirements, expectations, or standards for Supportive Measures as stated in these Policy and Procedures, the reviewer may modify or reverse the decision. In making this determination, the reviewer should consider:

- Do the Supportive Measures unreasonably burden a Complainant or Respondent?
- Are the Supportive Measures punitive?
- Are the Supportive Measures reasonably available and do they restore access to the University's programs, activities, or employment?
- Are the Supportive Measures being offered or provided during the Informal Resolution process or Investigation process?

The University will also provide the Parties with the opportunity to seek additional modification or termination of Supportive Measures applicable to them if circumstances change materially. The University typically renders decisions on Supportive Measures within seven (7) Working Days of receiving a request and provides a written determination to the impacted Party or Parties, and the Title IX Coordinator (when applicable).

16. No-Contact Directives

No-contact directives may be issued as a Supportive Measure, Remedy, or in connection with an Informal Resolution agreement, regardless of whether an Investigation has been initiated. When reasonably requested by a Complainant or otherwise determined to be necessary to protect health and safety or to preserve the integrity of the Investigation, the University will issue an interim no-contact directive during the pendency of the investigation. The interim no-contact directive may be unilateral (prohibiting the Respondent from contacting the Complainant) or mutual (prohibiting the Parties from contacting each other) while the Investigation outcome is pending.

No-contact directives that are not part of an Informal Resolution agreement must abide by these requirements:

- No-contact directives that limit an individual's movement on a University campus may only be issued where the conduct alleged poses an objective threat of physical harm.
- A mutual no-contact directive may only be issued prior to an Investigation outcome. The University will not issue an interim mutual no-contact directive automatically, but instead will consider the specific circumstances of each situation to determine whether a mutual no-contact directive is necessary or justifiable to protect the noncomplaining Party's safety or well-being, or to respond to interference with an investigation
- A no-contact directive issued as a Remedy after a decision of responsibility has been made will be unilateral and only apply against the Party found responsible.
- A mutual no-contact directive that is already in effect when a decision of responsibility has been made will promptly be converted to a unilateral no-contact directive against the Respondent, unless there are extenuating circumstances.
- Any no-contact directive (whether mutual or unilateral) will be sent to both Parties in writing and will include a written explanation of the terms of the directive and the consequences for violating the no-contact directive. For the issuance of a mutual no-contact directive, the University will also provide the Parties with a written justification for the directive.
- A no-contact directive is intended to be temporary and should be periodically assessed to confirm the continued need for, and appropriateness of, its specific terms (conditions), including whether it should be mutual (applicable to both Parties), or unilateral (only applicable to the Respondent).

Violations of no-contact directives or other restrictions may be referred to appropriate Student or Employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing complaint under these Policy and Procedures.

17. Emergency Removal

The University can act to remove a Respondent from its Education Program or Activity- partially or entirely- at any point during the complaint Resolution Process on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of themselves, any Student, Employee, or other individual justifies the removal. This risk analysis is performed by the Title IX Coordinator in conjunction with other University officials using its standard objective violence risk assessment procedures.

The removal is referred to as an "emergency removal," and has the effect of a suspension on an interim basis, as set forth in the University's Student Handbook and Employee Handbook, including that during the period of the emergency removal, the Respondent may be restricted or denied access to any University campus (including classes) and /or any or all other University activities or privileges for which the Student or Employee might otherwise be eligible.

The emergency removal may take place upon receipt of Notice or Knowledge, a complaint,

before an Investigation concludes, or where there is no pending Investigation or hearing. The individualized safety and risk analysis will be performed by the Title IX Coordinator or designee, in consultation with the appropriate University entities (e.g. Student Affairs, Human Resources, etc.)

The Title IX Coordinator has sole discretion under these Policy and Procedures to implement or continue an emergency removal and to determine the conditions and duration. Violation of an emergency removal by a Respondent will be grounds for discipline, up to and including expulsion or termination, respectively, through appropriate conduct policies.

A Respondent who is placed on emergency removal shall continue to be subject to University policies and procedures, and any applicable University handbooks, manuals, codes of conduct. The Respondent placed on an emergency removal may request to be present on campus for official business/meetings/interviews with prior written approval from the University President or designee.

When an emergency removal is imposed, the University will notify the Respondent of the action in writing, including a rationale, and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon as reasonably possible thereafter, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested within three (3) Working Days of the notification from the University, objections to the emergency removal will be considered waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it equitable to do so. The Title IX Coordinator may also request other individuals at the University who may have pertinent information to attend. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Respondent may provide information, including expert reports, Witness statements, communications, or other documentation for review prior to or during the meeting. When applicable, a Complainant may provide information to the Title IX Coordinator for consideration.

An emergency removal may be affirmed, modified, or lifted as a result of the show cause meeting or as new information becomes available. The Title IX Coordinator will communicate the final decision in writing, typically within three (3) Working Days of the show cause meeting.

The University will implement the least restrictive emergency actions possible in light of the

circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: temporarily re-assigning an Employee, restricting a Student's or Employee's access to or use of facilities or equipment, allowing a Student to withdraw or take incomplete grades without financial penalty, authorizing an administrative leave, and suspending a Student's participation in extracurricular activities, student employment, or student organizational leadership.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact on the Parties as possible.

18. Advisors

The Parties may elect to have an Advisor of their choice present with them for all meetings, interviews, and if appropriate, hearings during the complaint Resolution Process, if they so choose. The Parties may select whoever they wish to serve as their Advisor, as long as the Advisor is willing, eligible, and available. Parties also have the right to choose not to have an Advisor in the initial stages of Process A (prior to a hearing), or for the entire duration of Process B.

The Advisor may be a friend, mentor, family member, attorney, or any other person, as long as they are not also a Witness or otherwise a participant in the complaint resolution proceedings. Choosing an Advisor who is also a Witness or participant in the process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a Witness or participant can anticipate that issues of potential bias will be explored by the Decision-maker(s).

The Advisor may not be an Employee of the University or someone who could present a conflict of interest during the complaint Resolution Process.

If a Party requests that all communication be made through an attorney serving as their Advisor instead of to themselves, the University will agree to copy both the Party and their attorney Advisor on all communications.

The University cannot guarantee equal Advisory rights. This means that, if one Party selects an Advisor who is an attorney but the other Party does not or cannot afford an attorney, the University is not obligated to provide an attorney.

A. Advisor's Role in Meetings and Interviews

The Parties may be accompanied by their Advisor in all meetings and interviews at which the Party is entitled to be present, including intake and interviews. Advisors should help the Parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors cannot provide testimony or speak on behalf of their advisee, unless granted permission to do so.

The Parties are expected to ask and respond to questions on their own behalf throughout the complaint Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee,

either privately as needed, or by conferring or passing notes during any meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

B. Advisors in Hearings/University-Appointed Advisor

Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing for Process A but must be conducted by the Parties' Advisors. The Parties are not permitted to cross-examine each other or any Witnesses. If a Party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any cross-examination of the Parties and Witnesses.

A Party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the Party's Advisor will not conduct cross-examination, the University will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised Party in the hearing itself. Extensive questioning of the Parties and Witnesses will also be conducted by the Decision-Maker(s) during the hearing.

C. Pre-Interview Meetings

Advisors and their advisees may request to meet with the Investigator conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and the University's Policy and Procedures.

D. Advisor's Violations of Policy

All Advisors are subject to these Procedures, whether they are attorneys or not, and whether they are selected by a Party or assigned by the University. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address University officials or Investigators in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator or other Decision-Maker(s) except during hearing proceedings, as required for Process A.

The Parties are expected to ask and respond to questions on their own behalf throughout the Investigation phase of the Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by the Policy and associated Procedures, who shares information or evidence in a manner inconsistent with

these Policy and Procedures, or who refuses to comply with the University's established rules of decorum for the hearing, will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing will be ended or other appropriate measures implemented, including the University requiring the Party to use a different Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

E. Sharing Information with the Advisor

The University expects that the Parties may wish to have the University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the Parties participate more meaningfully in the Resolution Process. The Parties may also provide consent in writing to the Title IX Coordinator, stating that they consent to a release of information to the Advisor. This must be completed before the University is able to share records with an Advisor.

If a Party requests that all communication be made through their attorney Advisor, the University will comply with that request at the discretion of the Title IX Coordinator.

Advisors appointed by the University will not be asked to disclose details of their interactions with their advisees to University officials or Decision-makers.

F. Privacy of Records Shared with Advisor

Advisors are expected to maintain the Privacy of the information shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the University's Privacy expectations.

G. Expectations of an Advisor

The University typically expects an Advisor to adjust their schedule to allow them to attend University meetings/interviews/hearings when planned, but the University may change scheduled meetings/interviews/hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The University may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting/interview/hearing by telephone, video conferencing, or other appropriate technologies as may be convenient and available.

All Advisors are subject to the same University policies and procedures, whether they are attorneys or not.

H. Expectations of the Parties with Respect to Advisors

A Party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. However, a Party may not change Advisors during the hearing. The Parties are expected to promptly notify the Title IX Coordinator if they change Advisors. If a Party changes Advisors, their consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

The Parties are expected to inform the Investigator of the identity of their Advisor at least two (2) Working Days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired). Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) Working Days before the hearing.

I. Assistance in Securing an Advisor

The following is being provided for informational purposes and does not constitute the University's endorsement of any of the external individuals/organizations listed.

For representation, Respondents may wish to contact organizations such as:

- Families Advocating for Campus Equality (<http://www.facecampusequality.org>)
- Stop Abusive and Violent Environments (<http://www.saveservices.org>)

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>)
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association
- The Time's Up Legal Defense Fund (<https://nwlc.org/times-up-legal-defense-fund/>)

19. When a Complainant Does Not Wish to Proceed:

If a Complainant does not wish for their name to be shared, does not wish for an Investigation to take place, and/or does not want a Formal Complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the institution and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the University proceeds when the Complainant does not wish to do so and may require an assessment of the risk of violence to help determine whether to proceed. The Title IX Coordinator may sign a Formal Complaint to initiate a Resolution Process after reviewing assessment results and weighing the following factors:

- a. Multiple or prior reports of sexual misconduct against the Respondent.
- b. The Respondent reportedly used a weapon, physical restraints, or engaged in battery.

- c. The Respondent is a faculty or staff member with oversight of Students.
- d. There is a power imbalance between the Complainant and Respondent.
- e. The Complainant believes that the Complainant will be less safe if the Complainant's name is disclosed, or an Investigation conducted.
- f. The institution is able to conduct a thorough Investigation and obtain Relevant Evidence in the absence of the Complainant's cooperation.

In instances where the Complainant's request for anonymity or no investigation is granted, the University will provide Supportive Measures to the Complainant and take reasonable steps to respond to the complaint, consistent with the request, to limit the effects of the alleged sexual misconduct and prevent its recurrence without initiating formal action against the alleged Respondent or revealing the identity of the Complainant. These steps may include but are not limited to:

- Increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred
- Providing additional training and education materials for Students and Employees
- Conducting climate surveys regarding sexual misconduct

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

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.

