Information

Title IX Student Sexual Misconduct Policy

Effective

August 12, 2020

Applicability

This policy applies to all members of the University of Louisville (“University”) community (including employees, students, non-University employees participating in University related activities or programs, third party contractors and vendors, and visitors) if the Respondent is a student and the jurisdictional requirements of Title IX are met. If the Respondent is an employee, the report will be reviewed and addressed in accordance with the University’s Title IX Employee Sexual Misconduct Policy. If the Respondent is a third Party, the Report will be routed to the University of Louisville Police Department (ULPD) for resolution which may include criminal or administrative responses.

Administrative Authority

Executive Vice President of Legal, Governance, and External Relations/Chief Legal Counsel

Responsible Unit

Office of University Counsel

Title IX Office

Grawemeyer Hall, Suite 202B

Email: titleix@louisville.edu

History

Revision Date(s): August 1, 2025, September 2, 2025; August 27, 2026 (minor edit)

Reviewed Date(s): August 1, 2025

Categories

Statement:

The University of Louisville ("University") prohibits all forms of sex discrimination and Sexual Misconduct. The University is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free from Sexual Harassment (including Sexual Assault, Domestic Violence, Dating Violence, and Stalking), Sexual Exploitation, and Retaliation.

The primary purposes of the Title IX Student Sexual Misconduct Policy are to: (1) define, eliminate, prevent, and remedy the effects of the identified prohibited conduct; (2) identify care, support, and reporting options for students; (3) identify the adjudication procedures the University will follow to thoroughly, equitably, and promptly investigate and resolve reports of Sexual Misconduct. Additional information about the University's procedures, training and prevention programs relating to Sexual Misconduct can be found online at https://louisville.edu/access/university-resources/title-ix.

JURISDICTION

Once the University has Actual Knowledge of an alleged violation, the University will review the incident to ensure it meets the Title IX jurisdiction requirements that a prohibited act occurred

- Against a person within the United States; and
- Within the University's education programs or activities including locations, events, or
  circumstances over which the University exercises substantial control over both the Resp
  and the context in which Sexual Misconduct occurs. This includes any
  building(s) owned or controlled by a student organization that is officially
  recognized by the University.

This policy will be utilized if the Respondent is a student and the jurisdictional requirements of Title IX are met. If the case does not meet the jurisdictional requirements for Title IX, the case may be administered through th Student Conduct process. If the Respondent is an employee, the report will be addressed in accordance with the University's Title IX Employee Sexual Misconduct Policy. If the Respondent is a non-University party, the report will be routed to the University of Louisville Police Department (ULPD) for resolution which may include criminal or administrative responses.

The University in enforcing this policy will not restrict any rights that would otherwise be protected by the free speech protections of the First Amendment of the U.S. Constitution or deprive a pers process rights and/or restrict any other rights guaranteed by the U.S. Constitution. The University cannot impose any restrictions on the ability of the parties to discuss the allegations or gather evidence throughout the investigative process. Nor can the University use questions or evidence throughout the investigation that constitute or seek disclosure of information protected under a legally recognized privilege unless the person holding the privilege has waived the privilege.

Language in this policy notwithstanding, the University reserves the right to investigate activities or behaviors that potentially violate other University's policies, procedures, and standards, irres whether an investigation moves forward under this policy.

RETALIATION

The University prohibits all forms of retaliation. Individuals who feel they are victims of retaliation as prohibited by this policy shall contact the Title IX Office at 502-852-1198 or titleix@louisville.edu

GENERAL REQUIREMENTS

The University will:

- treat Complainants and Respondents equitably by
  - following this process to completion before the imposition of any disciplinary sancti other actions that are not Supportive Measures, against a Respondent with the exception of interim steps to protect the safety and health of the campus community;

    - presuming that the Respondent is not responsible for the alleged conduct until a de regarding responsibility is made utilizing the process described herein;
- conduct an objective evaluation of all relevant information -- including information that could support or refute the alleged responsibility of the Respondent -- and provide that credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness;
- require that any individual designated by the University as a Title IX Coordinator, Investi Hearing Board Chair or Hearing Board member, or any person designated by the University to facilitate an informal resolution process, not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;
- provide training to align with the University's commitment to fostering an atmosphere fr Sexual Misconduct, gender-based harassment, sex-based biases and stereotypes, and other prohibited conduct and creating an environment inclusive of all members of the University community regardless of their sex, sexual orientation, or gender identity;
- allow for the temporary delay of the process or the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extens the reason(s) for the action;
    - Good cause may include considerations such as the absence of a Party, a Party's Advisor, or a witness; and
    - Extensions may be granted by the Title IX Coordinator upon request by either Party. The University may also utilize extensions for good cause.
- not require, allow, rely upon, or otherwise use questions or evidence that constitute, or s disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. (ex: information that is part of the therapist/client relationship);
- if it is determined that the Respondent is found responsible for conduct prohibited herein, impose (an) appropriate sanction(s) which may include, but may not be limited to, those listed in the Code of Student Conduct located at: https://student.louisville.edu/code-student-conduct;
- will maintain as confidential Sexual Misconduct complaints and the Parties involved to the extent maintaining confidentiality would not impair the University's ability to adequately evaluate,

respond to, and investigate the allegations raised in the complaints. The University will a
privacy of student education records and employee records
in accordance with the University's policies on Family Educational Rights and
Privacy Act (FERPA) and Personnel Records.

Related Information:

Campus Resources:

PEACC Center

2100 S. Floyd Street

Student Activities Center, W309 Louisville, KY 40292

Phone: (502) 852-2663

Website: louisville.edu/peacc

Prevention, Education and Advocacy on Campus and in the Community (PEACC) is available to provide advocacy and confidential assistance to University students, staff, and faculty who are affected by Sexual Misconduct. An advocate can listen, discuss options, and assist the person in accessing medical care, housing accommodations, academic concerns, and/or referrals to community and campus resources.

