

Loyola University Maryland does not discriminate on the basis of race (including traits associated with race such as hair texture, -3.8 (i)-1.7 Tafe, -4e, 7e7 Tafe, -4e,e, f0.5 (s)4BM\$Azp44Dq#7MAJQB M8KP"qM8M QQt exploitation are inconsistent with Loyola's commitment to excellence and respect for all individuals. Loyola is also committed to protecting the academic freedom of all members of the University community, and this policy shall be applied in a manner that protects the academic freedom of all parties to a complaint.

This policy prohibits discrimination, including harassment, domestic violence, dating violence, stalking, sexual assault, and sexual exploitation of students, employees, or program participants of Loyola University Maryland, which includes applicants for employment and admission, by anyone on University property or at University-sponsored activities. This policy applies to situations in which the person alleging a violation (the "complainant"), or the person accused of a violation (the "respondent") is an employee, student, or program participant of Loyola University Maryland. Loyola students and employees who are studying or teaching off-campus (e.g., semester abroad) or are on a leave of absence (e.g., medical leave, sabbatical) may remain covered by this policy unless specified below. The University may also extend jurisdiction to off-campus and/or to online conduct when the conduct affects a substantial University interest.

When a respondent is both a student and an employee of the University, the University will decide whether to address the incident under the Student Respondent Sexual and Gender-Based Misconduct Investigation and Hearing Procedures or the Employee Respondent Sexual and Gender-Based Misconduct Procedures by making a fact-specific inquiry to determine whether the respondent's primary relationship with the University is as a student or as an employee. The Community Standards can be found at <http://www.loyola.edu/departments/student-conduct>

University.

*Preponderance of the evidence:* a standard of evidence a decision maker uses for findings

appropriate confidentiality regarding the proceedings in order to protect the integrity of the investigation, to

Human resources may assist an individual who does not wish to file a formal complaint but who seeks informal resolution to end conduct that the person believes violates this policy.

Human resources, or another person designated by human resources, may discuss the alleged conduct with the respondent, remind them of University policies, and seek a commitment by the respondent to comply with these policies. In addition, appropriate disciplinary action may be taken, up to and including termination, depending on the nature and severity of the conduct and the respondent's overall work history. In some cases, the complainant may choose to meet with the individual whose behavior is disturbing, discuss the situation, and make it clear that the behavior is unwanted. In some cases, the complainant may wish to contact the supervisor/department chair or dean of the person whose behavior is disturbing and request assistance to stop the behavior. The complainant may also choose to seek resolution through restorative practices such as a conversation with the other party facilitated by human resources, or with a mediation arranged by human resources. In these two cases, the parties must agree to participate. Such actions may be discussed with human resources in advance of the meeting.

Depending on the circumstances human resources may choose to utilize any combination of interventions and remedies including but not limited to:

- Increased monitoring, supervision, and/or security at locations or activities where the alleged conduct occurred or is likely to recur;
- Targeted or broad-based educational programming or training for relevant individuals or groups;
- Recommend employment modifications;
- Completion of projects, programs, trainings, or other requirements designed to help the respondent manage behavior, refrain from engaging in prohibited conduct, and understand

Undergraduate Students:

Dean of Undergraduate Studies

Dean of Loyola College

Dean of the School of Education

Dean of the Sellinger School of Business and Management

Vice President for Student Development

Dean of Students

Vice President for Enrollment Management

Associate Vice President for Enrollment and Dean of Undergraduate Admission

Assistant Vice President and Director Athletics

Associate VP for Student Development Engagement & Operations

Associate VP for Undergraduate Academic Affairs and Faculty Development

Director Title IX, Compliance, and Assessment and Title IX Coordinator/ADA 504 Coordinator

Assistant Director Title IX, Compliance, and Assessment and Deputy Title IX Coordinator for Students

Chief People and Culture Officer and Associate Vice President for Human Resources

Director of Employee Relations and Organizational Development and Deputy Title IX

Coordinator for Faculty, Staff, and Administrators

Chief Equity and Inclusion Officer

Graduate and Professional Students:



complainant. This written complaint shall include the

settlement period, unless new information is brought forward during the negotiation period that requires further investigation. If human resources determines that the respondent violated this policy, human resources shall consult with the appropriate responsible official to determine the sanction to be imposed by the University. Taking into account the nature and severity of the violation and the respondent's employment record, sanctions may include: mandatory assessment and compliance with treatment recommendations; prohibition of the respondent from participating in grading, honors, recommendations, reappointment and promotion decisions, or other evaluations of the complainant; written warning, and a copy of the complaint and its disposition placed in the respondent's personnel file; restrictions on the respondent's access to University resources, such as merit pay or other salary increases for a specific period; continuation/modification of supportive measures; or disciplinary probation, suspension or dismissal from the University.