When the University proceeds, the Complainant (and/or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

The Title IX Coordinator will inform the Complainant prior to initiating the Formal Resolution Process and take immediate steps to provide for the safety of the Complainant, where appropriate. In the event the Complainant requests that the University inform the Respondent that the Complainant asked the University not to investigate or seek discipline, the University will honor this request.

Note that the University's ability to Remedy and respond to Notice may be limited if the Complainant does not want the University to proceed with an Investigation and/or Resolution Process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the University's obligation to protect its community.

In cases in which the Complainant requests anonymity/no formal action and the

circumstances allow the University to honor that request, the University may offer [Informal Resolution](#) options, Supportive Measures, and Remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a Formal Complaint at a later date. Upon making a Formal Complaint, a Complainant has the right, and can expect, to have allegations taken seriously by the University and to have the incidents investigated and properly resolved through these Procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the Parties.

RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON PROHIBITION OF SEX DISCRIMINATION PERTAINING TO THE FEDERAL REGULATIONS (34 CFR §106) AND RELATED ALLEGATIONS (KNOWN AS PROCESS “A”)

1. Overview

The University will act on any formal or informal Notice/complaint of violation of the Policy on Prohibition of Sex Discrimination (“the Policy”) that is received by the Title IX Coordinator by applying these procedures, known as “Process A.”

The procedures below apply to all allegations of harassment or Discrimination on the basis of Sex, Gender, Gender Expression, or Gender Identity involving Students and Employees. In general, if some or all of the allegations in a complaint relate to the protections of Title IX as described in the 2020 Federal Regulations (34 CFR §106) then all allegations in the complaint are resolved through Process A. All other complaints under the Policy are resolved through Process B. A set of technical dismissal requirements within the Title IX regulations may apply as described below, but when a technical dismissal under the Title IX allegations is required, any remaining allegations may proceed using these same grievance procedures, clarifying which Policy provisions above are applicable. Although the effect of the Title IX regulations can be confusing, these grievance procedures apply to all Policy offenses.

If all allegations are technically dismissed as described in the 2020 Federal Regulations (34 CFR §106), the University will proceed with “Process B” for any remaining allegations related to the Policy on Prohibition of Sex Discrimination. A full description of the procedures applicable under “Process B” can be found below.

Process B can also apply to Sexual Harassment (including Sexual Assault, Dating Violence, Domestic Violence, and Stalking, as defined in the Policy) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.

The procedures below may be used to address alleged collateral misconduct by the Respondent arising from the Investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another), when alleged violations of the Policy are being addressed at the same time. In such cases, the Title IX Coordinator may consult with the University officials who typically oversee such conduct (e.g., human resources, student conduct, academic affairs, etc.) to provide input as needed. All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures described in the student, faculty, and staff handbooks.

2. Notice/Complaint

Upon receipt of a Formal Complaint or Notice of an alleged Policy Violation by the Title IX Coordinator, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps the University needs to take. The Title IX Coordinator will contact the Complainant to offer Supportive Measures and determine whether the Complainant wishes to file a Formal Complaint.

The Title IX Coordinator will then initiate at least one of three responses:

- 1) Offering Supportive Measures because the Complainant does not want to file a Formal Complaint; and/or
- 2) An Informal Resolution (upon submission of a Formal Complaint); and/or
- 3) A Formal Grievance Process including an Investigation and a hearing (upon submission of a Formal Complaint).

The University uses a Formal Grievance Process as described below to determine whether the Policy has been violated. If so, the University will promptly implement effective Remedies designed to ensure that it is not deliberately indifferent to harassment or Discrimination, their potential recurrence, and/or their effects.

3. Initial Assessment:

Following receipt of notice or a Formal Complaint of an alleged violation of this Policy, the Title IX Coordinator engages in an initial assessment, typically within five to seven (5-7) Working Days. The steps in an initial assessment can include:

- The Title IX Coordinator seeks to determine if the person impacted wishes to make a Formal Complaint, and will assist them to do so, if desired.
 - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint themselves because a Violence Risk Assessment indicates a compelling threat to health and/or safety.
- If a Formal Complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer Supportive Measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an Informal Resolution option, or a Formal Investigation and Grievance Process.
 - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their needs, determine appropriate supports, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
 - If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for Informal Resolution, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
Please note, per the 2020 Title IX regulations, the University is prohibited from Informal Resolution of a complaint by a Student against an Employee.
 - If a Formal Grievance Process is preferred by the Complainant, the Title IX Coordinator determines if the alleged misconduct falls within the scope of the 2020 Title IX regulations:

- If it does, the Title IX Coordinator will initiate the Formal Investigation and Grievance Process, directing the investigation to address, based on the nature of the complaint:
 - an incident, and/or
 - a pattern of alleged misconduct, and/or
 - a culture/climate issue

If alleged misconduct does not fall within the scope of the Title IX regulations, the Title IX Coordinator determines that the regulations do not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, which Resolution Process is applicable, and will refer the matter accordingly, including referring the matter for resolution under Process B, if applicable. Please note that dismissing a complaint under the 2020 Title IX regulations is solely a procedural requirement under Title IX, which does not limit the University’s authority to address a complaint with an appropriate process and remedies.

A. Violence Risk Assessment

In some cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- 1) Emergency removal of a Respondent on the basis of immediate threat to an individual or the community’s physical health/safety
- 2) Whether the Title IX Coordinator should pursue/sign a Formal Complaint absent a willing/able Complainant
- 3) Whether the scope of the Investigation should include an incident, and/or pattern of misconduct, and/or climate of hostility/harassment
- 4) To help identify potential predatory conduct
- 5) To help assess/identify grooming behaviors
- 6) Whether it is reasonable to try to resolve a complaint through Informal Resolution, and if so, what approach may be most successful
- 7) Whether to permit a voluntary withdrawal by the Respondent
- 8) Whether to impose transcript notation or communicate with a transfer Recipient about a Respondent
- 9) Assessment of appropriate sanctions/remedies (to be applied post-hearing)
- 10) Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other individual(s) designated by the University to perform threat assessment. A VRA authorized by the Title IX Coordinator should occur in

collaboration with individual(s) who perform the threat assessment. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate Student or Employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., 5150 in California), nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

B. Dismissal (Mandatory and Discretionary)

The University must dismiss a Formal Complaint or any allegations therein if, at any time during the Investigation or hearing, it is determined that:

- 1) The conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined in the Policy, even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by the University (including buildings or property controlled by recognized student organizations), and/or the University does not have control of the Respondent; and/or
- 3) The conduct did not occur against a person in the United States; and/or
- 4) At the time of filing a Formal Complaint, a Complainant is not participating in or attempting to participate in the University's Education Program or Activity, and based on the available information, the Title IX Coordinator has determined that they do not need to sign a Formal Complaint on behalf of the University.

The University may dismiss a Formal Complaint or any allegations therein if, at any time during the Investigation or hearing:

- 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or
- 2) The Respondent is no longer enrolled in or employed by the University
- 3) Specific circumstances prevent the University from gathering evidence; or sufficient to reach a determination as to the Formal Complaint or allegations therein

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

Upon any dismissal, the University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the Parties.

This dismissal decision is appealable by any Party under the procedures for appeal below. The decision not to dismiss is also appealable by any Party claiming that a

dismissal is required or appropriate.

Depending upon the circumstances of the dismissal decision, and if not in conflict with the protections of Title IX as described in the 2020 Federal Regulations (34 CFR §106), the Title IX Coordinator will determine whether or not to proceed under Process B.

4. Resolution Processes

Resolution proceedings are private. All persons present at any time during the Resolution Process are expected to maintain the Privacy of the proceedings in accordance with University Policy.

Although there is an expectation of Privacy around what Investigators share with Parties during interviews, the Parties have discretion to share their own knowledge and evidence with others if they so choose, except for information the Parties agree not to disclose as part of an Informal Resolution. University encourages Parties to discuss any sharing of information with their Advisors before doing so.

The Formal Grievance Process is the University's primary resolution approach unless Informal Resolution is elected by all Parties and the University.

A. Informal Resolution

Three options for Informal Resolution are detailed in this section.

- 1) **Supportive Resolution.** When the Title IX Coordinator can resolve the matter informally by providing Supportive Measures (only) to remedy the situation
- 2) **Alternative Resolution.** When the Parties agree to resolve the matter through an alternative resolution mechanism including mediation, restorative practices, facilitated dialogue, etc., as described below, often before a formal investigation takes place.
Please note, mediation is prohibited to resolve allegations of Sexual Assault, Dating violence, Domestic violence, and Stalking, even on a voluntary basis.
- 3) **Accepted Responsibility.** When the Respondent accepts responsibility for violating Policy, and desires to accept the recommended Sanction(s) and end the Resolution Process.

To initiate Informal Resolution, a Complainant must submit a Formal Complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator. The Parties may agree, as a condition of engaging in Informal Resolution, that statements made, or evidence shared, during the Informal Resolution process will not be considered in the Formal Grievance Process unless all Parties consent.

Informal Resolution cannot be offered when the complaint includes allegations that an Employee sexually harassed a Student; or when such a process would conflict with federal, state, or local law.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any Party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process. The Parties may not enter into an agreement that requires the University to impose specific Sanctions, though the Parties can agree to certain restrictions or other courses of action. For example, the Parties cannot require a Student be suspended, but the Parties can agree that the Respondent will temporarily or permanently withdraw. The only Informal Resolution process that can result in Sanctions levied by the institution is “Accepted Responsibility.” The Title IX Coordinator has discretion to determine if an Investigation will be paused during Informal Resolution, or if it will be limited, or will continue during the Informal Resolution process.

Prior to implementing Informal Resolution, the University will provide the Parties with written notice of the reported misconduct and any Sanctions (only in the case of Accepted Responsibility) or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

The University will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution.

B. Alternative Resolution Approaches

Alternative resolution is an informal approach, including mediation, restorative practices, facilitated dialogue, etc. by which the Parties reach a mutually agreed upon resolution of a Formal Complaint. All Parties must consent to the use of an alternative resolution approach.

The Title IX Coordinator may consider the following factors to assess whether alternative resolution is appropriate, or which form of alternative resolution may be most successful for the Parties:

- The Parties’ amenability to alternative resolution
- Likelihood of potential resolution, considering any power dynamics between the Parties
- The nature and severity of the alleged misconduct
- The Parties’ motivation to participate
- Civility of the Parties
- Results of a violence risk assessment/ongoing risk analysis
- Disciplinary history of the Respondent
- Whether an emergency removal is needed
- Skill of the alternative resolution facilitator with this type of complaint
- Complaint complexity

- Emotional investment/capability of the Parties
- Rationality of the Parties
- Goals of the Parties
- Adequate resources to invest in alternative resolution (time, staff, etc.)

The ultimate determination of whether alternative resolution is available or successful is made by the Title IX Coordinator. The Title IX Coordinator is authorized to facilitate a Resolution that is acceptable to all parties, and/or to accept a Resolution that is proposed by the Parties, usually through their Advisors, including terms of Privacy, release, and non-disparagement.