University Counseling Services

2100 South Floyd Street, W204 Louisville, KY 40208

Phone: (502) 852-6585

Website: louisville.edu/counseling

Health Sciences Campus

500 S. Preston Street

A Building -- Rooms 219 and 220

Louisville, KY 40292

Phone: (502) 852-0996

Website: louisville.edu/medicine/studentaffairs/student-services/hsc- counseling-services

Campus Health Services Clinic Cardinal Station Center

215 Central Avenue - Suite 110

Louisville, KY 40208

Phone: (502) 852-6479

Website: louisville.edu/campushealth

Health Sciences Center

University of Louisville Outpatient Care Center

401 E. Chestnut Street, Suite 110

Louisville, KY 40202

Phone: (502) 852-6446

Community Resources:

Center for Women and Families Crisis Line:

927 S. 2nd Street

Louisville, KY 40201

Phone: (877) 803-7577

Sexual Assault Nurse Examiner (SANE)

In Jefferson County, most examinations that include the collection of evidence (Sexual Assault, Sexual Misconduct, intimate partner abuse) are performed by the SANE Program at one of their two locations:

University of Louisville Hospital Emergency Room

530 S. Jackson Street

Louisville, KY 40202

Phone: (502) 562-4064

Center for Women and Families SAFE Services

927 S. 2nd Street

Louisville, KY 40201

Phone: 1-844-BE-SAFE-1

All emergency rooms in the Commonwealth of Kentucky are authorized and required to provide this service. These services can be provided by a physician, Sexual Assault nurse examiner, and/or another qualified medical professional. Physical evidence of a criminal Sexual Assault must be collecte alleged victim's person as soon as possible. Having evidence collected will help to keep all options available to a victim, but this will not obligate the victim to any course of action. The evidence collected may assist the authorities should the victim decide later to pursue criminal charges.

FEDERAL AND STATE OFFICES

Some forms of harassment and discrimination may violate federal and state laws, and a Com Respondent may choose to contact the following agencies regarding their complaint:

Atlanta Office

Office for Civil Rights

U.S. Department of Education

61 Forsyth St. S.W., Suite 19T10

Atlanta, GA 30303-8927

Telephone: 404-974-9406

FAX: 404-974-9406; TDD: 800-877-8339

Email: OCR.Atlanta@ed.gov

https://www.ed.gov/laws-and-policy/civil-rights-laws/file-complaint

Kentucky Commission on Human Rights

332 W. Broadway, 7th Floor

Louisville, KY 40202

Phone: (502) 595-4024 or 1-800-292-5566

Email: kchr.mail@ky.gov

Federal Equal Employment Opportunity Commission 600 Dr. Martin Luther King, Jr. Place, Suite 268

Louisville, Kentucky 40202

Phone: 1-800-669-4000

TTY: 1-800-669-6820

Website: www.eeoc.gov

FEDERAL STATISTICAL REPORTING OBLIGATIONS

Certain campus officials have a duty to report Sexual Misconduct for federal statistical reporting
purposes such as the Clery Act. All personally identifiable information is kept confidential, but information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus; in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

FEDERAL TIMELY WARNING REPORTING OBLIGATIONS

Parties should also be aware that University administrators must issue immediate timely warnings for
incidents reported to them that are confirmed to pose a substantial threat of bodily harm or d members of the campus community. The University will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed at the end of the above paragraph.

KENTUCKY LAW REQUIRING MANDATORY REPORTING

Kentucky law requires that any person who suspects that a minor child (under 18) is the victi or neglect must immediately contact a local law enforcement agency or other agency authorized by statute KRS 620.030. ULPD constitutes a local law enforcement agency for purposes of Kentucky's mandatory reporting law for child abuse and neglect. Failure to report suspected abuse may result in criminal charges and/or disciplinary action.

Kentucky law also requires that any professional who has reasonable cause to believe that a whom he or she has had a professional interaction has experienced Domestic Violence and abuse or Dating Violence and abuse, the professional shall provide the victim with educational materials related to Domestic Violence and abuse or Dating Violence and abuse including information about how he or she may access regional Domestic Violence programs or rape crisis centers and information about how to access protective orders per KRS 209A.100. The ULPD can be reached at 502-852-6111.

Definitions:

Many of these definitions listed in this policy are also listed in the Code of Student Conduct.
The process described in the Code of Student Conduct may be utilized in instances where a st
engages in behavior that is prohibited by this policy and the behavior does not meet the jurisdiction criteria for this policy.

ACTUAL KNOWLEDGE
means notice of allegations of Sexual Misconduct to any University Official who has the authority to institute corrective measures on behalf of the University. The Actual Knowledge standard is not met when the only University Official with Actual Knowledge is the Respondent.

ADVISOR is an individual required to accompany the Complainant and Respondent for the purpose of cross-
examining the opposing party and any witnesses at the hearing. The Advisor cannot be a part the complaint.

BIAS INCIDENT is defined as noncriminal conduct that is alleged to constitute an act or statement against a particular group or individual because of the group's or individual's religion, race, sex, color, or national origin, or perceived religion, race, sex, color, or national origin.

CHAIR OF THE HEARING BOARD
is an individual who will convene and preside over all facets of the hearing.

COMPLAINANT
is an individual who is alleged to be the victim of conduct that could constitute Sexual Misconduct.

CONSENT means freely given agreement by a person with capacity to engage in sexual activity at issue. A person who is incapacitated (as defined below), lacks capacity and cannot give effective Consent. In order for individuals to engage in sexual activity of any type, all involved individuals must Consent to such activity prior to and throughout any sexual encounter. Consent to one sexual act does not constitute Consent to any other such acts; Parties to a sexual encounter must ensure that the affirmative Consent of the other individual(s) involved for each sexual

act. Affirmative Consent may manifest itself differently depending on the context. "No" always means "no." Words or perceptible actions other than an explicit "yes" may be sufficient to indicate Consent, depending on the totality of the circumstances of each case. Regardless of the circumstances, Consent to any form of sexual activity can be withdrawn at any time, by any Party to a sexual encounter, at any point during the encounter.

This is true regardless of what sexual acts (or with whom) the individual(s) in question may have engaged in or agreed to previously, and regardless of the nature of the relationship between the Parties.