For cases addressed through 8.8 Sexual and Gender-Based Misconduct, the human resources office shall notify the complainant and the respondent simultaneously, in writing, of the determination including a rationale for the findings. If it is determined that the policy was violated, the notice will include the sanction(s) to be imposed and rationale for the sanctions. The appeals procedures will also be provided. Outcomes from an appeals process will be final.

In accordance with the Scope of this Policy, this appeals procedure in Section 8.7.5.1 does not apply to allegations against students that are resolved through the Student Respondent Sexual and Gender-Based Misconduct Investigation and Hearing Procedures or for any formal complaints filed under the Employee Respondent Title IX Grievance Procedures, which can be found in the Community Standards. This appeals procedure also does not apply to appeals for non-Title IX formal complaints filed under the Sexual and Gender-Based Misconduct Policy, which are subject to the appeals procedure in Section 8.7.5.2.

Within 14 calendar days of receiving notice of the determination and the sanction, if any, the complainant, or the respondent, or both, may file an appeal, in writinn (i)2.34.4 (l)2B24.4 ( de)4.4 (t)4 spepr8 ( a

appellate decision-maker. Unless indicated otherwise in the original decision letter, the typewritten appeal should be submitted via email or in person to the University's Title IX Coordinator. The appeal must be submitted within 14 calendar days of receipt of the decision letter, indicating the grounds for appeal. If a party does not appeal the decision within this period, they have waived a right to appeal. An appeal must be based upon one or more of the following grounds:

The determination is not supported by the evidence.

Relevant new evidence that was not available for consideration prior to the determination has been discovered.

The sanction is disproportionate to the offense.

Procedural error(s) occurred that materially affected the outcome of the investigation.

The submission of an appeal means that the sanctions are left pending until the appeal is resolved. (p) (i)-1.3.8 (r)-1.3 (o)0.001



Loyola University Maryland does not discriminate on the basis of race, sex, color, national or ethnic origin, age, religion, disability, marital status, sexual orientation, gender identity, genetic information, military status, or any other legally protected classification covered by federal or state law in the administration of any of its educational programs and activities or with respect to admission or employment. All requirements and protections are equitably provided to individuals regardless of their status as a complainant, respondent, or witness. The designated compliance officer to ensure compliance with Title IX of the Education Amendments of 1972, as amended, the Americans with Disabilities Act of 1990, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended, is David Tiscione, Director of Title IX, Compliance, and Assessment, 105 Jenkins Hall, 410-617-5171, [dmiscione@loyola.edu](mailto:dmiscione@loyola.edu). Loyola University is authorized under Federal Law to enroll non-immigrant, alien students.

*Advisor* means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the Sexual and Gender-Based Misconduct Policy and to advise the party on that process.

unconscious, asleep, or otherwise unaware that sexual activity is occurring). Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). While incapacitation may result from the use of alcohol and/or drugs, incapacitation is a state beyond drunkenness or intoxication. Incapacitation may also exist because of a physical, mental, or developmental disability. The question of incapacitation will be examined objectively from the perspective of the respondent i.e., whether a reasonable, sober person in place of the respondent should have known the condition of the complainant based on

*Relevant Evidence* is evidence that tends to prove (inculpatory) or disprove (exculpatory) facts material to the allegations at issue in the complaint.

*Remedies* are post-resolution actions directed to the complainant and/or the community as

confidential resource available for employees 24 hours a day at 1-800-765-0770. Additionally, the University has formalized agreements with local law enforcement and designated rape crisis centers governing interactions between the University and those organizations surrounding incidents of sexual misconduct.

Educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking are offered at New Student Orientation, in new employee orientation, in the residence halls, and on campus throughout the academic year. Such prevention and awareness programs include a statement that the University prohibits all forms of sexual misconduct, definitions of various types of sexual misconduct and of consent, safe and positive options for bystander intervention, and information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential sexual violence.

