



TITLE IX GRIEVANCE PROCESS

What is Title IX?

Aspen University is committed to fostering and maintaining an inclusive campus climate that is free of discrimination and harassment. The University aligns its efforts to comply with various civil rights laws designed to protect all community members from discrimination. [Title IX of the Education Amendment Act of 1972](#) (Title IX) is one of these federal laws. The law prohibits gender and sex-based discrimination specifically in higher education.

On May 6, 2020, the [U.S. Department of Education](#) published [new regulations](#) that modify the University's regulatory obligations to comply with Title IX. The Final Rule will carry the force and effect of law as of August 14, 2020.

General Complaints and Grievances

General complaints and grievances will follow the University's policy found in the catalog or applicable Student Code of Conduct. The Title IX Grievance Process which will be outlined in this document is applicable to any sexual and gender-based harassment, sexual assault, interpersonal violence, and stalking incidents.

Sexual and Gender-Based Harassment, Sexual Assault, Interpersonal Violence, and Stalking Policy

This policy is reflective of Title IX of the Education Amendments of 1972; relevant provisions of the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

Concerns the University's application of this policy may be addressed to the United States Department of Education, Office for Civil Rights, at OCR@ed.gov or (800) 421-3481.

To Whom the Policy Applies

This policy applies broadly to the entire Aspen University ("University") community, including applicant, employees, invitees, and students (collectively "Covered Persons"). This policy pertains to acts of Prohibited Conduct committed by or against Covered Persons when:

- the conduct occurs, in the United States, on property owned, leased, or controlled by the University; and/or
- the conduct occurs off-campus, in the United States, in the context of a program, activity, or location in which the University exercises substantial control over both the Respondent and the context in which the alleged Prohibited Conduct occurred, including but not limited to internships, mentorships, or other affiliated programs.

Covered Persons

1. Applicants. Individuals who have submitted an application for employment or enrollment as a student at the University.

2. Employees. Individuals employed by the University, including faculty and all staff (including all exempt and non-exempt, and senior administrative positions).
3. Invitees. Visitors or guests of the University.
4. Students. Individuals actively enrolled in a program at the University.

Policy

This policy requires Covered Persons to act in a manner that does not intentionally or unintentionally discriminate against or create a hostile environment for another on the basis of their actual or perceived gender, gender-identity and gender-expression, and sexual orientation (Sexual and Gender-Based Harassment). It also prohibits certain relationships of a sexual or intimate nature between Students and Employees (Prohibited Intimate Relationships). Sexual Assault, Dating Violence, Domestic Violence, and Stalking as defined in the Violence Against Women’s Act (VAWA) are prohibited by this policy. Additionally, this policy prohibits retaliation against an individual for making a report of conduct prohibited under this policy or for participating in an investigation of an alleged violation of this policy (Retaliation). These behaviors will be collectively referred to in this policy as Prohibited Conduct.

Covered Persons must be respectful of power-dynamics and privilege associated with their role, position, rank, or identity and avoid actions that would leverage that power to compel others to consent to unwanted behavior. Abusing or taking advantage of one’s power, supervision, or authority over another is unacceptable and may create a hostile environment.

All members of the University community are encouraged to take reasonable and prudent actions to prevent or stop the conduct prohibited by this policy. This may include direct intervention when safe to do so, enlisting the assistance of others, contacting law enforcement, or seeking assistance from a person in authority.

Reporting

The University encourages individuals who allege they are harmed or targeted by or witnesses of Prohibited Conduct to report incidents.

Liz Fernandez, JD
Title IX Coordinator
1660 S. Albion St., Suite 525
Denver, CO 80222
Phone: (303) 823-4216
Email: liz.fernandez@aspen.edu

Reports that involve an imminent safety risk should be directed to emergency services – 911.

Mandatory Reporting

Community members who are mandated to report allegations of Prohibited Conduct to the Title IX Coordinator are:

- Deputy Title IX Coordinators

Any questions about whether an employee is required to report alleged Prohibited Conduct should be addressed to the Title IX Coordinator.

All other faculty, staff, and students who are not mandated to report are strongly encouraged to report allegations of Prohibited Conduct to the Title IX Coordinator or a Deputy Title IX Coordinators. Before making this disclosure, employees should confer with the individual harmed or targeted by the alleged Prohibited Conduct to make sure they are aware of this referral.

Upon receipt of a report or other knowledge of alleged Prohibited Conduct, the Title IX Coordinator will contact the individual(s) alleged to be harmed by or subjected to the Prohibited Conduct to inform them of the (i.) available support measures, (ii.) confidential resources and support services on-campus, (iii.) the importance of preserving evidence related to the Prohibited Conduct alleged, (iv.) the process of filing a Formal Complaint, and (v.) the option to file a civil or criminal complaint.

Time Frame for Reporting

The University will accept a report of Prohibited Conduct at any time, although the University's ability to investigate may be limited with the passage of time. There is no time limit on submitting a Formal Complaint; however, a Complainant pursuing a complaint resolution process associated with this policy must be participating in or attempting to participate in an educational program, employment, or other activity of the University at the time of filing a Formal Complaint.

If the Complainant and/or Respondent is no longer affiliated with the University (*e.g.*, a report is made after a student is no longer enrolled or graduated or an employee is no longer employed), the University will provide reasonably available and appropriate support measures and assist the Complainant in identifying external reporting options, and may take appropriate action to address the alleged Prohibited Conduct.

Amnesty - Personal Ingestion of Alcohol and Other Drugs

The University will generally offer amnesty to Complainants, Respondents, reporting parties, and witnesses who disclose the personal ingestion of alcohol or other drugs, in violation of the University Code of Student Conduct, when making a report of Prohibited Conduct and/or participating in a complaint procedure associated with this policy. Although amnesty safeguards the individual from a disciplinary notation or finding of responsible for a policy violation for drugs or alcohol, it does not exempt the University from taking appropriate action to address the conduct and/or mitigate future violations.

Academic Freedom

This policy is not intended to restrict teaching methods. Offensiveness of inquiry or expression, standing alone, is not sufficient to constitute Prohibited Conduct. The action must be sufficiently severe, pervasive, and objectively offensive to unreasonably interfere with an individual's ability to participate in employment or educational programs and activities.