DATING VIOLENCE means violence committed by a person: (A) who is or has been in a social
relationship of a romantic or intimate nature with the victim; (B) where the existence of such relationship shall be determined based on the consideration of the following factors:

- Whether or not a dating relationship exists is determined (1) by the length of the relationship, (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.
- This includes threats, assault, property damage, and violence or threat of violence to on pets of the romantic or intimate partner when used as a method of coercion, control, punishment, intimidation, or revenge.

DAYS means business days as defined by the University academic calendar.

DOMESTIC VIOLENCE is defined as crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who
is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse
of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or 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.

FORMAL COMPLAINT
is a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Misconduct against a Respondent and requesting that the University investigate the allegation of Sexual Misconduct. At the time of filing a Formal

Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the University with which the Formal Complaint is filed.

HEARING BOARD
is a panel made up of three members who will decide whether the Respondent is responsible for the alleged Sexual Misconduct. The Hearing Board is comprised of a Chair, and two members chosen from a pool of trained students, faculty, and staff.

HEARING OFFICIAL is an individual who will facilitate the hearing's logistics.

INVESTIGATOR is a person or persons designated by the University to conduct the investigation of a Formal Complaint. The Investigator is a neutral, trained professional that gathers evidence, interviews Parties involved, and prepares an investigative report, ensuring a fair and equitable process for all. Officials serving as Title IX Investigators may include both external individuals and employees.

INCAPACITATION is a state in which a person cannot make rational decisions as to whether or not to engage in sexual activity because the person lacks the ability to give knowing Consent (i.e., to understand the "who, what, when, where, why, or how" of the sexual interaction). A person may be incapacitated due to mental disability, being asleep, unconsciousness, involuntary physical restraint, from the effects of alcohol or other drugs, or because they are below the minimum age of Consent in the state where the sexual activity occurred. It is important to note that while a person can be incapacitated by intoxication, intoxication (in which case a person is under the influence of alcohol or drugs) does not constitute Incapacitation unless it renders the person unable to Consent as described herein. In every case, the facts are evaluated to assess whether the person in question was capable of providing Consent, and whether a reasonable person in the Parties' positions would perceive as being capable or incapable of providing Consent.

PARTY OR PARTIES
means Complainant or Respondent and is signified by the singular "Party", and both are signified by the plural "Parties."

REPORT is a disclosure of an incident of sexual misconduct, which can be done in person, online, or through other designated methods. A report notifies the University about a potential Title IX violation and generates outreach to the Complainant. A report does not automatically start a formal investigation. See FORMAL COMPLAINT.

RESPONDENT
is an individual who has been reported to be the perpetrator of conduct that may constitute Sexual Misconduct.

RETALIATION is any form of adverse action, or threat of adverse action, taken against an individual because an individual reported a complaint of actual or suspected misconduct, participated in an investigation or complaint review, or refused to participate in the Title IX process.

SEXUAL ASSAULT means any forcible and non-forcible sex offenses from the Federal Bureau of Investigation's classification system, to include rape, criminal sexual contact, incest and statutory rape.

- **Rape** is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
- **Criminal Sexual Contact** is the intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
- **Incest** is nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is nonforcible sexual intercourse with a person who is under the statutory age of consent.

SEXUAL EXPLOITATION occurs when an individual takes non-consensual or abusive sexual advantage of another for that individual's own advantage or benefit, or to benefit or advantage anyone other than the individual being exploited. Examples of sexual exploitation include, but are not limited to:

- Secretly watching, recording, or photographing someone in a private setting, such as a restroom or changing area, without their knowledge or consent

(voyeurism);
- Allowing or enabling a person to surreptitiously observe, photograph, audiotape, videotape, or record an image of another person who is engaging in sexual act(s), or another person's breasts, buttocks, groin, or genitals, when the person observed, photographed, audiotaped, or recorded is in a place in which the person has a reasonable expectation of privacy;
- Exposing one's genitals in non-consensual circumstances or inducing another to expose their genitals;
- Knowingly transmitting a sexually transmitted infection (STI) to another;
- Taking non-consensual pictures, video-, or audio-recording of sexual activity, or the nonconsensual distribution of; or
- Prostituting another.

[Sexual exploitation that meets the definition of Title IX sexual harassment will be addressed pursuant to that definition and associated procedures.]

SEXUAL HARASSMENT means conduct on the basis of sex that satisfies one or more of the following:

- An employee of the University conditioning the provision of an aid, benefit or service of the University on an individual's participation in unwelcome sexual conduct (often referred t quid pro quo);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or
- Sexual Assault, Dating Violence, Domestic Violence or Stalking (otherwise defined herein

SEXUAL MISCONDUCT is an omnibus term that applies to all misconduct covered by this policy. Sexual Misconduct includes Sexual Harassment (includes quid pro quo and hostile environment); Sexual Assault; Domestic Violence; Dating Violence; and Stalking.

STALKING is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. Stalking behaviors may include persistent patterns of leaving or sending the person(s) unwanted items or gifts ranging from seemingly romantic to bizarre, following the person(s), or lying in

wait for the person(s), harassing the person(s) via the internet or other forms of online and/or electronic communications (i.e., cyberstalking), or interferes with a person's property.

SUPPORTIVE MEASURES means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent. Supportive measures may be offered to either Party, irrespective of whether a Formal Complaint is filed or not. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening Party, including measures designed to protect the safety of all Parties or the recipient's educational environment, or deter Sexual Misconduct. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

STANDARD OF PROOF for incidents of Title IX sexual misconduct is a preponderance of evidence.
Preponderance of evidence means that the evidence supports that a given allegation is more true than not true. The technical rules of evidence applicable to civil and criminal cases shall not apply when resolving incidents as outlined in this policy.

TITLE IX COORDINATOR is responsible for ensuring University compliance with Title IX, a federal law prohibiting sex discrimination. The Title IX Coordinator is responsible for oversight of responses to all reports of possible Sexual Misconduct under this policy. The Title IX Coordinator is synonymous with Title IX Director.

UNIVERSITY OFFICIAL is either the Title IX Director (Title IX Coordinator), Deputy Title IX Coordinator, or Title IX Director's designee.