The Title IX Coordinator oversees the implementation of the Title IX process and acts with independence and authority free from bias and conflicts of interest. The Title IX Deputy Coordinator for Students oversees all resolutions under this policy and these procedures related to complaints where the student is the respondent. The Title IX Deputy Coordinator for Faculty, Staff, and Administrators oversees all resolutions under this policy and these procedures related to complaints where an employee is the respondent. The Title IX Coordinator and Deputies receive annual training and are trained to ensure they are not biased for or against any party in a specific case, or for or against complainants and/or respondents, generally. To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the Chief Equity and

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410 617-2842  
squantock@loyola.edu

***Title IX Deputy Coordinator for Faculty, Staff, and Administrators:***  
Vacant (report to Title IX coordinator)

Inquiries may be made externally to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline #: (800) 421-

410-617-2082

[rlittle1@loyola.edu](mailto:rlittle1@loyola.edu)

Stepf Diaz, Associate Director of Student Staff Development, Residence Life & Housing  
Seton Court, O8A

410-617-5081

[sdiaz@loyola.edu](mailto:sdiaz@loyola.edu)

Teddi Burns, Associate Athletic Director/Senior Woman Administrator, Facilities & Operations  
Student Center Suite 302

410-617-2643

[tburns@loyola.edu](mailto:tburns@loyola.edu)

***Title IX Intake Officers for Faculty, Staff, & Administrators***

Toya Dailey-Smith

Sr. HR Partner

5000 York Rd., 2nd Floor

410-617-1360

[tdailey-smith@loyola.edu](mailto:tdailey-smith@loyola.edu)

Bonnie Wrzosek

HR Partner

5000 York Rd., 2nd Floor

410-617-1367

[bwrzosek@loyola.edu](mailto:bwrzosek@loyola.edu)

The University has also classified the following employees as Mandated Reporters of knowledge that a member of the community is experiencing harassment, discrimination, and/or retaliation under this policy: any University administrator, staff with supervisory responsibilities, faculty member, campus police, athletic coach, athletic trainer, graduate resident coordinator, or resident assistant. Campus Police and the Residence Life and Housing on-call staff can be reached at 410-617-5010. A report of alleged sexual misconduct against any member at the University may be made by any community member, guests, visitors and other third parties by contacting the appropriate Title IX Coordinator or Title IX Intake Officer listed above. The University encourages all members of the community to report sexual misconduct, whether or not they are the person who allegedly experienced a violation of this policy. When a person other than a complainant makes a report, the appropriate Title IX Coordinator (or designee) will contact the complainant to discuss the report and whether they wish to proceed with a formal complaint.

Generally, disclosures in climate surveys, classroom writing assignments, discussions or group presentations, in conversations heard indirectly among students (e.g. in a hallway), human subjects research, or at events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the complainant clearly indicates that they desire a report to be made or seek a specific response from the University.

A Mandated Reporter who is themselves a target of harassment or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

Reports can also be made anonymously or identified using the methods outlined below. It should



Emergency: 911

Protective orders and peace orders may be sought through the court system. A complainant interested in a no-contact order at Loyola may contact the Title IX Coordinator.

Actions by the police or criminal courts do not in any way preclude the complainant from utilizing the University's grievance process simultaneously or at a later date. Similarly, using the University's grievance process does not preclude the pursuit of criminal charges.

Reports of violations under this Policy may also constitute violations of state and local law. University officials are required to document certain reports of sexual misconduct for Clery Act reporting purposes. There will be no personally identifiable information about the complainant shared in that report. If the University is required to notify the community of the incident, including recording the assault in the Daily Crime Log or through the issuance of a Timely Warning Notice, no identifying information will be included to the extent permissible by law.

If an individual has experienced sexual misconduct but does not want to report it to a University official, the individual may meet with a confidential resource.

All of the persons and organizations listed below are confidential for purposes of reporting sexual misconduct. Reports made to a licensed counselor, clergy acting in their pastoral role, a treating health care provider, or the Sexual Violence Prevention, Education, and Response Coordinator are confidential and will not be reported to University officials without the individual's permission unless an imminent threat exists or a child sex offense is disclosed. Confidential resources may be required to report statistical information, without personally identifiable data, for Clery Act reporting.

Humanities Building, room 150  
410-617-CARE (2273)

(Off Campus):

410-889-7884

24-hour domestic violence resource

(Off Campus):

410-997-2272

24-hour domestic violence resource, Howard County.