The Title IX Coordinator maintains records of any Resolution that is reached, and failure to abide by the Resolution agreement may result in appropriate responsive/disciplinary actions (e.g., referral for Formal Grievance Process, referral to the conduct process for failure to comply). Results of complaints resolved by alternative resolution are not appealable.

C. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged Policy Violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all Parties and the University are able to agree on responsibility, restrictions and/or Remedies. If so, the Title IX Coordinator implements the accepted Finding that the Respondent is in violation of University Policy and implements agreed-upon restrictions and Remedies and determines the appropriate Sanction(s) in coordination with other appropriate University official(s), as necessary.

This result is not subject to appeal once all Parties indicate their written assent to all agreed upon Resolution terms. When the Parties cannot agree on all terms of Resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a Resolution is accomplished, the appropriate Sanction(s) or responsive actions are promptly implemented to effectively stop the Sex Discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

5. Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written Notice of the Investigation and Allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who will be

given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- 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 implicated
- A description of the applicable procedures
- A statement of the potential Sanctions/responsive actions that could result
- 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 Directly Related and/or Relevant Evidence obtained
- A statement about the University's Policy on Retaliation
- Information about the Privacy of the process
- Information on the need for each Party to have an Advisor of their choosing and suggestions for ways to identify an Advisor
- A statement informing the Parties that the University's Policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process
- Detail on how the Party may request disability accommodations during the Resolution Process
- The university's Violence Against Women Act (VAWA) Brochure (or a link) as per 42 USC §13701,
- The name(s) of the Investigator, along with a process to identify to the Title IX Coordinator, in advance of the interview process, any conflict of interest that the Investigator may have
- An instruction to preserve any evidence that is Directly Related to the allegations

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.

Notice will be made in writing and will be emailed to the Parties' University-issued email or designated accounts. Once emailed, notice will be presumptively delivered.

6. Resolution Timeline

The University will make a good faith effort to complete the Resolution Process within 90-120 Workings Days, including appeal if any, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the Parties as appropriate, as well as an estimate of how much

additional time will be needed to complete the process.

7. Appointment of Investigator

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints an Investigator to conduct the Investigation, usually within seven (7) Working Days of determining that an investigation should proceed. The Title IX Coordinator may appoint themselves, or a properly trained external Investigator. If the Investigation is assigned to an external Investigator, the Title IX Coordinator will supervise and oversee the Investigation, including reviewing all Investigation Reports before they are final to ensure that the Investigation complies with these Procedures. If the Title IX Coordinator investigates the Complaint, an appropriately trained University official or external professional will review all Investigation Reports in the place of the Title IX Coordinator.

8. Ensuring Impartiality

Any individual materially involved in the administration of the Complaint resolution process, including the Title IX Coordinator, Investigator, and Decision-Maker, should not have or demonstrate a conflict of interest or bias for a Party generally, or for a specific Complainant or Respondent. A Decision-Maker may not be the same person as the Title IX Coordinator and/or Investigator.

A conflict of interest exists if a person has a personal relationship with one of the Parties or Witnesses, reports to or is supervised in employment by a Party, or has demonstrated actual bias towards a Party or Witness or towards Complainants or Respondents in general. Mere belief or opinion does not constitute evidence of bias or conflict of interest.

The Title IX Coordinator will vet the assigned Investigator to ensure there are no actual or apparent conflicts of interest or disqualifying biases. The Parties may, at any time during the Resolution Process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another individual will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the President of the University.

The Formal Grievance Process involve an objective evaluation of all Relevant Evidence obtained, including evidence that supports that the Respondent engaged in a Policy Violation and evidence that supports that the Respondent did not engage in a Policy Violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or Witness. All Parties have a full and fair opportunity, through the Investigation process, to suggest Witnesses and questions, to provide evidence, and to receive a written Investigation report that accurately summarizes this evidence.

The University operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a Policy Violation by Preponderance of the Evidence.

9. Investigation Timeline

Investigations are completed expeditiously, normally within ninety (90) Working Days, though some Investigations may take many weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, law enforcement involvement, etc.

The University will make a good faith effort to complete Investigations as promptly as circumstances permit and will communicate regularly with the Parties to update them on the progress and timing of the Investigation.

10. Investigation Process Delays and Interactions with Law Enforcement

The University may undertake a short delay in its Investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the Investigation, the need for language assistance, the absence of Parties and/or Witnesses, and/or health conditions.

The University will communicate the anticipated duration of the delay and reason to the Parties in writing and provide the Parties with status updates if necessary. The University will promptly resume its Investigation and Resolution Process as soon as feasible. During such a delay, University will implement Supportive Measures as deemed appropriate.

University's action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

11. Investigation Process Steps

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all available Relevant Parties and Witnesses; obtaining available, Relevant Evidence; and identifying sources of expert information, as necessary.

All Parties have a full and fair opportunity, through the Investigation process, to suggest Witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

At the discretion of the Title IX Coordinator, Investigations can be combined when complaints implicate a pattern, collusion, and/or other shared or similar actions.

The Investigator typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator, if needed, with conducting a prompt initial assessment to determine if the allegations indicate a potential Policy Violation

- Commence a thorough, reliable, and impartial Investigation by identifying issues and developing a strategic Investigation plan, including a Witness list, evidence list, intended Investigation timeframe, and order of interviews for the Parties and Witnesses
- Meet with the Complainant to finalize their interview/statement, if necessary
- Work with the Title IX Coordinator, as necessary, to prepare the initial Notice of Investigation and Allegations (NOIA). The NOIA may be amended with any additional or dismissed allegations
 - Notice should inform the Parties of their right to have the assistance of an Advisor of their choosing present for all meetings attended by the Party
- Provide each interviewed Party and Witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the Relevant Evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify each Party of any meeting or interview involving another Party, in advance when possible
- When participation of a Party is expected, provide that Party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, Relevant Witnesses and conduct follow-up interviews as necessary
- Allow each Party the opportunity to suggest Witnesses and questions they wish the Investigator to ask of another Party and/or Witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the Investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the Parties throughout the Investigation
- Prior to the conclusion of the Investigation, provide the Parties and their respective Advisors (if so desired by the parties) with a list of Witnesses whose information will be used to render a Finding
- Write a comprehensive Investigation Report fully summarizing the Investigation, all Witness interviews, and addressing all Relevant Evidence. Appendices including Relevant physical or documentary evidence will be included
- Gather, assess, and synthesize evidence, but make no conclusions, engage in no Policy analysis, and render no recommendations as part of their report
- Prior to the conclusion of the Investigation, provide the Parties and their respective Advisors (if so desired by the parties) a secured electronic copy of the draft Investigation Report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is Directly Related to the reported misconduct, including evidence upon which the University does not intend to rely in reaching a determination, for a ten (10) Working Days review and comment period so that each Party may meaningfully respond to the evidence. The Parties may elect to waive the full ten (10) Working Days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).
- May elect to respond in writing in the Investigation report to the Parties' submitted responses and/or to share the responses between the Parties for additional responses

- Incorporate Relevant elements of the Parties' written responses into the final Investigation Report, include any additional Relevant Evidence, make any necessary revisions, and finalize the report. The Investigator should document all rationales for any changes made after the review and comment period.
- Share the report with the Title IX Coordinator and/or legal counsel for their review and feedback
- Incorporate any relevant feedback and share the final report with all Parties and their Advisors through secure electronic transmission at least ten (10) Working Day prior to a hearing. The Parties and Advisors are also provided with a file of any Directly Related Evidence that was not included in the report.

12. Witness Role and Participation in the Investigation

Witnesses (as distinguished from the parties) who are Employees of the University expected to cooperate with and participate in the University's Investigation and Resolution Process. Failure of such Witnesses to cooperate with and/or participate in the Investigation or Resolution Process constitutes a violation of Policy and may warrant discipline. Student Witnesses and Witnesses from outside the University community are encouraged to cooperate with University investigations and to share what they know about a complaint.

Although in-person interviews for Parties and all potential Witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, Microsoft Teams, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator determine that timeliness, efficiency, or other reasons dictate a need for remote interviewing. The University will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator, though not preferred.

13. Interview Recording

No unauthorized audio or video recording of any kind is permitted during Investigation meetings. If Investigator elect to audio and/or video record interviews, all involved parties should be made aware of and consent to audio and/or video recording.

14. Evidentiary Considerations

Neither the Investigation nor the hearing will consider: (1) incidents not Relevant or not Directly Related to the possible violation(s), unless they evidence a pattern; or (2) questions and evidence about the Complainant's sexual predisposition; or (3) questions and evidence about the Complainant's prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Affirmative Consent.

Within the boundaries stated above, the Investigation and the hearing can consider

character evidence generally, if offered, but that evidence is unlikely to be Relevant unless it is fact evidence or relates to a pattern of conduct.

Parties may not introduce evidence, including Witness testimony, at the hearing that the Party did not identify during the Investigation and that was available at the time of the Investigation. However, the Decision-Maker has discretion to accept for good cause, or exclude, such new evidence offered at the hearing.

15. Referral for Hearing

Provided that the Formal Complaint is not resolved through Informal Resolution, once the final Investigation Report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be held less than ten (10) Working Days from the conclusion of the Investigation—when the final Investigation Report is transmitted to the Parties and the Decision-Maker(s)—unless all Parties and the Decision-Maker(s) agree to an expedited timeline.

The Title IX Coordinator will designate an appropriate Decision-Maker and provide a copy of the Investigation Report and the file of Directly Related Evidence.

16. Hearing Decision-Maker Composition

The University will designate a single Decision-Maker, at the discretion of the Title IX Coordinator. The single Decision-Maker will also Chair the hearing. The Decision-Maker will not have had any previous involvement with the Formal Complaint.

The Investigator will be a Witness in the hearing and therefore may not serve as a Decision-Maker. Individuals assigned as hearing Advisors for any Party may not serve as Decision-Maker in that matter.

The Title IX Coordinator may not serve as a Decision-Maker in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill the hearing facilitator role. The hearing will convene at a time and venue determined by the Title IX Coordinator or designee.

17. Additional Evidentiary Considerations in the Hearing

Previous disciplinary action of any kind involving the Respondent may not be used 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, assuming the University uses a progressive discipline system. This information is only considered at the Sanction stage of the process and is not shared until then.