Conflict of Interest

A conflict of interest may arise when a member of the University community may be able to use the authority of their position to influence a University decision, action, or outcome with regard to the implementation and enforcement of this policy, including associated investigative and disciplinary procedures. Conflicts of interest should be reported to the Title IX coordinator at any point of the Title IX Complaint process by Complainants, Respondents, reporting parties, witnesses, or any University person participating in the process.

Definitions

1) Prohibited Conduct

- a) **Sexual Harassment.** Conduct on the basis of sex that satisfies one or more of the following:
 - (i.) An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (*quid pro quo*); and/or
 - (ii.) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity (*hostile environment*).
- b) **Hostile Environment.** A hostile environment is one that denies or interferes with an individual or group's access to the programs and activities. A hostile environment is created when (i.) enduring the hostile conduct becomes a condition of the continued living, working, or social environment, or (ii.) the conduct is sufficiently severe, pervasive, and objectively offensive to create an environment that a reasonable person would consider intimidating, hostile, or abusive.

Petty slights, offensive comments, and isolated incidents (unless extremely serious) typically do not rise to the level of a policy violation and unless the effects associated with the offensive comment go beyond being uncomfortable, embarrassed, or offended. In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including but not limited to: The frequency, nature, and severity of the conduct; Public nature of the conduct; Whether the conduct was physically threatening; The effect of the conduct on the Complainant's mental and emotional state; Whether the conduct was directed at more than one

person; Whether the conduct arose in the context of other unlawful discriminatory conduct; and Whether the conduct implicates concerns related to academic freedom or protected speech.

- c) **Gender-Based Harassment.** Unwelcome action based on actual or perceived sex or gender, gender identity, gender expression, or sexual orientation, whether verbal or non-verbal, graphic, physical, or otherwise that has the purpose of unreasonably interfering with the learning, working, or living environment.
- d) **Sexual Assault.** Sexual assault is defined as a sexual act directed against another person, without the consent of the other person, including instances where the target is incapable of giving consent due to age or temporary or permanent mental or physical incapacity. Sexual Assault is the umbrella term for actions that constitute rape, fondling, incest, and statutory rape.
- e) **Rape.** Attempted or completed anal or vaginal penetration of another person, no matter how slight, by a body part or object without consent and/or completed or attempted oral penetration by a sex organ of another person.
- f) **Fondling.** Forcible or non-forcible touching of the private body part (breast, buttocks, groin, genital, or other intimate part) of another person for the purpose of sexual gratification without consent.
- g) **Incest.** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- h) **Statutory Rape.** Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- i) **Dating Violence.** Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- j) **Domestic Violence.** Domestic violence is violence committed (i) by a current or former spouse or intimate partner of the victim; (ii) by a person whom the victim shared a child in common; (iii) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv.) by a person similarly situated to a spouse of the victim under the domestic violence or family violence laws of the jurisdiction in which the crime occurred; or (v.) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- k) **Stalking.** Stalking is a course of conduct on the basis of sex or gender directed at a specific person that would cause a reasonable person to (i.) fear for the person's safety or the safety of others; or (ii.) suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling. Stalking includes the concepts of cyber-stalking, a form of stalking through electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.
- l) **Prohibited Intimate Relationships.** No Employee shall request or accept sexual favors from or engage in a romantic, sexual, or intimate relationship with any University student who is enrolled in a course or section taught by that individual or otherwise subject to that individual's academic supervision. Relationships of a sexual or intimate nature between Employees and students where the Employee has power, supervision, or authority over the student is prohibited. Academic supervision includes teaching, advising, supervising research, serving on a

dissertation or other academic committee, grading, and/or having influence upon funding and/or academic progress, and/or otherwise occupying a position of influence or power over a student's academic program. Even when both parties have consented at the outset to the development of such a relationship, it is the person in the position of greater authority who may be investigated for or charged with Prohibited Conduct. Pre-existing relationships of a sexual or intimate nature with a student or relationships between individuals who are faculty and staff must be disclosed and may require a Management Plan.

- m) **Retaliation.** Retaliation is any action, statement, or behavior meant as reprisal or retribution against an individual in response to the individual's good-faith report or participation in a proceeding related to this policy. Any retaliatory action taken directly or indirectly against a person who has made a report, filed a complaint, or participated in an investigation is prohibited. Retaliation includes, but is not limited to, intimidation, threats, harassment, and other conduct that would discourage a reasonable person from engaging in activity protected under this policy, such as seeking services, receiving protective measures and accommodations, and/or reporting alleged Prohibited Conduct. This prohibition against retaliation protects Complainants, Respondents, reporting parties, witnesses, hearing panelists, decision-makers, advisors, investigators, and other individuals who provide information relating to a Title IX investigation or participate in a complaint process associated with this policy.

2) Key Terms

- a) **Adviser.** An adviser is an individual of the Complainant's or Respondent's choosing, including an attorney, to provide support during the complaint process.
- b) **Administrative Leave.** Administrative leave is the process where the institution places an Employee on an interim work, supervision, leadership, or teaching suspension after the filing of a Formal Complaint against the Employee.
- c) **Coercion.** Coercion is verbal and/or physical conduct, including intimidation, unwanted contact, and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate harm and that is employed to compel someone to engage in sexual contact.
- d) **Complainant.** A Complainant is the individual(s) who is alleged to be the victim of behavior that could constitute Prohibited Conduct. A Complainant seeking to use the Title IX grievance procedure associated with this policy must be participating in or attempting to participate in an educational program, employment, or activity of the University at the time of filing a formal complaint.
- e) **Consent.** Consent is an affirmative and willing agreement to engage in specific forms of sexual contact with another person. Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has freely and affirmatively chosen to engage in sexual contact. Consent cannot be obtained through: (1) the use of coercion or force, or (2) by taking advantage of the incapacitation of another individual. Silence, passivity, incapacitation from alcohol or drugs, or the absence of resistance does not imply consent. Consent can be withdrawn at any time. When consent is withdrawn, sexual activity must cease. Prior consent does not imply current or future consent; even in the context of an ongoing relationship, consent must be sought and freely given for each instance of sexual contact.
- f) **Discipline.** Discipline is a consequence, punishment, or penalty rendered as a result of a finding of responsibility for a policy violation.
- g) **Emergency Removal.** Emergency removal is the process where the institution places a Respondent on an interim academic suspension, interim leave of absence and/or interim removal from campus. Emergency removal may be used in the case where there is reasonable cause to believe that the alleged Prohibited Conduct is likely to continue and/or the student Respondent poses a significant threat of harm to the health, safety, and welfare of others or the University community.