(Off Campus):

410-828-6390

24-hour hotline

National confidential resources (available 24/7) include, but are not limited to:

which operates the

at 1-

800-656-HOPE (4673) and an online chat with a trained staff member; and

at 1- 800-799-7233 or TTY at 1-800-787-3224 with an online chat option

Baltimore, MD  
410-332-9477

The preservation of evidence in incidents of sexual assault and stalking is critical to potential criminal prosecution and to obtaining restraining/protective orders and is particularly time sensitive. The following actions are recommended steps to preserve evidence.

**Sexual assault:**

- o It is recommended that the complainant not take a shower or wash or discard clothing they were wearing at the time of the assault.
- o All clothing (including underwear) should be put into a paper bag and brought to the hospital.
- o Preservation of any related or electronic communications (e.g., pictures, videos, texts, social media posts, etc.) is recommended.

**Dating or Domestic Violence**

- o Log any incident of abuse (verbal, physical, emotional, or otherwise). Suggested steps for logging incidents can be found below in the section on preserving evidence in stalking incidents.
- o Take timestamped photos of injuries or any damage to property.
- o If you are injured during an incident, seeking medical attention may be needed.

**Stalking**

- o It is recommended the complainant preserve evidence of contact or attempted contact by the respondent. Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number. Complainant should:
  - f* Make a secondary recording of any voice messages and/or save the audio files to a cloud server
  - f* Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook)
  - f* Save copies of e-mail and social media correspondence, including notifications related to account access alerts.
  - f* Take timestamped photographs of any physical evidence including notes, gifts, etc. in place when possible.
  - f* Save copies of any messages, to include those showing any request for no further contact.
  - f* Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.
  - f* Resources such as a stalking log, which can be accessed on the Title IX website can be useful to track contacts and attempted contacts.

Upon receiving notice or a complaint, the appropriate Title IX Coordinator (or designee) will promptly offer supportive measures to the parties designed to restore or preserve access to the University's education program, activity, or work environment. Supportive measures are non-disciplinary, non-

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work locations, leaves of absences, transportation assistance and escorts to and from campus locations, increased security and monitoring of certain areas, and other measures for safety as necessary. Additionally, the University may act to remove a respondent entirely or partially from its education program or activities on an emergency basis as outlined in 8.8.12 Emergency Removal and Administrative Leave below.

The University will maintain the privacy of the supportive measures, provided that privacy does not impair the University's ability to provide the supportive measures. The University will act to ensure as minimal an academic impact on the parties as possible. The University will implement measures in a way that does not unreasonably burden the other party.

To initiate a complaint under the Sexual and Gender-Based Misconduct Policy, a complainant would need to file a formal complaint. The University understands that some complainants may seek confidentiality with respect to a report of sexual harassment or other sexual misconduct,

formal action.

If the complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. However, delays in filing a formal complaint may cause limitations on access to evidence, or present issues with respect to the status of the parties. Upon making a formal complaint, a complainant has the right, and can expect, to have allegations taken seriously by University, and to have the incidents investigated and properly resolved through these procedures.

All allegations are acted upon promptly by the University once it has received notice or a formal complaint. Generally, formal complaints can take at least 60-90 business days to resolve. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the University will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in the procedures will be delayed, the University will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

The University can act to remove a student respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This process will be implemented as outlined in University Regulations and Policies II.B Immediate Removal From Campus of the Community Standards.

determines that the conduct affects a substantial University interest. Complaints that do not fall “under Title IX” will be acted upon, investigated, and adjudicated by the procedures outlined in Student Respondent General Sexual Misconduct Process for students and in section 8.7 under the Harassment and Discrimination Policy and Procedures for employees. Together, these procedures for complaints that do not fall “under Title IX” are referred to as the “University’s General Sexual Misconduct Procedures.”

Regardless of where the conduct occurred, the University will review reported incidents to determine whether the conduct occurred in the context of its educational program or activity and/or has continuing effects on campus or in an off-campus sponsored pr-

time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible. Acting on reports or formal complaints is significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) and is at the discretion of the appropriate Title IX Coordinator (or designee), who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate. When a report or formal complaint is affected by significant time delay, the University will typically apply the policy in place at the time of the alleged misconduct.