The Parties may each submit a written impact and/or mitigation statement prior to the hearing for the consideration of the Decision-Maker at the Sanction stage of the process

when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-Maker renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

18. Hearing Notice

No less than ten (10) Working Days prior to the hearing, the Title IX Coordinator will send notice of the hearing to the Parties. Once emailed, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential Sanctions/responsive actions that could result.
- The time, date, and location of the hearing.
- Description of any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-Maker and Parties to see and hear a Party or Witness answering questions. Such a request must be raised with the Title IX Coordinator as soon as possible, preferably at least five (5) Working Days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to the Decision-Maker based on demonstrated bias or conflict of interest. This must be raised with the Title IX Coordinator at least three (3) Working Days prior to the hearing.
- Information on how the hearing will be recorded and how the Parties can access the recording after the hearing.
- A statement that if any Party or Witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Title IX Coordinator may reschedule the hearing.
- Notification that the Parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The Party must notify the Title IX Coordinator if they wish to conduct cross-examination and do not have an Advisor, and the University will appoint one. Each Party must have an Advisor present if they intend to cross-examine others. There are no exceptions.
- A copy of all the materials provided to the Decision-Maker about the Formal Complaint unless they have already been provided.
- An invitation to each Party to submit to the Decision-Maker an impact and/or mitigation statement pre-hearing that the Decision-Maker will review during any Sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) Working Days prior to the hearing.
- A statement that the hearing will be recorded by the university. This recording will be the only official record of the hearing. This recording will be maintained in

compliance with federal and state law, and the university records retention policy. After this matter concludes, any Party wishing to review this recording should submit a written request to the Title IX Coordinator. The Title IX Coordinator has the authority to grant that request as permitted by law.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the University and remain within the 90-120 Working Days goal for Resolution.

In these cases, if the Respondent is a graduating Student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A Student facing charges under the Policy is not in good standing to graduate.

Employees who do not have 12-month contracts are still expected to participate in Resolution proceedings that occur during months between contracts.

19. Alternative Hearing Participation Options

If a Party or Parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator as soon as possible, preferably at least seven (7) Working Days prior to the hearing.

The Title IX Coordinator can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for Witnesses who cannot appear in person. Any Witness who cannot attend in person should let the Title IX Coordinator know as soon as possible, preferably at least seven (7) Working Days prior to the hearing so that appropriate arrangements can be made.

20. Pre-Hearing Preparation

After any necessary consultation with the Parties, Investigator and/or Title IX Coordinator, the Decision-Maker will provide the names of persons who have been asked to participate in the hearing, all pertinent documentary evidence, and the final Investigation Report to the Parties at least ten (10) Working Days prior to the hearing.

Any Witness scheduled to participate in the hearing must have been first interviewed by the Investigator or have proffered a written statement or answered written questions, unless all Parties and the Decision-Maker assent to the Witness's participation in the hearing. The same holds for any Relevant Evidence that is first offered at the hearing. If the Parties and Decision-Maker do not assent to the admission of evidence newly offered at the hearing, the Decision-Maker may delay the hearing and/or instruct that the Investigation needs to be re-opened to consider that evidence.

The Parties will be given the name of the Decision-Maker at least five (5) Working Days in advance of the hearing. All objections to the Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator

as soon as possible and no later than three (3) Working Days prior to the hearing. The Decision-Maker will only be removed if the Title IX Coordinator concludes that their actual or perceived bias or conflict of interest precludes an impartial hearing of the complaint.

The Title IX Coordinator will give the Decision-Maker a list of the names of all Parties, Witnesses, and Advisors at least five (5) Working Days in advance of the hearing. Any Decision-Maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the Parties, Witnesses, and Advisors in advance of the hearing. If a Decision-Maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10)-Working-Days period prior to the hearing, the Parties have the opportunity for continued review and comment on the final Investigation Report and available evidence. That review and comment can be shared with the Decision-Maker at a pre-hearing meeting or at the hearing and will be exchanged between each Party by the Decision-Maker.

21. Pre-Hearing Meetings

The Decision-Maker may convene a pre-hearing meeting(s) with the Parties and/or their Advisors and invite them to submit the questions or topics they (the Parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Decision-Maker can rule on their Relevance ahead of time to avoid any improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing.

However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration on a pre-hearing ruling by the Decision-Maker based on any new information or testimony offered at the hearing. The Decision-Maker must document and share with each Party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Decision-Maker, **only** with full agreement of the Parties, may decide in advance of the hearing that certain Witnesses do not need to be present if their testimony can be adequately summarized by the Investigator in the Investigation Report or during the hearing.

At each pre-hearing meeting with a Party and/or their Advisor, the Decision-Maker will consider arguments that evidence identified in the final Investigation Report as Relevant is, in fact, not Relevant. Similarly, evidence identified as Directly Related but not Relevant by the Investigator may be argued to be relevant. The Decision-Maker may rule on these arguments pre-hearing and will exchange those rulings between the Parties prior to the hearing to assist in preparation for the hearing. The Decision-Maker may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded. The pre-hearing meetings may be conducted as separate meetings with each Party/Advisor, with all Parties/Advisors present at the same time, remotely, or as a written-only exchange. The Decision-Maker will work

with the Parties to establish the format.

22. Hearing Procedures

At the hearing, the Decision-maker(s) have the authority to hear and make determinations on all allegations of Prohibited Conduct and may also hear and make determinations on any additional alleged policy violations that occurred in concert with the Prohibited Conduct, even though those collateral allegations may not specifically fall within the Prohibition on Sex Discrimination Policy.

Participants at the hearing will include the Decision-Maker, the hearing facilitator who may be the Title IX Coordinator, the Investigator who conducted the Investigation, the Parties, Advisors to the Parties, any called Witnesses, the Title IX Coordinator, and anyone providing authorized accommodations, interpretation, and/or assistive services.

The Decision-Maker will answer all questions of procedure.

Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Decision-Maker will allow Witnesses who have relevant information to appear at a portion of the hearing to respond to specific questions from the Decision-Maker and the Parties, and the Witnesses will then be excused. The Investigator will remain present for the duration of the hearing.

23. Joint Hearings

In hearings involving more than one Respondent and/or involving more than one Complainant who has accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the Investigation and/or hearings pertinent to each Respondent or Formal Complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each Formal Complaint with respect to each alleged Policy Violation.

24. The Order of the Hearing – Introductions and Explanation of Procedures

The Decision-Maker explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-Maker based on bias or conflict of interest. The Title IX Coordinator will review and rule on any such challenge.

The Decision-Maker and hearing facilitator then conducts the hearing according to the hearing script. At the hearing, recording, Witness logistics, Party logistics, curation of documents, separation of the Parties, and other administrative elements of the hearing process are managed a non-voting hearing facilitator who may be the Title IX Coordinator. If the Title IX Coordinator's previous role(s) in the matter creates a conflict of interest, the

Title IX Coordinator will not serve as the hearing facilitator and will instead appoint another individual to serve in the role.

The hearing facilitator may attend to: logistics of rooms for various Parties/Witnesses as they wait; flow of Parties/Witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

25. Investigator Presentation of Final Investigation Report

The Investigator will present a summary of the final Investigation Report, including items that are contested and those that are not, and will be subject to questioning by the Decision-Maker and the Parties (through their Advisors). The Investigator will be present during the entire hearing process, but not during deliberations.

Neither the Parties nor the Decision-Maker should ask the Investigator their opinions on credibility, recommended findings, or determinations, and Advisors and Parties will refrain from discussion of or questions for Investigator about these assessments. If such information is introduced, the Decision-Maker will direct that it be disregarded.

26. Testimony and Questioning

Once the Investigator presents the report and responds to questions, the Parties and Witnesses may provide Relevant information in turn, beginning with the Complainant, and then in the order determined by the Decision-Maker. The Parties/Witnesses will submit to questioning by the Decision-Maker and then by the Parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Decision-Maker. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Decision-Maker upon request if agreed to by all Parties and the Decision-Maker), the proceeding will pause to allow the Decision-Maker to consider the question (and state it if it has not already been stated aloud), and the Decision-Maker will determine whether the question will be permitted, disallowed, or rephrased.

The Decision-Maker may invite explanations or persuasive statements regarding relevance with the Advisors if the Decision-Maker so chooses. The Decision-Maker will then state their decision on the question for the record and advise the Party/Witness to whom the question was directed, accordingly. The Decision-Maker will explain any decision to exclude a question as not Relevant, or to reframe it for relevance.

The Decision-Maker will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Decision-Maker has final say on all questions and determinations of relevance. The Decision-Maker may consult with legal counsel on any questions of admissibility. The Decision-Maker may ask Advisors to frame why a question is or is not Relevant from their perspective but will not entertain argument from the Advisors on relevance once the Decision-Maker has ruled on a question.

If the Parties raise an issue of bias or conflict of interest of the Investigator at the hearing, the Decision-Maker may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If the Parties claim bias or conflict of interest of the Decision-Maker at the hearing, they will be referred to the Title IX Coordinator. If bias is not in issue at the hearing, the Decision-Maker should not permit irrelevant questions that probe for bias.

27. Refusal to Submit to Questioning; Inferences

Any Party or Witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-Maker can only rely on whatever Relevant Evidence is available through the Investigation and hearing in making the ultimate determination of responsibility. The Decision-Maker may not draw any inference solely from a Party's or Witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.

An Advisor may not be called as a Witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the Party being advised consents to that information being shared. It is otherwise considered off-limits.

28. Hearing Recordings

Hearings (but not deliberations) are recorded by the University for purposes of review in the event of an appeal. The Parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-Maker, the Parties, their Advisors, and appropriate administrators of the University will be permitted to review the recording or review a transcript of the recording, upon request to the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

29. Deliberation, Decision-making, and Standard of Proof

The Decision-Maker will deliberate in closed session to determine whether the Respondent is responsible for the Policy Violation(s) in question. The Preponderance of the Evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Decision-Maker, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a Finding of responsibility on one or more of the allegations, the Decision-Maker may then consider the previously submitted Party impact and/or mitigation statement(s) in determining appropriate Sanction(s). The Decision-Makers may – at their discretion – consider the statements, but they are not binding. The Decision-Maker will ensure that each of the Parties has an opportunity to review any submitted impact and/or mitigation statement(s) once they are submitted.

The Decision-Maker will also review any pertinent conduct history provided by the Title IX Coordinator and will recommend the appropriate Sanction(s) in consultation with other appropriate administrators, as required.

The Decision-Maker will then prepare a written statement detailing all Findings and Final Determinations, the rationale(s) explaining the decision(s), the evidence used in support of the determination(s), the evidence not relied upon in the determination(s), any credibility assessments, any Sanction(s) and rationales explaining the Sanction(s), and will deliver the statement to the Title IX Coordinator.

This statement is typically three to five (3-5) pages in length and must be submitted to the Title IX Coordinator within three (3) Working Days of the end of deliberations unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the Parties.

30. Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Decision-Maker to prepare a Notice of Outcome letter. The Notice of Outcome will then be reviewed by legal counsel. The Title IX Coordinator will then share the letter, which includes the Final Determination, rationale, and any applicable Sanction(s), with the Parties and their Advisors within seven (7) Working Days of receiving the deliberation statement.

The Notice of Outcome will be shared with the Parties simultaneously. Notification will be made in writing and emailed to the Parties' University-issued email or otherwise approved account. Once emailed, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific alleged Policy Violation(s), including the relevant Policy section(s), and will contain a description of the procedural steps taken by the University from the receipt of the misconduct report to the determination, including any and all notifications to the Parties, interviews with Parties and Witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the Finding for each alleged Policy Violation; the Findings of fact that support the determination; conclusions regarding the application of the relevant Policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the University is permitted to share such information under state or federal law; any Sanction(s) issued which the University is permitted to share according to state or federal law; and whether Remedies will be provided to the Complainant to ensure access to the University's educational or employment program or activity.