Procedures:

TITLE IX MANDATORY REPORTING

A mandatory reporter is required to report incidents of alleged Sexual Misconduct to the Title IX Office. All University employees are considered mandatory reporters

unless they are specifically designated as a confidential resource and as such, are expected to provide information regarding possible violations of this policy as soon as reasonably possible. Mandatory reporters include but are not limited to: President, Vice Presidents, Deans, Department Chairs, Directors, and Coaches; Assistant or Associate Vice Presidents, Deans, and Provost, Vice Provosts, Associate and Assistant Provosts; any employee in a supervisory or management role; all Faculty; ULPD Officers; and any contracted security personnel.

REPORTING SEXUAL MISCONDUCT

The purpose of making a report is to inform the University that Sexual Misconduct may be occurring or may have occurred, and to provide information sufficient to identify the Parties involved. Any person with knowledge of Sexual Misconduct should report the information to:

Title IX Office

Tim Beam, Title IX Director

Grawemeyer Hall, Suite 202 Louisville, KY 40208

Phone: (502) 852-1198

Email: titleix@louisville.edu

Reporting Sexual Misconduct enables the University to provide Supportive Measures and information regarding the University's adjudication process. If an incident is not reported to the University, then the University will not be able to discuss the availability of Supportive Measures or the adjudication process with the Complainant.

If a person reports an incident of Sexual Misconduct to the University, there is no requirement that the Complainant pursue criminal prosecution or University discipline against a Respondent. The University recognizes that a Complainant's decision on how to proceed after a report is filed is a process that may unfold over time; thus, at the time a report is made to the University, a Complainant does not have to decide whether to request any particular course of action.

The University will take immediate steps to inquire into any reports of alleged violations of the Title IX policy and determine appropriate next steps.

A. Initial Assessment

After receiving a report of Sexual Misconduct, the Title IX Coordinator or designee will take the following immediate and appropriate steps including but not limited to:

- Fully review the initial report;
- Promptly contact the Complainant, offer to meet, and provide a copy or a link to the University's Sexual Misconduct Resource Guide;
- Discuss with the Complainant the availability of Supportive Measures;
- Explain to the Complainant the process for filing a Formal Complaint;
- Describe the formal and informal resolution processes if a Formal Complaint is filed;
- Implement Supportive Measures; and
- If the Complainant requests, assist the Complainant in reporting the incident to the police.

B. No Response/No Action Requested

Individuals who have experienced Sexual Misconduct are not required to respond to the Title IX Office outreach. As a result, if the Complainant declines to respond to outreach, or states that they do not choose to file a Formal Complaint or participate in an investigation, the University generally will administratively close the matter. The Complainant may later decide to engage with the Title IX Office, and the case could be reopened. There are also limited circumstances in which the Title IX Coordinator may determine that the University must continue with an investigation, and potentially a hearing, without the Complainant's participation or assent, because of the University's commitment to providing a safe and non-discriminatory learning, living, and working environment free from Sexual Misconduct.

C. Interim and Supportive Measures

The University will take steps promptly once it has notice of a Sexual Misconduct allegation and will provide equitable access to the Parties. These steps may include interim and Supportive Measures, which are support services, non-disability related accommodations, and other forms of assistance offered to persons who may be affected by Sexual Misconduct. These measures may be available to either Party and are available even if a Formal Complaint is not filed. Supportive and interim measures that are reasonable and appropriate will be considered. These measures are not disciplinary and may not unreasonably burden another party.

The University will also provide the Parties with information on Title IX rights and any available resources, such as victim advocacy, housing assistance, academic support, student financial aid, counseling, visa and immigration services, disability services, health and mental health services, and the right to report a crime to campus or local law enforcement. The University will maintain as confidential any Supportive Measures provided to the Parties, to the extent that maintaining such confidentiality would not impair the University's ability to provide the Supportive Measures.

While the Respondent is presumed to be not responsible for the alleged Sexual Misconduct until a determination regarding responsibility is made at the conclusion of the complaint process, there may be extenuating circumstances where safety concerns require immediate action, such as an interim suspension. Such interim measures can only be taken after an individualized safety and risk analysis determines that there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Misconduct that justifies removal.

FILING A FORMAL COMPLAINT

A. Complainant Filed

A Complainant who wants the University to initiate an investigation must file a Formal Complaint with the Title IX Office. The Formal Complaint may be filed with the Title IX Office in person, by mail, or by email, by using the contact information provided herein. A Formal Complaint must include the physical or digital signature of the Complainant. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activities of the University.

B. University-Initiated

The University's response to a report of sexual misconduct is largely driven by the preferences of the affected party. Thus, the Title IX Office will make all reasonable attempts to comply with the impacted Party's requests with respect to confidentiality, investigation, and resolution, and in most instances, will be able to comply with those preferences. The University also has an obligation to protect the broader University community. In situations where an individual does not file a Formal Complaint, but it is determined an investigation is necessary to protect the University community, the Title IX Office may initiate a Title IX investigation where

no Formal Complaint has been filed. The Title IX Coordinator will assess whether the totality of the circumstances warrant a University-initiated investigation by examining the following but not limited to: the seriousness of the reported conduct, whether the reported misconduct reveals a pattern of perpetration at a given location or by an individual or group, or whether there have been other reports of similar bias incidents, harassment or discrimination. The Title IX Coordinator must sign a Formal Complaint to initiate University-initiated Title IX investigation. Where the Title IX Coordinator signs the Formal Complaint, the Title IX Coordinator is not the Complainant or otherwise a Party.

C. Time Period for Filing a Formal Complaint

While there is no statute of limitations to file a Formal Complaint, prompt reporting of Sexual Misconduct to a University Official or the Title IX Office is strongly encouraged to allow timely response and resolution. An individual must be participating or attempting to participate in a program or activity to file a Formal Complaint. Additionally, if the alleged Respondent is no longer a student by the time the Formal Complaint is filed, the University may not be able to take disciplinary action against that person.