Any retaliation, reprisal, or intimidation directed toward a complainant or anyone else as a result of participating in a protected activity is strictly prohibited. Protected activity under this policy includes reporting an incident that may implicate the student/employee code of conduct, participating in the student conduct or grievance process, supporting a complainant or respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of the student/employee code of conduct. Any incidents of retaliation by a student should be reported immediately to Residence Life and Housing, Student Conduct, or the appropriate Title IX Coordinator (or designee) and for incidents by employees, they should be reported to the appropriate Title IX Coordinator. Incidents of retaliation are considered a serious violation. Allegations of retaliation are handled in accordance with the normal rules and procedures of the student conduct process, and students alleged to have violated this policy may be subject to disciplinary action.

- a. The basis for all conclusions that the response was not deliberately indifferent;
  - b. Any measures designed to restore or preserve equal access to the University's education program or activity; and
  - c. If no supportive measures were provided to the complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.
7. All materials used to train Title IX Coordinators, investigators, decision-makers, hearing panel members, and any person who facilitates an Informal Resolution process. The University will make these training materials publicly available on the Title IX website.

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

The University's procedures provide for a prompt, fair, equitable, and impartial investigation and

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assault, physical abuse and other forms of violence<sup>3</sup> committed by a current or former spouse or intimate partner of the complainant; by a person with whom the complainant shares a child in common; by a person who is cohabitating with or has cohabitated with, the complainant as a spouse or intimate partner; by a person

Student Quid Pro Quo Sexual harassment is a form of harassment that consists of unwelcome sexual advances, requests for sexual favors, or other verbal, written, or physical conduct of a sexual nature when a student of the University conditions the provision of an aid, benefit, or service of the University on an individual's participation in the unwelcome sexual conduct.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct allegations (e.g., vandalism, theft, physical abuse of another).

Investigations and hearings will be conducted by officials who have received annual training on a number of areas including, but not limited to, the definitions of sexual harassment, domestic violence, dating violence, sexual assault, and stalking; the scope of the University's education program or activity; how to conduct an investigation and grievance process, including hearings, appeals and informal resolution processes; how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers will also receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators will also receive training on issues of relevance to create an investigation report that fairly summarizes relevant evidence. Any materials used to train these individuals will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints for prohibited conduct under this section. All training materials will be posted on the Title IX website.

The University will make a good faith effort to complete the resolution process within a 60-90 business day period, excluding appeal. Each of these deadlines may be extended for good cause. Good cause may include considerations such as University closings, the absence of a party or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The University will notify the parties when a delay is anticipated and the rationale for any extensions or delays as appropriate, as well as an estimate of how much additional time will be needed to complete the process. While the University works with all parties involved in scheduling meetings throughout the process, repeated delays in the process, including requests to reschedule meetings or hearings, and scheduling conflicts with advisors and/or support persons may not be accommodated.



seek to determine if the respondent is also willing to engage in informal resolution.

Upon dismissal of a formal complaint under the Title IX grievance process, the University retains discretion to utilize the Student Code of Conduct for students and the Harassment and Discrimination Policy and Procedures for employees to determine if a violation has occurred. If so, a new formal complaint alleging conduct charges from these policies and procedures will be issued following the Notice of Allegations and Investigations below.



end informal resolution in favor of formal resolution at any time. The appropriate Title IX Coordinator (or designee) has the discretion to determine whether a complaint is appropriate for an informal resolution and retains discretion to terminate an ongoing informal resolution process at any time. The parties may agree, as a condition of engaging in Informal Resolution, that information disclosed during the informal resolution process may not be used as evidence during a *Student Respondent Sexual and Gender-Based Misconduct Investigation and Hearing Procedures* for the same complaint or another formal complaint involving the same parties and arising from the same allegations unless all parties consent.

be referred for formal resolution, except if the respondent fails to satisfy the terms of the agreement. In such cases, or where an agreement is not reached and the complainant wishes to proceed with formal resolution or the appropriate Title IX Coordinator (or designee) determines that further action is necessary, the matter may be referred for a formal resolution. Where the complainant, respondent, and the University have reached an informal resolution agreement, the parties will be provided with a written copy of the agreement. Accepting an informal resolution agreement does not constitute an admission of liability or a finding of responsibility. (ef)-1.3 (er)-13.o a.4 (r)2.ng a

The dismissal determination of a formal complaint or any included allegations may be appealed to the Vice President for Student Development or designee, in the case of students; or to the Title IX Coordinator or designee, in the case of employees. The appeal must be submitted within five University business days of receipt of the dismissal letter, indicating the grounds for appeal. If a party does not appeal the decision within this period, they have waived a right to appeal. A complainant or respondent may appeal on one of the following grounds:

- The party alleges that there were procedural irregularities that affected the outcome of the dismissal;
- The party alleges new evidence that was not reasonably available when the determination of dismissal of the complaint was made that could affect the outcome of the dismissal;
- The party alleges the Title IX Coordinator or Deputies, investigators, or hearing panel 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 dismissal.
- The party alleges the Title IX Coordinator or designee who dismissed the complaint did not appropriately apply the criteria of this section when deciding the dismissal.