The Notice of Outcome will also include information on when the results are considered final by the University, will note any changes to the outcome and/or Sanction(s) that occur prior to finalization, and the relevant procedures and bases for appeal.

31. Sanctions

Factors considered when determining a Sanction/responsive action may include, but are

not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for Sanctions/responsive actions to bring an end to the Prohibited Conduct
- The need for Sanctions/responsive actions to prevent the future recurrence of Prohibited Conduct
- The need to remedy the effects of the Prohibited Conduct on the Complainant and the community
- The impact on the Parties
- Any other information deemed relevant by the Decision-Maker

The Sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The Sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or Sanctions imposed, by external authorities.

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 Formal Grievance Process at any time, and/or referring that information to another process for resolution.

Sanctions the Decision-Maker may put in place include but are not limited to the following:

For Students:

- Disciplinary warning – verbal or written
- Required training or education
- Disciplinary probation
- Educational, interventional or restorative requirements
- Restricted access to University facilities or events
- Imposition or continuation of a no-contact order
- Suspension from education program or campus access (limited time or indefinite)
- Expulsion
- Withholding of degree or delayed awarding of a degree if enrolled in a University degree program
- Dismissal (expulsion)
- Revocation of degree
- Organizational Sanctions: Deactivation, loss of recognition or loss of some or all privileges for a specified period of time
- In addition to or in place of the above Sanctions, the University may assign any other Sanctions as deemed appropriate.

For Employees:

- Disciplinary warning- verbal or written
- Required training or education
- Performance Improvement Plan
- Disciplinary probation
- Educational, interventional or restorative requirements
- Restricted access to University facilities or events
- Imposition or continuation of a no-contact order
- Loss of pay increase
- Loss of oversight or supervisory responsibilities
- Suspension, reduction, or loss of compensation
- Demotion
- Termination of employment, contract, appointment, and/or tenure

Other Actions: In addition to or in place of the above Sanctions, the University may assign any other Sanctions as deemed appropriate.

32. Withdrawal or Resignation Before Complaint Resolution

A. Students

If a Student has an allegation pending for violation of the Policy on Prohibition of Sex Discrimination, the University may place a hold on a Student's ability to graduate and/or to receive an official transcript/diploma. The Student Respondent may also be restricted from accessing University property and/or events.

Should a Student Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable Resolution. Should a Student Respondent permanently withdraw from the University, the Resolution Process typically ends with a dismissal, as the University has lost primary disciplinary jurisdiction over the withdrawn Student. However, the University may continue the Resolution Process when, at the discretion of the Title IX Coordinator, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged Prohibited Conduct.

Regardless of whether the Formal Complaint is dismissed or pursued to completion of the Resolution Process, the University will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged Prohibited Conduct.

The Student who withdraws or leaves while the process is pending may not return to the University in any capacity. Admissions will be notified, accordingly. Such exclusion applies to all campuses of the university. A hold will be placed on their ability to be readmitted. They may also be barred from university property and/or events.

If the Student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely

and, if found in violation, that Student is not permitted to return to the University unless and until all Sanctions, if any, have been satisfied.

B. Employees

Should an Employee Respondent resign with unresolved allegations pending, the Resolution Process typically ends with dismissal, as the University has lost primary disciplinary jurisdiction over the resigned Employee. However, the University may continue the Resolution Process when, at the discretion of the Title IX Coordinator, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged Prohibited Conduct.

Regardless of whether the matter is dismissed or pursued to completion of the Resolution Process, the University will continue to address and remedy any systemic issues or concerns that contributed to the alleged violation(s), and any ongoing effects of the alleged Prohibited Conduct.

The Employee who resigns with unresolved allegations pending is not eligible for academic admission or rehire with the University, and the records retained by the Title IX Coordinator will reflect that status.

33. Appeals

Any Party may submit a written request for appeal ("Request for Appeal") to the Title IX Coordinator within five (5) Working Days of the delivery of the Notice of Outcome.

A single Appeal Officer will Chair the appeal. No Appeal Officer will have been previously involved in the Resolution Process for the Formal Complaint, including in any dismissal appeal that may have been heard earlier in the process. The University President or designee will act as the Appeal Officer for all appeals. If the University President has previously acted administratively on the Formal Complaint, including any dismissal appeal, the University will designate an alternate to be the Appeal Officer. In addition, an alternate will be designated when extenuating circumstances arise or when there is a conflict of interest.

The Request for Appeal will be forwarded to the Appeal Officer or designee for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

A. Grounds for Appeal

Appeals are limited to the following grounds:

- 1) A procedural irregularity affected the outcome of the matter;
- 2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

- 3) The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter; and
- 4) The Sanction(s) imposed is substantially disproportionate to the severity of the violation.

If any of the grounds in the Request for Appeal do not meet the grounds in these Procedures, that request will be denied by the Appeal Officer, and the Parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in these Procedures, then the Appeal Officer or designee will notify all Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator and/or the original Decision-Maker.

All other Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator and/or the original Decision-Maker will be emailed a copy of the Request for Appeal with the approved grounds and then be given five (5) Working Days to submit a response to the portion of the appeal that was approved and involves them. All responses, if any, will be forwarded by the Appeal Officer or designee to all Parties for review and comment.

The non-appealing Party (if any) may also choose to appeal at this time. If so, that will be reviewed to determine if it meets the grounds in these Procedures by the Appeal Officer and either denied or approved. If approved, it will be forwarded to the Party who initially requested an appeal, the Title IX Coordinator, and the Investigator and/or original Decision-Maker, as necessary, who will submit their responses, if any, within five (5) Working Days. Any such responses will be circulated for review and comment by all Parties. If not approved, the Parties will be notified accordingly, in writing.

Neither Party may submit any new requests for appeal after this time period. The Appeal Officer or designee will collect any additional information needed and all documentation regarding the approved grounds for appeal, and Appeal Officer will render a decision within no more than seven (7) Working Days, barring exigent circumstances. All decisions apply the Preponderance of the standard.

A Notice of Appeal Outcome will be sent to all Parties simultaneously. The Notice of Appeal Outcome 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 to the extent the University is permitted to share under state or federal law.

Notification will be made in writing and may be emailed to the Parties' University-issued email or otherwise approved account. Once emailed, notice will be presumptively delivered.

B. Sanctions Status During the Appeal

Any Sanctions imposed as a result of the hearing are stayed (i.e.: not implemented) during the appeal process. Supportive Measures may be reinstated, subject to the same Supportive Measure procedures above.

If any of the Sanctions are to be implemented immediately post-hearing, but pre-appeal, then the emergency removal procedures (detailed above) for a show cause meeting on the justification for doing so must be permitted within 48 hours of implementation.

If the original Sanctions include separation in any form, the University may place a hold on official transcripts, diplomas, graduations, course registration, etc. pending the outcome of an appeal. The Respondent may request a stay of these holds from the Title IX Coordinator within two (2) Working Days of the notice of the Sanctions. The request will be evaluated by the Title IX Coordinator, whose determination is final.

C. Appeal Considerations

- 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 original hearing and pertinent documentation regarding the specific grounds for appeal.
- Decisions on appeal are to be deferential to the original determination, making changes to the Finding only when there is clear error and to the Sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- An appeal is not an opportunity for Appeal Officer to substitute their judgment for that of the original Decision-Maker merely because they disagree with the Finding and/or Sanction(s).
- The Appeal Officer may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted should normally be remanded (or partially remanded) to the original Investigator and/or Decision-Maker for reconsideration.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or Sanction is changed on remand (except in the case of a new hearing).
- In rare cases where an error cannot be cured by the original Investigator and/or Decision-Maker or the Title IX Coordinator (as in cases of bias), the Appeal Officer may order a new Investigation and/or a new hearing with new Investigator and/or Decision-Maker.
- The results of a remand to a Decision-Maker cannot be appealed. The results of a new hearing can be appealed, once, on any of the four available appeal grounds.

- In cases that result in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

34. Long-term Remedies/Other Actions

Following the conclusion of the Formal Resolution process, and in addition to any Sanctions implemented, the Title IX Coordinator may implement additional long-term Remedies or actions with respect to the Parties and/or the institutional community that are intended to stop the Prohibited Conduct, remedy the effects, and prevent a recurrence of the Policy Violation.

These Remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawals
- Education to the individual and/or the community
- Alteration of work arrangements for employees
- Campus safety measures
- Climate surveys
- Policy modification and/or training
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, class schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term Supportive Measures may also be provided to the Parties even if no Policy Violation is found.

When no Policy Violation is found, the Title IX Coordinator will address any Remedies owed by the University to the Respondent to ensure no effective denial of educational access.

The University will maintain the Privacy of any long-term Remedies/ actions/ measures, provided Privacy does not impair the University's ability to provide these services.

35. Failure to Comply with Sanction and/or Interim and Long-term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned Sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-Makers (including the Appeal Officer).

Failure to abide by the Sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional Sanction(s)/action(s), including suspension, expulsion, and/or termination from the University, and may be noted on a Student's official transcript, when applicable.

A suspension imposed for non-compliance with Sanctions will only be lifted when compliance is achieved to the Title IX Coordinator's satisfaction.

Supervisors are expected to enforce the completion of Sanctions/responsive actions for Employees who report to them.

36. Recordkeeping

The University will maintain for a period of at least seven (7) years following the conclusion of the Resolution Process, records of:

- 1) Each Sexual Harassment Investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation
- 2) Any disciplinary Sanctions imposed on the Respondent
- 3) Any Remedies provided to the Complainant designed to restore or preserve equal access to the University's Education Program or Activity
- 4) Any appeal and the result therefrom
- 5) Any Informal Resolution and the result therefrom
- 6) All materials used to train Title IX Coordinators, Investigators, Decision-Makers, and any Informal Resolution Facilitators. The University will make these training materials publicly available on the University's website.
- 7) Any actions, including any Supportive Measures, taken in response to a Report or Formal Complaint of Sexual Harassment, including:
 - a. The basis for all conclusions that the response was not deliberately indifferent
 - b. Any measures designed to restore or preserve equal access to the University's Education Program or Activity
 - c. If no Supportive Measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances

The University will also maintain any and all records in accordance with state and federal laws.

RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON PROHIBITION OF SEX DISCRIMINATION (KNOWN AS “PROCESS B”)

1. Overview

Process B is applicable when the Title IX Coordinator determines Process A is inapplicable, or offenses subject to Process A have been dismissed.

If Process A is applicable, Process A must be applied in lieu of Process B.

The University will act on any formal or informal allegation or Notice of violation of the Policy on Prohibition of Sex Discrimination (“Policy”) that is received by the Title IX Coordinator, with the exception of Confidential Resources, as articulated in the Policy on Prohibition of Sex Discrimination.