- h) **Force.** Force is the use or threat of physical violence to overcome an individual's freedom of will to choose whether or not to participate in sexual contact.
- i) **Formal Complaint.** A written and signed document submitted by a Complainant (or the Title IX Coordinator in lieu of a Complainant) alleging that a Covered Person has engaged in conduct prohibited by this policy. A Formal Complaint should include identities of the parties involved (if known), the Prohibited Conduct alleged, the date and location of the alleged incident (if known), and the details of the incident. The Formal Complaint will be shared with the Respondent and the investigator upon the initiation of an investigation.
- j) **Incapacitation.** An individual who is incapacitated lacks the ability to make informed judgments and cannot consent to sexual contact. Incapacitation is the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Mentally helpless means a person is rendered temporarily incapable of appraising or controlling one's own conduct. Physically helpless means a person is physically unable to verbally or otherwise communicate consent or unwillingness to an act.

Where alcohol or other drugs are involved, incapacitation is a state beyond impairment or intoxication. Where alcohol or other drugs are involved, evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's: decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

- k) **Interim Action.** A course of action taken by the University in response to a report of alleged Prohibited Conduct. These measures may be both restorative (designed to address a Complainant's safety and well-being and continued access to educational opportunities) or remedial (involving action against a Respondent without unreasonably burdening a Respondent.) Interim actions may include on-campus restriction, change in work location or modification of work hours, restricted access to certain buildings or locations of campus, course reassignment or shift to remote course access, interim academic suspension and/or interim removal from campus, or interim administrative leave of absence. Interim action may be taken with or without a Formal Complaint or the implementation of a complaint resolution process and are individualized to protect the safety of all parties, the broader campus community, and/or prevent future Prohibited Conduct.
- l) **Respondent.** An individual(s) who has been reported to be the perpetrator of behavior that could constitute Prohibited Conduct.
- m) **Report.** Information shared with the Title IX Office that includes details of alleged Prohibited Conduct. A report is made when a Complainant, reporting party, or third party seeks information, support measures, or informs the University of alleged Prohibited Conduct, but such party is not making a Formal Complaint or pursuing a complaint resolution process to address the alleged Prohibited Conduct.
- n) **Support Measures.** Non-disciplinary, non-punitive measures provided to a Complainant or Respondent designed to restore or preserve equal access to University's programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties and deter future Prohibited Conduct. The Title IX Coordinator will oversee the implementation of support measures that are individualized to respond to the effects of the alleged Prohibited Conduct, and that are appropriate, reasonably available, and free of charge. Support measures may include a no contact order, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, changes in work locations, leave of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Use of support measures is private and is available with or without a Formal Complaint.

Responsibilities

All individuals to whom this policy applies are responsible for becoming familiar with and following this policy.

University supervisors are responsible for promoting the understanding of this policy and for taking appropriate steps to help ensure compliance with it.

Title IX Coordinator

The Title IX Coordinator for the University oversees the review of reports and Formal Complaints associated with this policy. The Title IX Coordinator also oversees the implementation of interim actions, support measures, the investigation process, and administration of the hearings associated with alleged violations of this policy. The Title IX Coordinator is also charged with monitoring compliance with Title IX; providing education and training; and tracking and reporting annually on all incidents in violation of this policy.

Consequences for Violating this Policy

The University has developed the Title IX Grievance Procedure to investigate an allegation that a Covered Person has committed an act of Prohibited Conduct in this policy.

A Student or Employee determined to be responsible for an act of Prohibited Conduct in violation of this policy is subject to disciplinary action. Disciplinary action may include, but not be limited to, one or more of the following:

- reprimand (written or verbal)
- mandated training
- restitution
- permanent or temporary academic or work related reassignments
- change in academic or social status or standing limiting ability to serve in leadership roles, access funding, or serve as a representative for the University on or off-campus
- probation with or without restrictions
- administrative leave without pay
- temporary (suspension) or permanent (expulsion) separation from the University.

Applicants, Contractors, or Invitees who violate this policy may have their relationship with the University terminated and/or their privilege of being on premises withdrawn.

Academic Transcripts

Discipline of suspension and expulsion include a permanent notation on the student's official academic transcript that is maintained by the Office of the Registrar. A Respondent's access to a copy of their academic transcript will be suspended and the University will not release a copy of the Respondent's academic transcript to any other institution or third party during an investigation and adjudication of a Formal Complaint. Requests to release an academic transcript must be submitted to the Title IX Coordinator, who will determine (i.) whether to release the academic transcript; and (ii.) whether a notation indicating that serious disciplinary investigation and/or charges are pending should be included on the academic transcript.

Leave of absence with a formal complaint pending

If a Complainant or Respondent takes a leave of absence from University after the University has given notice to the Respondent but prior to a finding or final resolution, the complaint resolution process may be put on hold or continue as appropriate. The Title IX Coordinator will make an individualized assessment to determine whether to hold or continue with the complaint resolution process.

If the process is held due to the leave of absence of a Student Respondent, their transcript will be held and a temporary entry may be made, in the discretion of the Title IX Coordinator on their academic transcript indicating that the Student has taken a leave of absence with serious disciplinary investigation or charges pending.

If the process is held due to the leave of absence of an Employee Respondent, a temporary entry will be made in their personnel file that indicates that the employee has taken a leave of absence with disciplinary charges pending.

Withdrawal/Permanent separation with a formal complaint pending

The University will assess the allegations and make an individualized assessment to determine whether to continue or end the complaint resolution process upon the separation from the University of the Complainant and/or Respondent. A Complainant or Respondent may appeal a decision to dismiss (close) a Formal Complaint. The Appeal Committee will hear appeals of dismissal decisions.

- If a Complainant withdraws or separates from the University after the University has given notice to the Respondent but prior to a finding, the University may dismiss the Formal Complaint or continue on as the Complainant.
- If a Student Respondent withdraws from University after the University has given notice to the Respondent but prior to a finding or final resolution, the Formal Complaint may be dismissed and an entry will be made on their academic transcript maintained by the Office of the Registrar that indicates the Student has withdrawn with a disciplinary investigation and/or charges pending.
- If an Employee Respondent separates or is terminated from University after the University has given notice to the Respondent but prior to disciplinary a finding or final resolution, the Formal Complaint may be dismissed and an entry will be made in their personnel file that indicates that the employee separated with disciplinary investigation and/or charges pending or employment terminated with a disciplinary investigation and/or charges pending.