When an appeal letter is accepted, the other party will be given notice of the appeal, a copy of the appeal letter, and the opportunity to submit a written response within five University business days.

An independent decision maker, who may be a university administrator, a hearing panel

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The complainant and respondent shall have the right to submit to the investigator evidence, witness lists, and suggested questions for the parties and witnesses. If additional allegations are uncovered during the investigation, they may be added to the formal complaint with notice to the parties whose identities are known. The investigation does not consider evidence about the complainant's sexual predisposition or prior sexual behavior as 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 or to prove the source of an injury, or to prove prior sexual misconduct. Additionally, the investigation does not consider incidents not directly related to the possible violation, unless they evidence a pattern. Evidence regarding a party's medical history, including mental health counseling, treatment, or diagnosis, may not be considered without that party's written consent.

All parties must submit any evidence they would like the investigator(s) to consider prior to when the parties' time to inspect and review evidence begins. See, 85 Fed. Reg. 30026, 30307 (May 19, 2020).

Prior to the conclusion of the investigation, the investigator shall prepare a draft written report summarizing and analyzing the evidence, including both evidence indicating the alleged behavior occurred or did not occur. Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator(s) to not be directly related to the allegations in the formal complaint will be included in the appendices to the investigation report.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance procedures. See, 85 Fed. Reg. 30026, 30435 (May 19, 2020). The parties and their advisors agree not to photograph or otherwise copy the evidence. See, 85 Fed. Reg. 30026, 30435 (May 19, 2020). The complainant and respondent and their advisors will receive the draft investigation report and may submit a written response to the appropriate Title IX Coordinator (or designee) within 10 days. The parties may elect to waive the full 10 days. If a written response has been submitted, the investigator(s) will evaluate the information from the parties and may need to conduct further interviews to gather relevant evidence in the case. The investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The investigator(s) should document all rationales for any changes made after the review.

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties and their advisors, the appropriate Title IX Coordinator (or designee) will schedule a hearing before an independent decision-maker(s). NOTE: Student Respondent Title IX Investigation and Hearing Process is outlined in the community standards under D.ii.6.

All participants are expected to maintain confidentiality regarding the proceedings, except that the complainant and the respondent may not be required to maintain confidentiality as to the outcome of the proceedings, and any directives regarding confidentiality shall not impede the parties' ability to obtain and present evidence or otherwise support or defend their interests, to communicate with law enforcement, to communicate with legal counsel or another advisor under this Policy, or to seek counseling or support. Questions regarding confidentiality in a particular case should be directed to the Chief People and Culture Officer and Associate Vice President for Human Resources' office.

Employee harassment (including sexual misconduct) and discrimination that falls outside of the Title IX Grievance Procedures will be investigated and adjudicated under section 8.7 of the Harassment and Discrimination Policy and Procedures for employees (which represent the University's General Sexual Misconduct Procedures for employees).

As described in the Community Standards, sexual and gender-based misconduct cases where a student is the respondent that falls under Title IX will be investigated and adjudicated under Student Respondent Title IX Grievance Procedures and cases where a student is the respondent that fall outside of the Title IX will be investigated and adjudicated via Student Respondent General Sexual Misconduct Process.

All hearings, also known as proceedings, described in this section apply to the adjudication of formal complaints alleging prohibited conduct under this Policy that meets the definitional and jurisdictional thresholds of sexual harassment as prescribed by Title IX. The hearing will be conducted in accordance with the procedures outlined in this section with special sensitivity to the nature of the charges and the best interests of all parties involved.