The Procedures described below apply to all allegations of Sex or Gender-based harassment or Discrimination involving Students, Employees, or External Parties.

These Procedures may also be used to address collateral misconduct arising from the Investigation of or occurring in conjunction with harassing or discriminatory conduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through the procedures elaborated in the respective Student, Faculty, and Staff handbooks.

2. Initial Assessment

Following intake, receipt of Notice, or a complaint of an alleged violation of the Policy, the Title IX Coordinator engages in an initial assessment, which is typically five to seven (5-7) Working Days in duration. The steps in an initial assessment can include:

- The Title IX Coordinator reaches out to the Complainant to offer Supportive Measures.
- The Title IX Coordinator works with the Complainant to ensure they have an Advisor.
- The Title IX Coordinator works with the Complainant to determine which of three options to pursue: A supportive response, an Informal Resolution, or an Administrative Resolution.
 - If a supportive response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. An Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.
 - If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for Informal Resolution, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in Informal Resolution.

- If Administrative Resolution is preferred, the Title IX Coordinator initiates the Investigation process and determines whether the scope of the Investigation will address:
 - Incident
 - A potential pattern of misconduct
 - A culture/climate issue
- In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:
 - Interim suspension of a Respondent who is a threat to health/safety
 - Whether the Title IX Coordinator should pursue Administrative Resolution absent a willing/able Complainant
 - Whether to put the Investigation on the footing of incident and/or pattern and/or climate
 - To help identify potentially predatory conduct
 - To help assess/identify grooming behaviors
 - Whether a Complaint is amenable to Informal Resolution, and what modality may be most successful
 - Whether to permit a voluntary withdrawal by the Respondent
 - Whether to impose transcript notation or communicate with a transfer recipient about a Respondent
 - Assessment of appropriate Sanctions/Remedies
 - Whether a Clery Act Timely Warning and/or Trespass order/Persona-non-grata is needed

Based on the initial assessment, the University will initiate one of these responses:

- **Supportive Response** – measures to help restore the Complainant’s education access, as described in the Policy.
- **Informal Resolution** – typically used for less serious offenses and only when all Parties agree to Informal Resolution, or when the Respondent is willing to accept responsibility for violating Policy.
- **Administrative Resolution** – Investigation of alleged Policy Violation(s) and recommended Finding, subject to a determination by the Title IX Coordinator or Decision-maker(s) and the opportunity to appeal.

The Investigation and the subsequent Administrative Resolution determine whether the Policy has been violated. If so, the University will promptly implement effective Remedies designed to end the Sex Discrimination, prevent recurrence, and address the effects.

The process followed considers the preference of the Parties but is ultimately determined at the discretion of the Title IX Coordinator. If at any point during the initial assessment or formal Investigation the Title IX Coordinator determines that reasonable cause does not support the conclusion that policy has been violated, the process will end, and the Parties will be notified.

The Complainant may request that the Title IX Coordinator review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, but the request is usually only granted in extraordinary circumstances.

3. Resolution Options

Proceedings are private. All persons present at any time during the Resolution Process are expected to maintain the Privacy of the proceedings in accord with University Policy.

While there is an expectation of Privacy around what is discussed during interviews, 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.

A. Informal Resolution

Informal Resolution is applicable when the Parties voluntarily agree to resolve the matter through alternative resolution (mediation, restorative practices, facilitated dialogue, etc.), when the Respondent accepts responsibility for violating Policy, or when the Title IX Coordinator can resolve the matter informally by providing Remedies to resolve the situation. The University, the Complainant, or the Respondent may propose Informal Resolution of the complaint at any time. When permissible, Informal Resolution may include an agreement to stay away from persons, alter behavior or change schedules.

Informal Resolution cannot be offered when the complaint includes allegations that an Employee sexually harassed a Student; or when such a process would conflict with federal, state, or local law.

If the University finds the Informal Resolution proposal acceptable, the Title IX Coordinator may propose an Informal Resolution to the other Party. If both Parties agree to the proposed Informal Resolution and the outcome satisfies the University's obligations, the matter shall be considered resolved. If either Party disagrees with the proposed Informal Resolution, the Administrative Resolution process will continue.

The Title IX Coordinator has discretion to determine if an Investigation will be paused during Informal Resolution, or if it will be limited, or will continue during the Informal Resolution process. It is not necessary to pursue Informal Resolution first in order to pursue Administrative Resolution, and any Party participating in Informal Resolution can stop the process at any time and request the Administrative Resolution process. Further, if an Informal Resolution fails after the Resolution is finalized, Administrative Resolution may be pursued.

i. Alternative Resolution

Alternative resolution is an informal process, such as mediation or restorative

practices, by which the Parties mutually agree to resolve an allegation. It may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Administrative Resolution process (described below) to resolve conflicts, as appropriate. The Parties must consent to the use of alternative resolution. Please note that mediation is not available in cases of Sexual Assault.

The Title IX Coordinator determines if alternative resolution is appropriate, based on the willingness of the Parties, the nature of the conduct at issue, and the susceptibility of the conduct to alternative resolution.

In an alternative resolution, a trained University official or contracted external professional facilitates communication among with the Parties to an effective resolution, if possible. Institutionally imposed Sanctions are not possible as the result of an alternative resolution process, though the Parties may agree to accept Sanctions and/or appropriate Remedies. Alternative resolution participants may end their participation at any time and the Administrative Resolution process will continue. If alternative resolution successfully resolves the complaint, the matter shall be considered resolved.

The Title IX Coordinator maintains records of any Resolution that is reached, and failure to abide by the Resolution can result in appropriate enforcement actions.

Alternative resolution is not typically the primary Resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of Policy, though similarly structured conversations may be made available after the Administrative Resolution process is completed should the Parties and the Title IX Coordinator believe it could be beneficial. The results of alternative resolution are not appealable.

ii. Respondent Accepts Responsibility for Alleged Violations

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 determines appropriate Sanction(s) or responsive actions, which are promptly implemented in order to effectively stop the misconduct; prevent its recurrence; and remedy the effects of the misconduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all of the alleged Policy Violations and the Title IX Coordinator or designee has determined appropriate Sanction(s) or responsive actions, to which the Respondent agrees, and which are promptly implemented, the Resolution Process is over. The Complainant may be consulted on and will be informed of this outcome.

If the Respondent accepts responsibility for some of the alleged Policy Violations and the Title IX Coordinator has determined appropriate Sanction(s) or responsive actions, to which the Respondent agrees, and which are promptly implemented for those violations, then the remaining allegations will continue to be investigated and resolved through Administrative Resolution. The Parties will be informed of this outcome. The Parties are still able to seek Alternative Resolution on the remaining allegations, subject to the stipulations above.

B. Administrative Resolution via an Investigation

Administrative Resolution can be pursued at any time during the process for any behavior for which the Respondent has not accepted responsibility that would constitute conduct covered by the Policy if proven. Administrative Resolution starts with a thorough, reliable, and impartial Investigation.

If Administrative Resolution is initiated, the Title IX Coordinator will provide written notification of the Investigation to the parties at an appropriate time during the investigation. Typically, notice is given at least five (5) Working Days in advance of an interview. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview.

Notification will include a meaningful summary of the allegations, will be made in writing, and may be emailed to the Parties' University-issued or designated email account. Once emailed, and/or received in-person, notice will be presumptively delivered.

The notification will include the policies allegedly violated, if known at the time. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the Investigation progresses, and details become clearer.

The University aims to complete all Investigations within ninety (90) Working-Days of when the Report or complaint was received, which can be extended as necessary for appropriate cause by the Title IX Coordinator, with notice to the parties as appropriate. Investigations can take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of Witnesses, police involvement, etc.

Once the decision is made to commence an Investigation, the Title IX Coordinator appoints an Investigator to conduct the investigation, usually within seven (7) Working Days of determining that an Investigation should proceed. The Title IX Coordinator may appoint themselves, or a properly trained external Investigator.

The University will vet the assigned Investigator to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias.

The parties may, at any time during the Resolution Process, raise a concern

regarding bias or conflict of interest from the Investigator, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX Coordinator, concerns should be raised with the University President.

The University will make a good faith effort to complete the Investigation as promptly as circumstances permit and will communicate regularly with the Parties to update them on the progress and timing of the Investigation.

The University may undertake a short delay in its Investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke the University's Resolution Process are being investigated by law enforcement. The University will promptly resume its Investigation and Resolution Process once notified by law enforcement that the initial evidence collection process is complete.

University's action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Investigations involve interviews with all relevant Parties and Witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.

All Parties have a full and fair opportunity, through the Investigation process, to suggest Witnesses and questions, to provide evidence, and to fully review and respond to all evidence on the record.

4. Notification

If it is determined there will be a formal Investigation under "Process B," the Complainant and Respondent will be provided with written information regarding the Administrative Resolution process. This will include a link to the policies and procedures related to the Administrative Resolution process, resources available both on and off campus, and information on Supportive Measures that may be available. The primary method for notice and communication will be University email. All persons involved in Administrative Resolution have an obligation to promptly read all University emails.

Complainants and Respondents will simultaneously receive notice of:

- The Complaint, including alleged Policy Violations, the process for review and investigation of the complaint
- The option for Informal Resolution
- The decision by a Respondent to accept responsibility for any Policy Violations
- The opportunity to review the Investigation report and all documents/evidence gathered during the Investigation (subject to Family Education Rights and Privacy Act (FERPA) limitations)

- The names of the Investigator and Decision-Maker, the process to submit any bias or conflict of interest challenges related to the Investigator and Decision-Maker
- The Decision-Maker's Finding and reason for each Finding
- The Sanction decision
- The process for appealing either the Finding or recommended Sanction(s)
- The filing of any appeal
- The outcome of any appeal

The Complainant and Respondent will each receive the above information unless one or both request in writing not to receive further information.

The University may modify these notification standards to accommodate a criminal investigation.

5. Investigation

The Investigation will include some or all of the following steps:

- If the University decides not to investigate a complaint, this decision will be communicated in writing, including the reasoning, and provided to the Complainant
- If the Complainant requests that the University not conduct an Investigation, the University will evaluate this request in light of its obligations under applicable laws
- If the University decides to investigate following a request from the Complainant that the matter not be investigated, the Respondent will be informed in writing that the Complainant requested that the matter not be investigated
- The University will notify the Complainant before Investigation interviews start
- The University will appoint trained investigator(s) to conduct interviews of the Complainant, Respondent, and Witnesses and collect Relevant Evidence related to the allegations. In some cases, the University may appoint an external professional as the Investigator.

The Investigator typically takes the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with the Title IX Coordinator, initiate or assist with any necessary Supportive Measures
- Identify all policies implicated by the alleged misconduct
- Assist the Title IX Coordinator with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a Witness list, evidence list, intended Investigation timeframe, and order of interviews for all Parties and Witnesses
- Meet with the Complainant to finalize their statement, if necessary
- Prepare the initial Notice of Investigation and Allegations (NOIA) on the basis of the initial assessment. Notice may be one step or multiple steps, depending on how the

Investigation unfolds, and potential Policy Violations may be added or dropped as more is learned. Investigators will update the NOIA accordingly and provide it to the Parties.