Title IX Grievance Procedure

Purpose

The purpose of the Title IX Grievance Procedure is to provide a prompt, impartial, and unbiased response to Formal Complaints made pursuant to the Sexual and Gender-Based Harassment, Sexual Assault, Interpersonal Violence, and Stalking policy (“Policy”). Specifically, this procedure will address Formal Complaints of Sexual Harassment, Gender-based Harassment, Prohibited Intimate Relationships, Sexual Assault, Dating Violence, Domestic Violence, Stalking and Retaliation (together “Prohibited Conduct”).

This procedure is grounded in fairness and support for all parties, and includes procedural protections that ensure nondiscrimination, adequate notice, and meaningful opportunities to participate. The University presumes that reports and Formal Complaints of alleged Prohibited Conduct are made in good faith and that the Respondent is not responsible for the alleged Prohibited Conduct until a determination regarding responsibility is made at the conclusion of this procedure. This procedure is also in compliance with applicable legal requirements including Title IX of the Education Amendments of 1972; relevant provisions of the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

To Whom This Procedure Applies

This procedure applies to Students and Employees as defined in the Policy when:

- (i.) the conduct that occurs, in the United States, on property owned, leased, used, or controlled by the University; and/or
- (ii.) the conduct occurs off-campus, in the United States, in the context of a program, activity, or location in which the University exercises substantial control over both the Respondent and the context in which the alleged Prohibited Conduct occurred, including but not limited to off-campus internships, mentorships, or other affiliated programs.

Exempt from this procedure is Prohibited Conduct engaged in by an individual unaffiliated with the University or outside of the University’s control, and/or conduct that occurs (a) abroad, or (b) outside the context of University employment, education, or research program or activity. Formal Complaints related to the aforementioned conduct (a & b) will be addressed through the appropriate Code of Conduct or policy.

Initial Assessment

When the Title IX Coordinator receives a report or Formal Complaint of alleged Prohibited Conduct, they will conduct an initial assessment to gain a basic understanding of the nature and circumstances of the allegation. This is ordinarily a meeting, which may be held virtually, with the reporting party or Complainant, if different, where the Title IX Coordinator will provide information about campus resources and response options. Such information will include, but not be limited to, disciplinary options on campus, how to make a report to local law enforcement, the importance of the preservation of evidence, confidentiality parameters, and remedial interim protective and support measures available. The Title IX Coordinator will use the report and knowledge gathered in this meeting to assess if further risk of harm exists for

the reporting party, Complainant, or the campus community; or if the report demonstrates a pattern of Prohibited Conduct involving the same Respondent. If any of these conditions exist, the Title IX Coordinator will take the appropriate interim action.

Filing a Complaint

A Complainant may submit a Formal Complaint at any time while they are enrolled at the University. A Formal Complaint is a request for an investigation and initiation of this grievance procedure. Only a Complainant or the Title IX Coordinator can submit a Formal Complaint. A Complainant who wishes to proceed with this procedure must submit a written and signed document (in hard copy or electronic) against a Respondent that details the incident in which the Prohibited Conduct by the Respondent is alleged. A Formal Complaint must be submitted to the Title IX Coordinator.

Initial Assessment of the Formal Complaint

Upon receipt of the Formal Complaint, the Title IX Coordinator will make the following determinations to decide upon the applicability of the Policy:

- Could the facts set forth by the Formal Complaint, if substantiated, constitute conduct prohibited by the Policy?
- Is the Complainant participating in or attempting to participate in an educational program, employment, or other activity at the University?
- Is the Respondent a Covered Person as defined in the Policy?
- Did the alleged Prohibited Conduct occur against a person in the United States? and
- Did the University exercise substantial control over both the Respondent and the context in which the alleged Prohibited Conduct?

If the answer to any question is “NO” then the Policy and this procedure do not apply to the Formal Complaint. The Formal Complaint will be referred to the appropriate policy, Code of Conduct, or University office.

If the answer to each question is “YES”, then the Policy and this procedure applies, and the Title IX Coordinator has the authority to investigate and resolve the Formal Complaint.

Standard of Evidence

In all stages of this procedure, the University applies the preponderance of the evidence standard (more likely than not) when determining whether the Policy has been violated.

Use of an Adviser

Complainants and Respondents are entitled to be accompanied and assisted by an adviser at meetings, investigation interviews, and, if applicable, a subsequent hearing. An adviser is an individual of the Complainant’s or Respondent’s choosing, including an attorney, to provide support during the complaint process. The parties are not limited to one adviser throughout the process; however, only one adviser may be present at each meeting or interview. Accommodations, including scheduling of interviews or hearings, will not be made for advisers if the accommodation creates an unduly delay in the process, which is considered to be a delay of three (3) or more business days.

During meetings, interviews, and the investigation process, advisers may not speak for or answer questions on behalf of their party, although they may ask to take a break briefly to provide consultation.

During a hearing, advisers may ask questions on behalf of party during the cross-examination phase of the hearing. An adviser’s active role is limited to the questioning during the cross-examination phase only. An adviser cannot speak to the Hearing Panel or other participants in the hearing or ask questions in any other step of the hearing unless it is to request a brief break to provide private consultation to their party.

A pool of University faculty and staff are trained as process advisers. A process advisor will only be assigned to a Respondent if the Respondent does not have an advisor of their own selection for the hearing. A process advisor is not

required or appointed at any other stage of the grievance process. There is no requirement that the adviser is chosen from this pool or be an individual from the University community.

Informal Resolution

An informal resolution is an alternative to the investigation and adjudication model and generally involves a facilitated resolution that is acceptable to the Complainant and Respondent. A full investigation of the allegation is not conducted in the informal resolution process; however, the details of the allegation will be gathered to allow the University to engage in an assessment of risk. An informal resolution can be the full and final resolution to a Formal Complaint.

An informal resolution can be requested by a Complainant or Respondent at any time after a Formal Complaint has been submitted up to the start of a Title IX hearing. Generally, informal resolutions are pursued when the Complainant and Respondent, having been fully informed of all available options, have explicitly and voluntarily made that choice. An informal resolution process is voluntary for the both Complainant and the Respondent. Engaging in the informal resolution process is not an admission of responsibility for the allegation or an admission of the falsehood of the allegations. The existence of an informal resolution is not viewed as a finding against the Respondent.