D. Formal Complaint Consolidation

The University may consolidate Formal Complaints as to allegations of Sexual Misconduct against more
than one Respondent, or by more than one Complainant against one or more Respondent(s), where the allegations of Sexual Misconduct arise out of the same facts or circumstances. Where a process involves more than one Complainant or more than one Respondent, references to the singular ‘‘Party,'' ‘‘Complainant,'' or ‘‘Respondent'' include the plural, as applicable.

E. Mixed Formal Complaints

When a Formal Complaint alleges distinct violations of both the Student Title IX Sexual Misconduct Policy and the Code of Student Conduct, the University may investigate these matters jointly. If a hearing is

necessary to adjudicate the charges, the University will address each independently in accordance with the Student Sexual Misconduct Policy and the Code of Student Conduct.

F. Preliminary Assessment

Upon receipt of a Formal Complaint, the Title IX Office will review and evaluate the Formal Complaint to determine if the alleged behavior, if true, constitutes Sexual Misconduct as defined by and in violation of this policy and meets Title IX jurisdictional requirements. If the alleged behavior constitutes Sexual

Misconduct and meets Title IX jurisdictional elements, the allegations must be promptly investigated in accordance with this policy. Prior to the initiation of a formal investigation, the Title IX Office will obtain the General Counsel's certification in writing that the investigation is necessary because the conduct being investigated either (1) may rise to the level of student-on-student harassment if all facts alleged are taken as true; or (2) is subject to a mandatory investigation pursuant to applicable state or federal law.

1. Must Dismiss

The University is required to dismiss a Formal Complaint for purposes of this policy, if at any point, the University determines that the conduct alleged in the Formal Complaint:

- Would not constitute Sexual Misconduct as defined in this policy, even if proved;
- Did not occur in the University's education program or activity; or
- Did not occur against a person in the United States (including non- citizens).

The University reserves the right to address the alleged conduct in a dismissed Formal Complaint utilizing the Code of Student Conduct or other policies, as applicable.

2. May Dismiss

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

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

therein.

3. Appeal of Formal Complaint Dismissal

When a Formal Complaint is dismissed, the Title IX Office will send written notice of the dismissal and reason(s) for the dismissal simultaneously to the Parties. Either Party may appeal the decision to dismiss or the decision to dismiss any allegation in a Formal Complaint on the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the dismissal was made, and that evidence could affect the outcome of the decision; or
- The Title IX Coordinator, Investigator, or Hearing Board member had a conflict of interest or bias

for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The appeal should be in hard copy or electronic format and should contain clear and concise information to support each basis of appeal. The appeal must specify the grounds for appeal and provide a written explanation in support of the appeal. Students may use the Title IX Formal Complaint Dismissal Form for their appeal. The appeal must be delivered to the Title IX Office. The Title IX Office will immediately inform the Dean of Students Office of the Appeal. The Dean of Students or their designee will serve as the appellate decision maker (Appeal Officer). The Appeal Officer will be a neutral party, free from bias or conflict of interest.

a. Appeal Notice

Upon receipt of an appeal, the Title IX Office must

·Notify the other Party in writing that an appeal was filed;

- Provide the other Party the submitted appeal and notify this individual they have the opportunity within five (5) Days to submit a written response; and
- Provide the Appeal Officer with all appeals and any written responses.

b. Appeal Outcomes

The Appeal Officer will review the appeal in an impartial manner and issue a written response within ten (10) Days after receiving written notice of the dismissal. After consideration of the appeal, the Appeal Officer must

- uphold the Formal Complaint dismissal;
- overturn the Formal Complaint dismissal; or
- request collection of more evidence before making a decision.

The Appeal Officer will issue a written decision that must describe the result and the rationale for their decision. The written determination must be issued to the Parties simultaneously. The decision of the appeal officer is final.

G. Notice of Allegations

If the Formal Complaint is not dismissed, The University will provide to the Parties written notice including:

1. The University's adjudication process, including any informal resolution process;
2. The allegations of Sexual Misconduct, as defined in this document, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview;
3. Sufficient details include the identities of the Parties involved in the incident, if known, the conduct allegedly constituting Sexual Misconduct and the date and location of the alleged incident, if known;
4. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process;
5. Advisement to the Parties that they may have an Advisor of their choice, who may be an attorney, attend the hearing for the purpose of cross-examining the opposing Party and opposing Party's witnesses at the hearing. The Advisor cannot be a Party or a witness to the complaint;
6. Advisement to the Parties that if a party does not choose to bring their own Advisor, the University will provide the Party an Advisor for the limited purpose of conducting cross-examination at the hearing;
7. Advisement to the Parties that they may consult with anyone of their choosing to prepare for the hearing and may have one person accompany them to any portion of the investigative process that the Party participates in;

8. Any provision in the University's Code of Student Conduct that prohibits knowingly making false statements or knowingly submitting false information during the investigation, charging/hearing, or appeal phases of the process; and
9. Notice that if, in the course of an investigation, additional Title IX allegations about the Complainant or Respondent are discovered, relevant Parties will be notified.

RESOLUTION PROCESS

The University's resolution procedures provide a prompt, fair, and impartial response to Formal Title IX Complaints. The process is grounded in fairness and support for all Parties and includes procedural protections that ensure nondiscrimination and meaningful opportunities to participate.

A. Informal Resolution

An informal resolution is an alternative to the formal resolution process which entails a complete investigation and a formal adjudication of responsibility (hearing). The informal resolution process is intended to create a facilitated resolution that is acceptable to both the Complainant and Respondent. A Party may request an informal resolution at any time prior to the commencement of a hearing. In all cases, the Title IX Coordinator or designee will have discretion to determine whether or not informal resolution is appropriate to the circumstances.

An informal resolution process may occur if:

- A Complainant submits a Formal Complaint to the Title IX Coordinator;
- Both the Complainant and Respondent voluntarily agree in writing to participate in the informal resolution process after being provided the Notice of Allegations; and
- The Title IX Coordinator determines an informal resolution process is appropriate based on the nature of the allegations in the Formal Complaint.