- Notice should inform the Parties of their right to have the assistance of an Advisor of their choosing present for all meetings attended by the advisee
- When formal notice is given, it should provide the Parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable Procedures, and a statement of the potential Sanctions/responsive actions that could result
- Give instructions to the Parties to preserve any evidence that is Directly Related to the allegations
- Provide the Parties and Witnesses with an opportunity to review and verify the Investigator's summary notes from interviews and meetings with that specific Party or Witness
- Make good faith efforts to notify each Party of any meeting or interview involving another Party, in advance when possible
- Interview all relevant individuals and conduct follow-up interviews as necessary
- Allow each Party the opportunity to suggest questions they wish for the Investigator to ask the other Party and Witnesses
- Complete the Investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the Parties throughout the Investigation
- Prior to the conclusion of the Investigation, summarize for the Parties the list of Witnesses whose information will be used to render a Finding
- Write a comprehensive Investigation Report fully summarizing the Investigation and all evidence
- Provide the Parties with a copy of the draft Investigation Report when it is completed, including all Relevant Evidence, analysis, credibility assessments, and recommended Finding(s)
- Provide each Party with a full and fair opportunity to respond to the report in writing within ten (10) Working Days and incorporate that response, if any, into the report. Any response is limited to correction of factual discrepancies. The Title IX Coordinator will determine whether any response requires additional Investigation.
- Investigators may choose to respond in writing in the report to the responses of the Parties, and/or to share the responses between the Parties for their responses, while also ensuring that they do not create a never-ending feedback loop
- Share the report with the Title IX Coordinator or legal counsel for review and feedback. Provide the final report to the Title IX Coordinator:
 - In the report, include a recommended determination, based on a preponderance of the evidence, whether a Policy Violation is more likely than not to have occurred.

6. Final Determination

Within three to five (3-5) Working Days of receiving the Investigator's Investigation Report including their recommendations, the Title IX Coordinator or a trained, designated external professional acting as the Decision-maker reviews the report and all responses, and then

makes the Final Determination on the basis of the Preponderance of the Evidence.

If the record is incomplete, the Title IX Coordinator/Decision-Maker may direct a re-opening of the Investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the Parties or any Witnesses, if needed.

The Investigation recommendation, if any, should be strongly considered but is not binding on the Title IX Coordinator/Decision-Maker. The Title IX Coordinator or Decision-Maker may invite and consider impact and/or mitigation statements from the Parties if and when determining appropriate Sanction(s), if any.

7. Additional Details of the Investigation Process

A. Witness Responsibilities

Witnesses (as distinguished from the Parties) who are University Employees are expected to cooperate with and participate in the University's Investigation and Resolution Process. Failure of a Witness to cooperate with and/or participate in the Investigation or Resolution Process constitutes a violation of Policy and may be subject to discipline.

B. Remote Processes

Parties and Witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the Investigator and/or Decision-Maker determine that timeliness, efficiency, or other causes dictate a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, or respond to questions in writing, if deemed appropriate by the Investigator, though this approach is not ideal. When remote technologies are used, the University makes reasonable efforts to ensure Privacy and ensures that any technology does not work to the detriment of any Party or subject them to unfairness.

C. Recording

No unauthorized audio or video recording of any kind is permitted during the Resolution Process including Investigation interviews. If the Investigator elect to audio and/or video record interviews, all involved Parties must be made aware of and consent to audio and/or video recording.

D. Evidence

Any evidence that is Relevant and credible may be considered, including an individual's prior misconduct history as well as evidence indicating a pattern of misconduct, subject to the limitation in (E) below. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial.

Formal rules of evidence and discovery are not applicable. All Relevant information will be considered, including medical and police reports, digital communications (e.g., text messages, emails, and other forms of social media) when/if available. The Investigator determine the Relevance of the information to their Investigation.

E. Prior Sexual History/Patterns

Unless the Title IX Coordinator/Decision-Maker determines it is appropriate, the Investigation and the Finding do not consider: (1) incidents not Directly Related to the possible violation(s), unless they evidence a pattern; (2) the irrelevant sexual history of the Parties (though there may be a limited exception made with regard to the sexual history between the Parties); (3) irrelevant character evidence.

Character witnesses or evidence may be offered. However, the Investigator will not consider information from character witnesses or other individuals who do not possess factual information specifically related to the allegations. The Investigator will determine if the character evidence is Relevant. If so, it may be considered. If not, it will be excluded.

F. Previous Allegations/Violations

While previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigator may supply the Title IX Coordinator/Decision-Maker with information about previous good faith allegations and/or Findings, when that information suggests potential pattern and/or predatory conduct. Prior violations of this or other University policies by the Complainant and/or Respondent will be evaluated by the Investigator for Relevance to the matter under Investigation and possible inclusion in the Investigation Report.

If the University uses a progressive discipline system, previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate Sanction(s).

G. Notice of Outcome

If the Respondent admits to the violation(s), or is found in violation, the Title IX Coordinator determines Sanction(s) and/or responsive actions, which are promptly implemented in order to effectively to stop the misconduct; prevent its recurrence; and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

The Title IX Coordinator informs the Parties of the Final Determination within seven (7) Working Days of the Resolution, ideally simultaneously, but without significant time delay between notifications. Notifications are made in writing and may be emailed to the parties' University-issued or designated email account. Once emailed, notice is presumptively delivered.

The Notice of Outcome specifies the Finding for each alleged Policy Violation, any

Sanction(s) that may result which the University is permitted to share pursuant to state or federal law, and the rationale supporting the Findings to the extent the University is permitted to share under state or federal law.

The notice will detail when the outcome of the Administrative Resolution is considered final and will detail any changes that are made prior to finalization.

Unless based on an acceptance of violation by the Respondent, the Final Determination may be appealed by either Party. The Notification of Outcome also includes the grounds on which the Parties may appeal and the steps the Parties may take to request an appeal of the Findings. More information about the appeal procedures can be found below.

8. Sanctions

Factors considered when determining any Sanction(s)/responsive action(s) may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for Sanctions/responsive actions to bring an end to the misconduct
- The need for Sanctions/responsive actions to prevent the future recurrence of misconduct
- The need to remedy the effects of the misconduct on the Complainant and the community
- The impact on the Parties
- Any other information deemed relevant by the Title IX Coordinator/Decision-Maker

The Sanction(s) will be implemented as soon as is feasible. The Sanctions described in these Procedures are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities.

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 grievance process at any time, and/or referring that information to another process for resolution.

Sanctions the Title IX Coordinator/Decision-Maker may put in place include but are not limited to the following:

For Students:

- Disciplinary warning – verbal or written
- Required training or education
- Disciplinary probation
- Educational, interventional or restorative requirements
- Restricted access to University facilities or events

- Imposition or continuation of a no-contact order
- Suspension from education program or campus access (limited time or indefinite)
- Expulsion
- Withholding of degree or delayed awarding of a degree if enrolled in a University degree program
- Dismissal (expulsion)
- Revocation of degree
- Organizational Sanctions: Deactivation, loss of recognition or loss of some or all privileges for a specified period of time
- In addition to or in place of the above Sanctions, the University may assign any other Sanctions as deemed appropriate.

For Employees:

- Disciplinary warning- verbal or written
- Required training or education
- Performance Improvement Plan
- Disciplinary probation
- Educational, interventional or restorative requirements
- Restricted access to University facilities or events
- Imposition or continuation of a no-contact order
- Loss of pay increase
- Loss of oversight or supervisory responsibilities
- Suspension, reduction, or loss of compensation
- Demotion
- Termination of employment, contract, appointment, and/or tenure

Other Actions: In addition to or in place of the above Sanctions, the University may assign any other Sanctions as deemed appropriate.

9. Appeals

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within five (5) Working Days of the delivery of the Notice of Outcome.

A single Appeal Officer will Chair the appeal. No Appeal Officer will have been previously involved in the Resolution Process for the complaint, including in any dismissal appeal that may have been heard earlier in the process. The University President or designee will act as the Appeal Officer for all appeals. If the University President has previously acted administratively on the complaint, including any dismissal appeal, the University will designate an alternate to be the Appeal Officer. In addition, an alternate will be designated when extenuating circumstances arise or when there is a conflict of interest.

Any Party may appeal, but appeals are limited to the following grounds:

- 1) A procedural error or omission occurred that significantly impacted the outcome (e.g., substantiated bias, material deviation from established procedures, failure to correctly apply the evidentiary standard).
- 2) To consider new evidence, unknown or unavailable during the Investigation, that could substantially impact the original Finding or Sanction. A summary of this new evidence and its potential impact must be included in the appeal.
- 3) The Sanctions imposed fall outside the range of Sanctions the University has designated for the violation(s) and the cumulative disciplinary record of the Respondent.

When any Party requests an appeal, the Title IX Coordinator will share the appeal request with all other Parties or other appropriate persons such as the Investigator, who may file a response within five (5) Working 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) Working Days. These responses or appeal requests will be shared with each Party. The Appeal Officer will review the appeal request(s) within five (5) Working 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, 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 be full re-hearings (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.
- An appeal is not an opportunity for the Appeal Officer to substitute their judgment for that of the original Investigator or Title IX Coordinator/Decision-Maker merely because they disagree with the Finding and/or Sanction(s).
- Appeals granted based on new evidence should normally be remanded to the Investigator(s) for reconsideration. Other appeals should be remanded at the discretion of the Appeal Officer.
- Sanctions imposed as the result of the Administrative Resolution are implemented immediately unless the Title IX Coordinator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
 - For students: Graduation, study abroad, internships/externships, etc., do NOT in and of themselves constitute exigent circumstances, and Students may not be able to participate in those activities during their appeal.
- All Parties will be informed in writing within seven (7) Working days of the outcome of the appeal without significant time delay between notifications, and in accordance with the standards for Notice of Outcome as defined above.
- Once an appeal is decided, the outcome is final; further appeals are not permitted, even if a decision or Sanction is changed on remand.

- In rare cases when a procedural error cannot be cured by the original Investigator and/or Decision-Maker or the Title IX Coordinator (as in cases of bias), the Appeal Officer may recommend a new Investigation and/or Administrative Resolution process, including a new Decision-Maker.
- The results of a new Administrative Resolution process can be appealed once, on any of the three applicable grounds for appeals.
- In cases in which the appeal results in Respondent's reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable.

10. Long-Term Remedies/Actions

Following the conclusion of the Resolution Process, and in addition to any Sanctions implemented, the Title IX Coordinator may implement long-term Remedies or actions with respect to the Parties and/or the institutional community to stop the misconduct; remedy its effects; and prevent its reoccurrence.

These Remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawals
- Education to the individual and/or the community
- Alteration of work arrangements for employees
- Campus safety measures
- Climate surveys
- Policy modification and/or training
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, class schedules, etc.