The Complainant or Respondent may withdraw from an informal resolution process at any time before its completion. If an informal resolution process is ended prior to its completion, any information obtained will not be used in a subsequent investigation of the Formal Complaint.

Once a Formal Complaint has been resolved through an informal resolution process, the matter will be closed. This means allegations resolved through an informal resolution will not advance through the formal resolution process unless the terms of the informal resolution are broken or incomplete. If a term of the informal resolution is broken or incomplete, the information obtained during a mediation may be submitted as evidence in a subsequent investigation involving the Complainant and/or Respondent.

For some limited types of alleged Prohibited Conduct, an informal resolution may include mediation. Mediation may not be an appropriate option for cases involving a report of sexual assault and/or relationship and interpersonal violence, nor for circumstances involving severe misconduct.

In all cases, the Title IX Coordinator will have the discretion to determine whether an informal resolution or mediation is appropriate to the circumstances. The University will generally allow only one informal resolution per Respondent. Informal resolutions are not permitted between Student Complainants and Employee Respondents.

Notice of the Formal Complaint

The Title IX Coordinator will provide the Complainant or Respondent written notice of the other party's interest in resolving a Formal Complaint through the informal resolution process. Written notice will include a copy of the Formal Complaint, the alleged Prohibited Conduct at issue, and a summary of the guidelines to an informal resolution and the participant's rights in the process. The Complainant or Respondent will have five (5) business days to respond to the informal resolution request, indicating their interest in participating in the informal process. In the instance when a party does not reply to the notice or a party does not voluntarily agree to participate in the informal resolution process, the informal resolution process will end and the University will begin an investigation into the Formal Complaint.

Privacy of Informal Resolution

The existence of an informal resolution and/or the agreed upon terms is considered private information maintained in the Title IX Office. The existence of an informal resolution and/or the agreed upon terms may be shared with a limited circle of individuals in the University who "need to know" in order to (i) assist in implementing the agreed upon terms, (ii) monitor the agreed upon terms, (iii) engage in a risk assessment involving the Complainant or Respondent, (iv) implement support measures, or (v) perform University operations.

The Title IX Coordinator may use the information obtained during an informal resolution process as evidence when investigating the Formal Complaint when the terms of an informal resolution are broken or not complete.

The Title IX Coordinator may also use the information obtained during an informal resolution as evidence when investigating a Formal Complaint if a subsequent allegation of Prohibited Conduct involving the same Respondent is made and the alleged Prohibited Conduct is distinctively similar to the conduct alleged in the informal resolution process. If this occurs, the relevant portion of the Formal Complaint may be shared with an investigator and the Complainant may be called as a witness.

Developing Terms of the Informal Resolution

The Complainant and Respondent may propose terms for the informal resolution. The terms should be designed to remedy the adverse effects the Prohibited Conduct alleged has on the Complainant and/or to restore the Complainant's equal access to the programs and activities of the University. Informal resolutions involving faculty and staff will include a supervisor, Dean, Provost, or University Human Resources who may also suggest proposed terms.

The Title IX Coordinator will review the proposed and final terms and will remove those terms that are not permissible under University policy or practice and/or federal or state law. The Title IX Coordinator may consult with the relevant University officials such as a supervisor, Department Chair, Dean, Provost, or University Human Resources when determining the permissibility of a proposed term(s).

After the Title IX Coordinator review, the parties will have five (5) business days from the date of delivery of the informal agreement to review the terms. They should indicate their willingness to accept all, some, or none of the proposed terms. They may also propose alternative strategies to meet a specific term they reject.

The Title IX Coordinator will send the Complainant and/or Respondent a copy of the other party's response to the proposed terms. The Complainant or Respondent will have a subsequent five (5) business days from the date of delivery of the new terms to consider and respond to the revised terms.

The informal agreement is reached when both parties independently and voluntarily come to agreement on terms. Upon agreement and signature (in hard copy or electronically) by both the Complainant and Respondent, the Formal Complaint is considered resolved and closed.

Violations of the Informal Resolution

The Complainant and Respondent will be asked to identify and agree upon the consequences for violating the terms of the informal resolution. The Title IX Coordinator will consult with the relevant University officials such as a supervisor, Dean, Provost, or University Human Resources when determining the permissibility or appropriateness of the proposed consequences. If the consequences for violating the informal resolution are not determined, the matter will continue in the Formal Resolution Process.

Right of Appeal

The informal resolution is grounded in the voluntary participation of the Complainant and Respondent. For this reason, there is no right of appeal associated with the informal resolution process.

Timeframe for the Informal Resolution Process

There is not a definitive timeframe for an informal resolution process as the time to complete the agreement is unique to each set of Complainant and Respondent. The informal resolution will ordinarily take an average of 30 business days to complete.

Below is an overview of the approximate time associated with the major stages of the informal resolution process after the Title IX Coordinator receives a Formal Complaint. All timeframes set forth in this process may be adjusted at the discretion of the Title IX Coordinator. The Complainant and Respondent will be notified of timeframes and will be provided with a revised timeline to resolve the complaint.

- Written notice of Formal Complaint
- Written notice of a request for informal resolution
- Drafting of terms (this step may be repeated as necessary)

- Review of proposed terms (this step may be repeated as necessary)
- Review and sign off on the final

Recordkeeping

The Formal Complaint and final informal resolution agreement will be maintained for a minimum period of five years.

Formal Resolution

A formal resolution process will occur when (i) a Complainant submits a Formal Complaint and requests to begin the formal resolution process, (ii) the University engages in an assessment of threat and determines that the Title IX Coordinator should proceed with the formal resolution process because there is reasonable cause to believe that the Respondent poses a significant threat of harm to the health, safety, and welfare of the Complainant or the University community, or (iii) the Title IX Coordinator identifies a pattern of alleged Prohibited Conduct involving the same Respondent.

In the event of (ii) or (iii), the Title IX Coordinator will draft and sign a Formal Complaint in lieu of a Complainant, and the formal resolution process will proceed as indicated below.

Notice to the Respondent(s)

The Title IX Coordinator will provide the Respondent written notice of the Formal Complaint. Written notice will include a copy of the Formal Complaint, the Prohibited Conduct at issue, and a summary of the participant's rights and guidelines to the formal resolution process.