The Title IX Coordinator or designee will serve as the facilitator of the informal resolution process. If at any time the Title IX Coordinator or designee finds the informal resolution process is not beneficial or advancing resolution, the case may be referred back to the Investigator to begin or resume the investigative process. Similarly, either Party can ask to end the process at any time before its completion

and proceed to investigative process. If an informal resolution process is ended without resolution, any information obtained, or statements made during the informal resolution process, may be used in a subsequent formal resolution process and hearing.

If the Formal Complaint is to be resolved through the informal resolution process, it will be completed in 20 Days from receipt of both Parties requests to utilize this process. If there is need for a temporary delay or a limited extension of time frames due to extenuating circumstances, the Title IX Office will send written notice to the Parties of the delay or extension and the reasons for the action.

The Complainant and Respondent may propose terms for the informal resolution agreement. The terms should be designed to remedy the adverse effects the alleged Sexual Misconduct has on the Complainant and/or to restore the Complainant's equal access to the University's programs and activities. Once terms are agreed upon, each Party will sign the informal resolution agreement.

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 may be submitted as evidence in a subsequent investigation involving the Complainant and/or Respondent.

Federal regulations under Title IX prohibit informal resolutions where a Student is the Complainant and an Employee is the Respondent.

B. Formal Resolution

There are three separate phases in the Sexual Misconduct formal process (1) the investigation phase, (2) the hearing phase (as needed), and (3) the appeal phase (as needed). The entire process (all three (3) phases) will be completed within 120 Days from the date of the Formal Complaint. The University may extend this time frame for good cause with approval of the Title IX Coordinator and with notification to both Parties and their Advisors in writing.

1. Investigation

The Formal Complaint resolution begins with an investigation. After obtaining the General Counsel's authorization and written certification, the Title IX Coordinator will assign an Investigator to gather relevant evidence to reach a determination regarding responsibility. The information gathering process will be completed in a reasonably prompt manner. Absent extenuating circumstances, the investigation should be completed within 60 Days of receipt of the Formal Complaint. The Title IX Office may extend the amount of time needed to conduct the investigation, as deemed necessary, upon notice to both Parties in writing.

The University cannot access, consider, disclose, or otherwise use a Complainant's or Respondent's records that are made or maintained by a physician, psychiatrist, psychologist, or mental health provider and which are made and maintained in connection with the provision of treatment to the Party, unless the University obtains that Party's voluntary, written consent to do so.

The investigative process is an internal University process; therefore, it is not open to persons, including counsel, from outside of the University community. However, the Complainant and Respondent may bring an Advisor of their choice to their meetings with the Investigator. Advisors can only attend investigative meetings if their respective Party is present. Advisors have no role in the investigative process except to confer, support, and give advice to their Party in a quiet, confidential, and non-disruptive manner. Advisors may not speak for a particular Party.

The University will:

- provide an equal opportunity for the Parties to identify witnesses, including fact and expert witnesses, and other information that could support the allegations or refute the responsibility of the Respondent. Witness testimony and information regarding behavior not relevant to the incident in question, will be excluded from consideration in a hearing;
- not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant information;
- provide to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of investigative interviews, or other meetings, with sufficient time (not less than three (3) Days) for the Party to prepare to participate;
- state that any evidence that the Parties intend to rely on at the hearing must be provided to the Investigator for consideration or it cannot be used at the

hearing;
- prior to completion of the investigative report, send to each Party and the Party's Advisor, if any, a preliminary investigative report with the evidence subject to inspection and review in an electronic format or a hard copy, and provide the Parties ten (10) Days to submit a written response, which the investigator will consider prior to completion of the investigative report; and
- create a final investigative report that fairly summarizes relevant information and send it to each Party and the Party's Advisor.

Investigations should include:

- A request for an interview with the Complainant
    - Written notice of the date, time, location and purpose of the interview must be sent to Complainant with sufficient time for Party to prepare to participate; and
    - Request Complainant to provide a written statement at least three (3) Days prior to the meeting;
- A request for an interview with Respondent
    - Written notice of the date, time, location and purpose of the interview must be sent to Respondent with sufficient time for Party to prepare to participate; and
    - Request Respondent to provide a written statement at least three (3) Days prior to the meeting;
- Request to interview other witnesses who may have relevant information
    - Request witness(es) to provide a written statement at least three (3) Days prior to the meeting; and
    - The University must provide equal opportunity for the Parties to present fact and expert witnesses and other information that could implicate or absolve the Respondent.

After considering all of the evidence and any responses from the parties, the Investigator shall issue a final investigative report. The final investigative report will contain:

- Factual information only;
- No findings regarding violations; and
- A statement that the matter:
    - has met the jurisdictional elements and will proceed to hearing; -or-

- that the Formal Complaint will be dismissed and the reason for such dismissal.

The final report shall be forwarded to the Title IX Coordinator, who will review the report and confirm that the alleged conduct may constitute Sexual Misconduct as defined in the policy. If the alleged conduct, if true, would not constitute Sexual Misconduct as defined in the policy, the Formal Complaint must be dismissed. If the Formal Complaint is dismissed, a notice of dismissal will be sent to both parties and include information regarding the right to appeal. Regardless of whether the Formal Complaint was Complainant-filed or University-initiated, if the alleged conduct may constitute Sexual Misconduct, it will proceed to a hearing.

2. Hearing

The University's Formal Resolution process is designed to determine whether the Respondent committed the conduct in question and whether this conduct is a violation of this policy. The University makes this determination through a Title IX hearing.

The hearing will be informal. State and federal rules of evidence and civil procedure will not apply in the hearing. The hearing will be closed to everyone except the Hearing Official, the Hearing Board, appropriate Title IX Office and/or University staff, Respondent, Complainant, Advisor to the Respondent, Advisor to the Complainant, and witnesses during the actual time of their participation.

The University will provide notification of a hearing date that must be at least ten (10) Days from the date the final investigative report is issued but absent extenuating circumstances no more than 30 Days out.

Parties have five (5) Days from the issuance of the final investigative report to request an alternative hearing date due to an unavoidable scheduling conflict.