At the discretion of the Title IX Coordinator, long-term Remedies may also be provided to the Complainant even if no Policy Violation is found.

When no Policy Violation is found, the Title IX Coordinator will address any remedial requirements owed by the University to the Respondent.

11. Failure to Comply with Sanction and/or Interim and Long-term Remedies and/or Responsive Actions

All Respondents are expected to comply with conduct Sanctions, responsive actions, and corrective actions within the timeframe specified by the Title IX Coordinator/Decision-Maker (including the Appeal Officer).

Failure to abide by the Sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional Sanction(s) and responsive/corrective action(s), including suspension, expulsion, and/or termination from

the University and may be noted on a Student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

Supervisors are expected to enforce the completion of Sanctions/responsive actions for Employees who report to them.

12. Recordkeeping

In implementing these Policy and Procedures, records of all allegations, Investigations, Resolutions, and appeals will be kept by the Title IX Coordinator in the Title IX case database indefinitely, or as required by state or federal law or University policy.

APPENDIX A: RIGHTS OF THE COMPLAINANT AND RESPONDENT

Throughout the resolution process described in the Policy and Procedures on Prohibition of Sex Discrimination, both the Complainant and Respondent have the following rights:

- The right to an equitable Investigation and Resolution of all credible allegations of Prohibited Conduct 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 allegations) and any attendant adjustments needed to clarify potentially implicated Policy Violations.
- The right to be informed in advance of any public release of information by the University regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released by the University to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by University officials.
- The right to have University Policy and these Procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including Sexual Assault, Domestic Violence, Dating Violence, and Stalking.
- The right not to be discouraged by University officials from reporting Sexual Harassment, Discrimination, and/or Retaliation to both on-campus and off-campus authorities.
- The right to be informed by University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by the University in notifying such authorities, if the Party so chooses. This also includes the right not to be pressured to report.

- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by University officials.
- The right to be informed of available Supportive Measures, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; and/or other services, both on campus and in the community.
- The right to a University-implemented no-contact order or a no-trespass order against an External Party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- The right to be informed of available assistance in changing academic, and/or working situations after an alleged incident of Prohibited Conduct, if such changes are reasonably available. No formal Report, or Investigation, either institutional or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
 - Changing an Employee's work environment (e.g., reporting structure, office/workspace relocation)
 - Visa/immigration assistance
 - Exam, paper, and/or assignment rescheduling or adjustment
 - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - Transferring class sections
 - Temporary withdrawal/leave of absence (may be retroactive)
 - Campus safety escorts
 - Alternative course completion options
- The right to have the University maintain such actions for as long as necessary and for Supportive Measures to remain private, provided Privacy does not impair the University's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any University meeting or interview involving another Party, when possible.
- The right to identify and have the Investigator, Advisors, and/or Decision-Maker question relevant available Witnesses, including expert witnesses.
- The right to provide the Investigator/Decision-Maker with a list of questions that, if deemed relevant by the Investigator/Decision-Maker, may be asked of any Party or Witness.

- The right to have inadmissible sexual predisposition/prior sexual history or irrelevant character evidence excluded by the Decision-Maker.
- 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 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)-Working Days 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) Working 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 Investigator, Title IX Coordinator, and Decision-Maker 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 closed 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 Preponderance of the Evidence standard to make a Finding and Final 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.

- The right to have an impact and/or mitigation statement considered by the Decision-Maker following a determination of responsibility for any allegation, but prior to Sanctioning.
- The right to be promptly informed of the Finding(s) and Sanction(s) (if any) of the Resolution Process and a detailed rationale of the decision (including an explanation of how credibility was assessed) in a written Notice of Outcome letter delivered simultaneously (without undue delay) to the Parties.
- The right to be informed in writing of when a decision by the University is considered final and any changes to the Final Determination or Sanction(s) that occur post Notification of Outcome.
- The right to be informed of the opportunity to appeal the Finding(s) and Sanction(s) of the Resolution Process, and the procedures for doing so in accordance with the standards for appeal established by the University.
- The right to a fundamentally fair Resolution as defined in these Procedures.

APPENDIX B: PROCEDURES ON PREGNANCY OR RELATED CONDITIONS

1. Information Sharing by Employees:

Any University Employee who becomes aware of a Student's Pregnancy or Related Condition is strongly encouraged to provide the Student with the Title IX Coordinator's contact information and communicate that the Title IX Coordinator can help take specific actions to prevent Discrimination and ensure equal access to the University's Education Program or Activity.

Upon notification of a Student's Pregnancy or Related Condition, the Title IX Coordinator will contact the Student and inform the Student of the University's obligations to:

- Prohibit Sex Discrimination.
- Provide reasonable modifications.
- Allow access, on a voluntary basis, to any separate and comparable portion of the institution's Education Program or Activity.
- Allow a voluntary leave of absence.
- Ensure lactation space availability.
- Maintain a Resolution process for alleged Discrimination.
- Treat Pregnancy as comparable to other temporary medical conditions for medical benefit, service, plan, or policy purposes.

The Title IX Coordinator will also notify the Student of the process to file a Complaint for alleged Sex Discrimination, as applicable.

2. Reasonable Modification for Students:

Reasonable modifications are individualized modifications to the University's policies, practices, or procedures that does not fundamentally alter the University's educational program or activity.

Students who are pregnant or are experiencing related conditions are entitled to reasonable modifications to prevent Sex Discrimination and ensure equal access to the University's Education Program or Activity. Any Student seeking reasonable modifications must contact the Title IX Coordinator to discuss appropriate and available reasonable modifications based on their individual needs. Students are encouraged to request reasonable modifications as promptly as possible, although retroactive modifications may be available in some circumstances. Reasonable modifications are voluntary, and Student can accept or decline the offered reasonable modifications. Not all reasonable modifications are appropriate for all contexts.

Reasonable modifications may include:

- Breaks during class to express breast milk, breastfeed, or attend to health needs associated with Pregnancy or Related Conditions, including eating, drinking, or using the restroom
- Intermittent absences to attend medical appointments

- Access to online or homebound education when they are available and do not fundamentally alter the University's educational program or activity
- Changes in schedule or course sequence, if available and appropriate
- Time extensions for coursework and rescheduling of tests and examinations
- Allowing a Student to sit or stand, or carry or keep water nearby
- Counseling
- Changes in physical space or supplies (for example, access to a larger desk or a footrest)
- Elevator access
- Other changes to policies, practices, or procedures as deemed appropriate by the Title IX Coordinator

In certain situations and programs (i.e. group work, cohort-model programs, etc.), the University will work with the Student to create an alternative path to completion, if possible. Medically necessary leaves typically are sufficient grounds to allow the Student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave. Students are encouraged to work with their faculty members, the University's Academic Affairs, and Student Affairs to create a plan for how to best address the conditions as pregnancy progresses, anticipate the need for leaves, minimize the academic impact of their absence, and get back on track as efficiently and comfortably as possible. The Title IX Coordinator will assist with plan development and implementation as needed.

Supporting documentation for reasonable modifications will only be required when it is necessary and reasonable under the circumstances to determine which reasonable modifications to offer to determine other specific actions to take to ensure equal access.

Information about pregnant Students' requests for modifications will be shared with faculty and staff only to the extent necessary to provide the reasonable modification.

Students experiencing pregnancy-related conditions that manifest as a temporary disability under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act are eligible for reasonable accommodations just like any other student with a temporary disability. Students are encouraged to contact the Section 504 Coordinator for more information about their rights and options.

3. Reasonable Accommodation for Employees:

Employees who are pregnant or are experiencing related conditions are encouraged to contact Human Resources for more information on their rights and options.

4. Certification to Participate:

All Students should be informed of health and safety risks related to participation in academic and co-curricular activities, regardless of pregnancy status. A Student may not be required to provide medical certification that the Student is physically able to participate in the program or activity, unless:

- C. The certified level of physical ability or health is necessary for participation;
- D. The institution requires such certification of all students participating; and
- E. The information obtained is not used as a basis for pregnancy-related Discrimination.

5. Lactation Spaces on Campus:

The University provides Students, Employees, and External Parties with access to lactation spaces that are in working order, appropriate, safe, and private. All spaces include a chair, a surface to place lactation equipment on, access to a power source, and are near a refrigerator, and a sink with running water.

Lactation spaces are in the following locations:

Familian Campus

Room 267, 2nd Floor

- Available Hours: Monday-Friday, 8:00 am – 5:00 pm
- Room 267 does not need advance notice or reservation for lactation use.

Brandeis-Bardin Campus

Lax Conference Room, Administrative Building

- Available Hours: Monday-Sunday, 8:00 am – 6:00 pm
- Please provide advance notice to the administrative staff at the Brandeis-Bardin Campus at least 24-48 hours before you begin using the space.
- How to contact the Brandeis-Bardin Campus:
 - Phone- (805) 915-0720
 - Daniel Maccabee, Sr. Director of Operations, DMaccabee@aju.edu

Ziegler Campus

The following reservable rooms are available:

350SB Board Room 350SB Classrooms 1-5

- Available Hours: Monday-Thursday, 8:30 am- 5:00 pm / Friday, 8:30 am- 2:30 pm
- Students and Employees are able to reserve a room using the Microsoft Outlook calendar system. External Parties and individuals with questions or concerns are asked to email the Ziegler Campus administrative staff for reservation-related matters.
- How to contact the Ziegler Campus:
 - Ziegler administrative staff, zieglerschool@aju.edu

6. Leaves of Absence:

A. Students

Students are permitted to take a voluntary leave of absence for a reasonable time as deemed medically necessary by their health care provider because of pregnancy and/or the birth, adoption, or placement of a child. The leave term may be extended in the case of extenuating circumstances or medical necessity.

To the extent possible, the University will take reasonable steps to ensure that Students who take a leave of absence or medical leave return to the same position of academic progress that they were in when they took leave, including access to the same or an equivalent course that was in place when the leave began.

Continuation of Students' scholarship, fellowship, or similar University-sponsored funding during the leave term will depend on the Students' registration status and the policies of the funding program regarding registration status. Students will not be negatively impacted by or forfeit their future eligibility for their scholarship, fellowship, or similar University-supported funding by exercising their rights under these Policy and Procedures.

The Title IX Coordinator can provide certification for Students with respect to financial aid agencies and external scholarship providers in the event that a leave of absence places eligibility into question.

In order to initiate a leave of absence, the student must contact the Title IX Coordinator at least 30 calendar days prior to the initiation of leave, or as soon as practicable. The Title IX Coordinator will assist the student in completing any necessary paperwork.

B. Employees

Employees who are pregnant or are experiencing related conditions are encouraged to contact Human Resources for more information on their rights and options.

If an Employee, including a Student-employee, does not have enough leave accrued during their employment at the University, they are eligible to qualify for Pregnancy or Related Condition leave under Title IX. Pregnancy and Related Conditions will be regarded as a justification for a leave of absence without pay for a reasonable period of time.

Employees who take leave under Title IX must be reinstated to the status held when leave began or a comparable position without a negative effect on any employment privilege or right.