The Respondent will have five (5) business days following the date of delivery of the written notice to respond to the Formal Complaint but is not required to respond. A response to the Formal Complaint is at minimum the acceptance or denial of responsibility for the alleged Prohibited Conduct. The response may also, but is not required to, address the factual allegations within the Formal Complaint. Any response submitted will be provided to the Complainant and the investigator.

No Response to Written Notice

In instances when the Respondent does not reply to the written notice, the formal resolution process and investigation will continue. The Title IX Coordinator will make a good faith effort to contact the Respondent to notify them of the Formal Complaint and ensuing formal complaint process.

A Respondent's silence in response to a Formal Complaint will not be viewed as an admission of responsibility but may leave the allegations undisputed. If the Respondent chooses to participate in the resolution process after the investigation report is finalized, they will be given the opportunity to participate in the subsequent steps of the process.

Investigation

The Title IX Coordinator will investigate and conduct fact finding for the case. The Title IX Coordinator will have the discretion to determine whether the investigator will be internal (an employee at the University) or external (a qualified individual outside of the University community), or a combination of both internal and external investigators. The role of the investigator will be to gather, assess, and synthesize the relevant evidence in a report that sets forth the facts. The investigator has the discretion to determine the relevance of any witness or other evidence and may exclude information in preparing the investigation report if the information is irrelevant, immaterial, or more prejudicial than informative.

The investigator will prepare an initial (draft) investigation report. A redacted version of the draft investigation report and a redacted copy of all of the physical evidence submitted or obtained is shared electronically with both parties who will have ten (10) business days from the date of delivery of the draft report to review and comment before the investigation report is finalized. The investigator does not make a final determination to whether a Policy violation has occurred.

Complainants and Respondents should be aware that the allegations and Prohibited Conduct in the draft investigation report may be different from allegations in the Formal Complaint. If an additional allegation is identified during the

investigation, the Title IX Coordinator will send the Complainant and Respondent notice of the new allegation and amend the Formal Complaint. The Respondent will be provided five (5) business days from the date of delivery of the notice of the new allegation to respond to the new charge.

The investigator's report may include credibility assessments, where appropriate, based on their interviews with the Complainant, Respondent, witnesses, and review of the material evidence, as well as the basis of those assessments. The credibility assessment may include direct observations and reasonable inferences drawn from the facts and any consistencies or inconsistencies between the various sources of information.

The Title IX Coordinator will review the investigation report in advance of the parties for thoroughness and accuracy and may return the investigation report to the investigator, if investigators were assigned, in instances where the investigator does not comply with their role, the Title IX Coordinator questions an initial decision of relevance of evidence, clarification is needed or the potential Policy violation is not addressed in a manner consistent with the Policy definition.

Extensions

A Complainant and/or Respondent may ask for an extension to a deadline or to pause the investigation. Pauses and/or extensions are only provided for good cause and are normally a three- to five-day extension. Good cause is considered to be extraordinary or extenuating circumstances outside of the control of the party such as an unanticipated health issue or exam or deadline associated with an academic assignment. Extensions to accommodate an adviser's schedule, including scheduling of interviews or hearings, will be considered if they do not unduly delay the process, which is considered to be a delay of three (3) or more business days.

Witnesses

The Complainant, Respondent, and witnesses are permitted to provide names of potential witnesses to the investigator. The investigator will determine which of those potential witnesses, or other persons, may have relevant evidence about the alleged conduct and may request statements, either orally or in writing. Witnesses may include individuals outside the University community.

Evidence

Complainants, Respondents, and witnesses are permitted to provide evidence to the investigator. Evidence may include text messages, email exchanges, timelines, receipts, photographs, videos, etc. The investigator may also gather and consider additional documents, items, or other relevant information. The investigator will determine whether the evidence is relevant. Information that does not directly relate to the facts at issue may be considered irrelevant to the determination of whether the conduct alleged violates the Policy.

Pattern Evidence

A report of Prohibited Conduct that is so distinctively similar and closely resembling the behavior in the Formal Complaint may be considered as factual evidence. The investigator may consider this as pattern evidence regardless of whether there has been a prior finding of a Policy violation. Pattern evidence may occur before or after the conduct in question. This information may be deemed relevant to determine whether the conduct alleged violates the Policy and/or to assign appropriate discipline.

Character Evidence

Information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, qualities, or habits of an individual is character evidence and will be given lesser weight than information that directly relates to the facts of the case when determining whether the conduct alleged violates the Policy.

Prior Sexual History

An individual's character or reputation with respect to sexual activity is not typically relevant and is not ordinarily considered as evidence. Similarly, an individual's prior or subsequent sexual activity is typically not relevant and will only be considered as evidence when offered to prove that someone other than the Respondent committed the offense or if the sexual history evidence concerns specific sexual incidents between the Complainant and Respondent and is offered to prove consent. For example, prior sexual history may be relevant to explain the presence of a physical injury or to help

resolve other questions raised by the investigation report. The investigator will determine the relevance of this information.

Even in the context of a relationship, consent to one sexual act does not, by itself, constitute consent to another sexual act, and consent on one occasion does not, by itself, constitute consent on a subsequent occasion. Where the parties have a sexual relationship prior to or after the incident in question and the existence of consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether consent was sought and given during the incident in question. However, this does not assume that the prior sexual history was consensual, and this should be a factor in considering relevance.

Other Disciplinary Case

Information about prior, concurrent, or pending campus disciplinary or criminal charges involving the Complainant or Respondent is typically viewed as irrelevant to the investigation unless determined to be so distinctly similar or to be contemporaneous such that the other conduct may be related that it will be considered pattern evidence.

Investigation Report Review

Within ten (10) business days following the date of delivery of a redacted draft investigation report, both parties may provide a written response. The Complainant and Respondent may offer additional comment, clarify information previously shared, suggest additional witnesses, question relevance determinations, or identify any other relevant information or evidence to assure the thoroughness and sufficiency of the investigation.

The parties should contact the Title IX Coordinator if the redactions create a barrier to their review of the investigation report. The Title IX Coordinator will set up a meeting, which may be held virtually, to review the redacted information verbally, including the identity of the witnesses.