The Respondent and the Complainant have the opportunity to:

- Be present at the hearing. However, if the Respondent and/or Complainant fail to appear for the hearing, the hearing may be held in their absence(s);
- Explain or ask questions about all information provided as part of the investigation including statements provided to the investigators and the response (if any) to the investigative report. Typically, no new witness

statements or other new information will be introduced at the hearing except for information elicited from the cross-examination of witnesses;
    - It is the responsibility of the Respondent and the Complainant to notify their witness(es) of the date, time, and location of the hearing. If witnesses fail to appear, the hearing will be held in their absence(s). Witness testimony or information regarding behavior not relevant to the incident in question, will be excluded from consideration at the hearing;
- Bring an Advisor to the hearing;
- Request a pre-hearing meeting prior to the hearing; and
- To not speak or answer any question during the hearing. If a Party or witness does not submit to cross-examination at the hearing, the Hearing Board must not rely on any statement of that Party or witness in reaching a determination regarding responsibility. The Hearing Board cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness' absence from the live hearing or refusal to answer cross-examination or other questions.

The University will:

- Provide a live hearing;
- Allow each Party to have an Advisor;
    - University will appoint an Advisor for either Party who does not select an Advisor no later than seven (7) Days prior to the Hearing;
- Permit each Party's Advisor to cross-examine the other Party and any witnesses with relevant questions and follow-up questions, including those challenging credibility;
    - Cross-examination at the live hearing will be conducted directly, orally, and in real time by the Party's Advisor and never by a Party personally;
    - Only relevant questions may be asked of a Party or witness. Before a Complainant, Respondent, or witness answers a question, the Chair of the Hearing Board will first determine whether the question is relevant and explain any decision to exclude a question as not relevant;
    - Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, 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 Consent;
    - Since formal rules of evidence do not apply in University sexual misconduct hearings, the Chair of the Hearing Board has the discretion to assign such weight to statements and other information that satisfies the relevance rules but is not subjected to cross- examination as the Chair of the Hearing Board deems appropriate. The Chair of the Hearing Board will make these determinations and provide this information during deliberations to the Hearing Board;
    - The Hearing Board cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer cross- examination or other questions;
- Require any evidence that the Parties intend to rely on at the hearing be provided to the Investigator for consideration or it cannot be used at the hearing;
- Allow for the presence of an additional support person if requested pursuant to disability laws or deemed necessary by the University for language assistance. Any requests for accommodation or for language assistance at the hearing must be made to the University at least five (5) Days in advance of the hearing;
- At the request of either Party, or at the discretion of the University, provide for the live hearing to occur with the Parties located in separate rooms with technology enabling the Hearing Board, Parties, and all other participants to simultaneously see and hear the Party or the witness answering questions;
- At the University's discretion, conduct the live hearings virtually, where all Parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other; and
- The University will create an audio and/or audiovisual recording of any live hearing and make it available to the Parties for inspection and review. Any record of the hearing will remain the property of the University. No other recording(s) of the hearing will be permitted.

a. Hearing Official

The Hearing Official will:

- Notify Parties and witnesses as to the date, time and location of the hearing to ensure that the Parties and relevant witnesses have the opportunity to participate in the hearing;
- Handle all details for the hearing such as reserving space, ensuring availability of equipment needed, and coordinating witness movement; and
- Answer questions and provide clarity to the Parties and to the Hearing Board regarding the University's Title IX process.

b. Hearing Board

A Hearing Board will be composed of three members - Chair and two (2) panelists. The Chair of the Hearing Board will be a retired judge or experienced attorney who has contracted with the University to preside over Title IX hearings. The Title IX Coordinator will select panelists from a pool of trained students, faculty, and staff. The Title IX Coordinator, or their designee, will provide the Hearing Board with the investigative file. The Hearing Board will consider the information presented during the Title IX hearing and make a decision regarding findings and sanctions (if any) to be imposed. Panel decisions will be based on a majority vote.

c. Chair of the Hearing Board

The Chair of the Hearing Board will:

- Serve as the Chair of a three-person Hearing Board comprised of the Chair, and two members chosen from a pool of trained students, faculty, and staff;
- Rule on the admissibility of evidence ensuring the consideration of information that could support or refute the allegations against the Respondent;
- Conduct the questioning portion of the hearing including conducting any questioning they may deem necessary of the Complainant, the Respondent or witnesses and oversee the cross examination by Advisors of the opposing Party;
- Control the tone and tenor of the hearing, particularly in the presence of experienced counsel on one side or the other or both;
- Have discretion to call witnesses other than those presented by the Parties and may question any Party or witness directly, irrespective of questions that may be posed by the Advisors;
- Remove from the hearing any Advisor or other attendee at the hearing who refuses to comply with the University's rules of decorum, acts disrespectfully, or

is abusive during a hearing;

- Make relevancy determinations regarding all questions prior to a response to the question and providing an explanation for excluding any question to the Parties and their Advisors. Absent an affirmative ruling that a question is not relevant, the Chair will be deemed to have determined that a question is relevant;
- Ensure that the Hearing Board does not rely on any statement provided by a Party or witness who does not submit to cross- examination at the live hearing in reaching a determination regarding responsibility;
- Deliberate with the Hearing Board and by majority vote (no abstentions are allowed), make the determination of responsible or not responsible utilizing the preponderance of evidence standard;
- In the case of a finding of responsible, reconvene to deliberate with the Hearing Board to determine sanctions by majority vote (no abstentions are allowed); and
- Provide the Title IX Coordinator with a letter within ten (10) Days containing the decision as to responsibility and sanctions, if applicable. Both Parties will need to be notified simultaneously of the decision.

d. Hearing Board Panelist

The Hearing Board Panelist will:

- Inform Hearing Official of any actual or potential conflict of interest related to the Complainant, Respondent, or Advisor;
- Attend and listen to all portions of the hearing and engage in questioning as deemed appropriate by the Chair;
- Deliberate in closed session, after dismissing the Parties and their Advisors, utilizing the preponderance of evidence standard, to determine the finding of responsible or not responsible by a majority vote (no abstentions allowed);
- If there is a finding Respondent responsible, reconvene and determine sanctions by a majority vote (no abstentions allowed).

e. Advisor[1]

If a University-initiated investigation results in a hearing, the Title IX Coordinator will appoint a University member to represent the “Complainant.”