The investigator will review the responses submitted by the parties to finalize the investigation report but is not obligated to change the report. The investigator may request additional information or interview additional witnesses to finalize the document. Once the investigation report is finalized, it is provided to the Title IX Coordinator, who will send it to the parties, the hearing officer, and the Hearing Panel.

Hearing

The University conducts a live virtual hearing in which the parties can simultaneously see and/or hear each other. The hearing is recorded.

The Title IX Coordinator will select a date for the hearing based on the availability of the Hearing Panel, and will consider a participants' academic and work schedules when identifying the hearing date.

Hearing Officer

The Hearing Officer presides over the hearing as a trained non-voting member. The Hearing Officer is responsible for making determinations of relevance about information that will be considered or not during the hearing including appropriate and inappropriate lines of questioning. The Hearing Officer is responsible and has the authority for the overall decorum and conduct of the parties, panelists, investigator, and advisers during cross-examination. As the Hearing Officer is non-voting, the Title IX Coordinator may serve in this role if needed.

Hearing Panel

The Hearing Panel is comprised of one to three individuals who receive training to hear Formal Complaints investigated under the Policy. The Title IX Coordinator will send the Hearing Panel a redacted copy of the final investigation report at least ten (10) business days before the date of the hearing. The Hearing Panel will convene to deliberate and render a decision, by majority vote, regarding whether or not the Respondent has violated the Policy by a preponderance of the evidence. No member may abstain from voting.

The number and composition of the Hearing Panel is determined by the affiliation of the Respondent (i.e. Faculty, Staff,

or Student). When a respondent holds multiple relationships to the University, the Respondent's affiliation will be determined by the role they were in when the alleged Prohibited Conduct occurred.

Hearing Panel for Faculty Respondent

A Hearing Panel where both the Complainant and Respondent are faculty will consist of three (3) members. The Hearing Panel will deliberate and make a determination on the finding and Discipline (if applicable). The Dean of the Respondent or Senior Director of Employee may be substituted for a three (3) person Hearing Panel in instances in which the Title IX Office is unable to populate a Hearing Panel due to urgency, time of year, or conflict of interest.

Hearing Panel for Staff Respondent

A Hearing Panel where both the Complainant and Respondent are staff will consist of three (3) members. The Hearing Panel will deliberate and make a determination on the finding and Discipline (if applicable). The Senior Director of Employee or Human Resources may be substituted for a three (3) person Hearing Panel in instances in which the Title IX Office is unable to populate a Hearing Panel due to urgency, time of year, or conflict of interest.

Hearing Panel for Student Respondent

A Hearing Panel for student Respondents will consist of three (3) individuals Council. The Hearing Panel will deliberate and make a finding and determine a Discipline (if applicable).

Cross-Examination

The hearing provides the Complainant and Respondent the opportunity to pose questions to the other party, investigator, and witnesses to elicit relevant factual information missing from the final investigation report. The Complainant and Respondent must pose questions through their advisor and are prohibited from communicating directly with the other party.

The Complainant and Respondent are responsible for developing their specific questions. The University will provide each party a hearing process advisor who can fulfill the function of asking their questions in the event that the party does not have an advisor or their advisor of choice cannot attend the hearing. The process advisor's role is limited to asking the questions identified by their party, and may, but is not required, to assist their party in developing additional questions.

During cross examination, the Respondent will ask questions first, and the Complainant ask questions second. Questioning for the participants will be timed as follows:

- 15 minutes for each party to question specific witnesses
- 15 minutes for each party to question the investigator
- 30 minutes to question the Respondent
- 30 minutes to question the Complainant

The Hearing Officer will manage the time allotted for questioning and may extend these timeframes in their discretion.

The Complainant and Respondent must send their anticipated questions and the names of the specific witnesses they would like to cross-examine to the Title IX Coordinator two (2) business days before the hearing. The questions will be provided to the Hearing Officer to prepare for relevancy determinations. The questions will not be shared with witnesses, the other party, or the Hearing Panel.

Submitting questions in advance of the hearing does not obligate the party to ask the submitted questions nor does it preclude the party from identifying and asking additional questions at the hearing. Before the Complainant, Respondent, investigator, or witnesses answer a cross-examination or other question, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

The hearing process does not allow the Complainant or Respondent to challenge the relevance decision of the Hearing Officer during the hearing or of the investigators relevance decisions in the final investigation report. Challenges to relevance decisions may be addressed through the appeals process as a material procedural error.

Verbal Statement

The Complainant and Respondent will have the opportunity to appear before the Hearing Panel if they wish to make a verbal statement regarding the facts. Verbal statements must be no more than seven (7) minutes in length. The Hearing Officer will intervene should a verbal statement exceed seven (7) minutes.

The Hearing Officer will instruct the Hearing Panel to disregard verbal statements made that are more prejudicial than probative, introduce new allegations, or introduce evidence deemed irrelevant or immaterial by the investigator or Hearing Officer. If both the Complainant and Respondent choose to make a verbal statement, the Complainant shall appear first, and the Respondent shall appear second. Verbal statements should focus on the facts and relevant evidence and limit references to character.

Outcome

The lead Hearing Panel member will prepare a written decision within five (5) business days from the date of the hearing. The written decision will include a finding for each charge, rationale for each decision, and appropriate Discipline for each allegation as applicable. The Chair may ask the Title IX Coordinator for additional time for deliberation or request to pause the Hearing Panel deliberation in the instance in which the Hearing Panel requires additional information in order to render a decision. The Title IX Coordinator will notify the parties if additional time or information is needed.

The Hearing Panel shall consider prior violations when determining an appropriate sanction.

If the Hearing Panel determines that there is adequate cause for the termination of appointment of a Faculty respondent, the Hearing Panel will make this recommendation to the Provost and Chief Academic Officer who will consider the recommendation and follow the appropriate procedure as stated by the Faculty Rules and Regulations.

If the Hearing Panel determines there is adequate cause for the separation or termination of an employee, the Hearing Panel will make this recommendation to the Human Resources who will follow the appropriate procedure as stated by University policy.

In all cases, the Complainant and Respondent will be notified of the outcome and determination simultaneously in writing. The appropriate campus officials such as the Dean, Human Resources, and supervisory personnel will receive a copy of the outcome as appropriate.

Determining the Appropriate Discipline

If the Hearing Panel determines that a Respondent is responsible for one or more violations of the Policy, it will then impose an appropriate Discipline. The Hearing Panel will be permitted to consider prior unrelated policy and Code of Conduct violations in determining an appropriate sanction.

The Hearing Panel shall consider, but is not limited to, the following factors in determining an appropriate discipline.

- Whether or not the circumstances suggest there is an increased risk of the Respondent committing additional acts of sexual violence or other violence (whether there have been other sexual violence Complaints about the same Respondent, whether the Respondent has a history of violence, whether the Respondent threatened further sexual violence or other violence against the student or others);
- Whether or not the circumstances suggest there is an increased risk of future acts of Prohibited Conduct under similar circumstances (whether the circumstances reveal a pattern of perpetration, for instance via illicit use of drugs or alcohol, at a given location, or by a particular group);
- Whether or not the Prohibited Conduct was perpetrated with a weapon or had other aggravating considerations;
- Whether the Respondent upon return to campus would be likely to pose a threat to the safety and/or well-being of the Complainant and/or the University community generally, and if so, the nature and extent of the threat and steps to effectively mitigate the impact;
- The impact statements submitted by the Complainant and Respondent;
- The impact of the conduct on the University community, and the need for any Discipline or remedies to eliminate, prevent, or address the existence of any hostile environment caused in the University community or to maintain a safe and respectful environment conducive to learning, working and living; and

- Any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in the case.

In cases of expulsion or termination: Once the appeal deadline has passed or an expulsion or termination is upheld by an appeal panel, the Respondent's enrollment or employment will end and the Respondent must vacate immediately.

In cases of suspension of a Student Respondent: Once the appeal deadline has passed or a suspension is upheld by an appeal panel, the start of the Respondent's suspension will be determined by the date in which the final decision is made.

Right of Appeal

The Complainant and Respondent both have the right to appeal a determination of responsibility on the limited grounds of (i) material procedural error that materially affected the outcome; (ii) material, new evidence not reasonably available at the time of the hearing; or (iv) conflict of interest or bias on the part of the Title IX Coordinator, investigator, or hearing panelist that affected the outcome.

Written requests for appeal must be submitted within five (5) business days following delivery of the notice of the outcome. Written requests for appeal submitted by one party will be shared with the other party. Each party may respond in writing to any appeal submitted by the other party. Written responses to an appeal must be submitted within five (5) business days following delivery of the notice of the written appeal.

Appeals are heard by the Provost (or designee) in cases with a faculty Respondent, Vice President for Human Resources (or designee) in cases with a staff Respondent, and a three (3) member appeal panel when the case involves a student Respondent. The appeal panel's responsibility will be strictly limited to determining if the written appeal meets the limited grounds in which an appeal is submitted. If the appeal panel finds that the grounds for appeal are met, the appeal will be granted. Otherwise, the appeal will be denied. If the appeal is denied, the matter is closed, and the Hearing Panel's decision stands as the final decision.

There are two possibilities in the event that an appeal is granted, the appeal officer or appeal panel may, in its discretion: (i) Remand the case to the original or new Hearing Panel and provide instructions regarding the nature and extent of its reconsideration. The Hearing Panel will act promptly to reconsider the matter consistent with those instructions. Following reconsideration, the finding of the Hearing Panel or the sanction imposed by the decision-maker will be final and not subject to further appeal, or (ii) Modify the decision and/or sanction consistent with its decision. Following reconsideration, the finding of the appeal panel or the sanction imposed will be final and not subject to further appeal.

Timeframe of the Formal Resolution

The University seeks to complete its investigation and disciplinary process, if any, as promptly as possible. The length of investigations may vary with the complexity and unique factors in each case. Examples of such factors include, but are not limited to, circumstances in which critical witnesses are unavailable, or if law enforcement requests the University temporarily halt its investigation for a brief period of time.

All timeframes set forth in this process may be adjusted in the discretion of the Title IX Coordinator. The Complainant and Respondent will be notified of any delays or extensions of these timeframes and will be provided with a revised timeline to resolve the complaint.

- Notice to the Respondent
- Response to the Formal Complaint
- Investigation
- Draft Report Review
- Finalize the Investigation Report
- Hearing Panel Report Review
- Hearing Panel Deliberation
- Right of Appeal
- Appeal Review

Information Sharing

Throughout the investigation, the parties should only share documentation and information they receive or learn of from the Title IX Coordinator, including the investigator, for the purpose of advice and counsel. Information shared, publicly posted, or distributed for other purposes may be considered Retaliation under the Policy and could constitute a violation of federal or state privacy laws.

The University may share the Formal Complaint, investigation report, and Finding with a limited circle of individuals within the University who “need to know” in order to assist in (i) the review, investigation, and resolution of the report or Formal Complaint, (ii) the implementation of support or protective measures, (iii) the implementation of the Finding and/or Discipline, or (iv) other disclosures necessary to fulfill University operations.

Withdrawal of Formal Complaint or Allegations

The Title IX regulations require the University to dismiss a Formal Complaint or allegation in the instance when the investigation proves that the charge falls outside of the jurisdictional scope of Title IX. The Formal Complaint or allegation must be dismissed even if the investigation shows that the Prohibited Conduct may have occurred. The University may refer the Formal Complaint and the investigation report to an alternative policy, Code of Conduct, or University official.

The Complainant may request to withdraw the Formal Complaint or allegations within a Formal Complaint at any time before the determination made by the Hearing Panel. Either request must be made in writing to the Title IX Coordinator. The Title IX Coordinator will consider whether to approve or deny these requests, and will strongly consider the Complainant’s request.

Similarly, the University may withdraw or dismiss an allegation or Formal Complaint at any time before a hearing when the Complainant or witness refuses to participate in the investigation or hearing, the Respondent permanently separates from the University, or the investigation uncovers that the University does not have control over the Respondent and is unable to issue impose discipline on the Respondent.

Written notice of a decision to dismiss some or all of the Formal Complaint will be sent to the parties in writing. The Complainant and/or the Respondent have the right to appeal a decision to dismiss. An appeal of a mandatory or discretionary dismissal must be submitted within 5 (five) business days from notice of the decision to dismiss.

Recordkeeping

The Formal Complaint, final investigation report, and final determination letters, including appeal outcomes, will be maintained for a minimum period of five years.

Responsibilities

All individuals to whom this Title IX Grievance Procedure applies are responsible for becoming familiar with and following this Procedures. University supervisors are responsible for promoting the understanding of this Procedure and for taking appropriate steps to help ensure compliance with it.