Specifically, the University member may present an opening statement, present witnesses and cross examine the Respondent and the Respondent’s witnesses.

A Party's Advisor will:

- Confer and give advice to their respective Party in a quiet, confidential, and non-disruptive manner;
- Be permitted to cross-examine the other Party and witnesses by asking all relevant questions and follow-up questions, including those challenging credibility. Questions challenging the credibility of a Party or a witness can touch on topics such as honesty, inconsistency, or that the individual has given a contrary statement at another time;
- At all other times during the hearing or any other part of the process at which the Advisor is present, the Advisor will have no other role except to advise their Party;
- Any Advisor who refuses to comply with the University's rules of decorum, acts unprofessionally or otherwise disruptive during a hearing may be removed from the hearing at the discretion of the Chair of the Hearing Board. In that event, the Party may substitute a different Advisor (if immediately available), or the hearing will be continued until a replacement Advisor is secured; and
- If a Party does not choose to bring their own Advisor to the hearing, the University will provide the Party with an Advisor for the purpose of cross-examining witnesses only.

f. Hearing Decision

The Chair of the Hearing Board, who cannot be the same person as the Title IX Coordinator or the Investigator, will issue a written finding regarding responsibility. The Chair of the Hearing Board will draft and issue the Board's decision within ten (10) Days of the hearing. To reach a finding of responsibility, the Hearing Board must utilize the preponderance of evidence standard.

The written determination must include:

- Identification of the allegations potentially constituting Sexual Misconduct;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other

evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of this policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and
- The University's procedures and permissible bases for the Complainant and Respondent to appeal.

The University will receive the Hearing Board's decision and subsequently provide the written determination to the Parties simultaneously. The determination regarding responsibility becomes final either on the date that the University provides the Parties with the written determination of the result of the appeal if an appeal is filed; or the date on which an appeal would no longer be considered timely.

3. Appeal Process

The University will allow both Parties to appeal the outcome (responsible or not responsible) and any sanction imposed. The appeal is a review of the case file relative to the basis of appeal and is not intended to provide a second hearing of the case. To initiate an appeal of a Title IX hearing decision, the appealing Party must complete the Title IX Hearing Appeal Form. A Party's Title IX Hearing Appeal Form must be submitted to the Title IX Office within ten (10) Days after the issuance of the hearing decision. When the ten (10) Day deadline for appeal has expired and no appeal is submitted, the Hearing Board decision is final.

The Respondent or Complainant may request an appeal for one or all of the following reasons:

- whether there was a procedural irregularity that affected the outcome of the hearing;
- whether there was sufficient information presented at the hearing to establish, by a preponderance of the information, that a violation of the prohibited conduct section occurred;
- whether the sanction(s) imposed was appropriate;

- whether there is new information that was not known to the person requesting the review at the time of the hearing and that, if presented at the hearing, would more likely than not have altered the hearing decision; or
- whether the Title IX Coordinator, Investigator(s), or Hearing Board had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

After Parties are informed of the hearing board's decision, and if an appeal is submitted by the Complainant or Respondent, the other Party shall be given a copy of the appeal and an opportunity to respond within five (5) Days. If the Party who was provided the opportunity to respond does not reply within (5) Days, their opportunity to respond is forfeited.

Upon receipt of an appeal, the Title IX Office will inform the Dean of Students of the appeal. The Dean of Students or their designee will serve as the appellate decision maker (Appeal Officer). The Appeal Officer, an impartial decision-maker, will conduct the appeal in an efficient and fair manner. The Appeal Officer will first review all requests for appeal to determine if the request invokes one or more of the permissible bases for appeal and are within the appeal filing timeline. If a Party does not meet the established criteria for appeal or the appeal is not submitted within the allotted timeframe, the Hearing Board decision will be the final decision of the University.

The Appeal Officer has the authority to:

- Uphold the decision of the Hearing Board, including the sanction(s) imposed;
- Reverse the responsibility decision of the Hearing Board;
- Alter the sanction imposed by the Hearing Board by reducing or increasing the severity of the sanction(s); or
- Remand the case to the Hearing Board for further consideration, or for a new hearing.

The Title IX Office will transmit the Appeal Officer's written decision to the Parties within fourteen (14) Days after the deadline for appealing has expired. The Appeal Officer's decision on all Title IX hearing appeals is the final decision of the University.

4. Expulsion Review

A student who has been expelled from the University may apply for special consideration for readmission after a period of not less than five (5) years. The former student must submit a written petition for readmission to the Title IX Office. This written request must outline a strong justification for readmission. Additional pertinent documentation may also be required. The Title IX Coordinator will contact the Dean of Students Office, and the Dean of Students, or their designee, will review relevant information and make a final decision. Factors to be considered in review of such a petition will include, but may not be limited to:

- The present demeanor of the petitioner;
- Presence of Complainant(s) on University premises;
- The conduct subsequent to the expulsion (documentation may be required);
- The nature of the violation causing the expulsion; and
- The severity of damage, injury, and/or harm that occurred.

CONFIDENTIALITY, PRIVACY, AND REPORTING

Students should be aware of confidentiality, privacy, and mandatory reporting requirements in order to make informed choices.

If a person desires details of the incident be kept confidential, the resources listed below are appropriate. In addition, members of the clergy and chaplains are allowed by law to keep reports confidential. Seeking support from any of these resource organizations is not considered an official report of any type of Sexual Misconduct to the University. The individuals at these resource organizations listed below facilitate a report and advocate for individuals who request assistance.

A person may seek advice from certain individuals who are not required to report to anyone else private, personally identifiable information unless there is cause or fear for the reporting person's safety or the safety of others. Confidential resources are individuals whom the University has not specifically designated as "responsible employees" for purposes of putting the University on notice and for whom mandatory reporting is not required, other than in the stated limited circumstances, such as statistical reporting for the Clery Act.

[1] If a University-initiated investigation results in a hearing, the Title IX Coordinator will appoint a University member to represent the "Complainant." Specifically, the University member may present an opening statement, present witnesses and cross examine the Respondent and the Respondent's witnesses.