A pre-hearing conference will be scheduled with each party and their advisors. At least two business days prior to the pre-hearing conference, parties should submit the questions or topics they wish to ask or discuss at the hearing, so that a decision-maker can rule on the relevance of the question or topic to avoid any improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing. This advance review opportunity does not preclude additional questions- both new and follow-up questions- to be asked at the hearing and does not limit a party's opportunity for cross examination at the hearing as described below. The decision-maker will document and share their rationale for any exclusion at this pre-hearing conference.

At each pre-hearing meeting with a party and their advisors, the decision-maker will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the investigator(s) may be argued to be relevant. The decision-maker may rule on these



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 or to prove the source of an injury, or to prove prior sexual misconduct. Additionally, the hearing does not consider incidents not directly related to the possible violation, unless they evidence a pattern. The decision-maker will determine if the evidence presented is germane to the case and will be allowed. The decision-maker(s) will not require, allow, rely upon or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege unless the person holding a privilege has waived the privilege. This includes evidence regarding a party's medical history, including mental health counseling, treatment or diagnosis. While character witnesses are not prohibited under the Title IX Grievance Procedure, the hearing panel will objectively evaluate whether that evidence is relevant and, if so, what level of weight or credibility the evidence should receive.

The complainant and respondent may each have no more than two people, defined as advisors, present throughout the entire process. The advisor may consult privately with the complainant or respondent during the hearings, except when such consultations during questioning of the party they are advising at a hearing are deemed disruptive by the decision-maker(s), and assist the party that they are advising with the exercise of any right during the proceedings. The advisors are not allowed to address the decision-maker(s) during the hearing except for the purpose of cross-examination. Disruptive advisors will be removed from the process, and the process will continue. The parties should notify the appropriate Title IX Coordinator (or designee) as soon as they have identified their advisors, but in any event, at least one University business day in advance of the hearing date if a party plans to bring advisors. Advisors can request an outline of their role and expectations, including the Decorum Policy for Title IX Grievance Procedures Involving and Employee

The respondent will have the opportunity to present a brief statement and respond to questions from the decision-maker(s). The complainant will then have an opportunity to present a brief statement and respond to questions from the decision-maker(s). Either party may choose to present their testimony outside of the presence of the other party, but the non-testifying party will be able to see and hear the testimony remotely. The parties have the right to see and listen to all testimony given during the hearing if they so choose. The decision-maker(s) will then call witnesses and may recall the parties and any witness for clarification.

Cross-examination of the parties and witnesses by an advisor of choice will be permitted during the live hearing and will occur after the dhenh.7 3.8 (n)-3 ( wi)- Tw 2.51he7 (r)- 1 Tf0.003 T 3t7 (



of the hearing, also known as the result, normally within ten (10) University business days after the conclusion of the hearing. Both parties will receive written notice of any sanctions imposed on the respondent for violation of this policy (information about unrelated policy violations will not be shared), except that in cases of non-violent sexual harassment the complainant will only receive notice of any sanctions that relate directly to the complainant. The written determination shall include the following:

- identification of the allegations allegedly constituting sexual harassment; 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 the University's Prohibited Conduct to the facts;
- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions 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 procedures and permissible bases for the complainant and respondent to appeal.

Each party may appeal (1) the dismissal determination of a formal complaint or any included allegations and/or (2) a determination regarding responsibility and/or the sanction under the Title IX Grievance Procedures. Appeals based on the dismissal determination of a formal complaint, or any included allegations will follow the process outlined in section Dismissal of a Formal Complaint (Mandatory and Discretionary). In cases where the respondent is found not responsible for violation of sexual and gender-based misconduct policies after a hearing conducted through the Title IX Grievance Procedure or General Sexual Misconduct Process, the appeal process described in this section will still apply.

In cases where appeals are submitted by both parties, both appeals will be considered together by the same appellate decision-maker. Unless indicated otherwise in the original decision letter, the typewritten appeal should be submitted via email or in person to the University's Title IX Coordinator for employee cases. The appeal must be submitted within five University days of receipt of the decision letter, indicating the grounds for appeal. If a party does not appeal the decision within this period, they have waived a right to appeal. An appeal must be based up on one or more of the following grounds:

- ¾ The party alleges that there were procedural irregularities that affected the outcome of the matter;
- ¾ The party alleges that new evidence that was not reasonably available at the time of the determination of responsibility or dismissal of the complaint was made that could affect the outcome of the matter;
- ¾ The party alleges a Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainant or respondent generally, or the individual complainant or respondent that affected the outcome of the matter.
- ¾ The party alleges that the sanctions imposed are grossly disproportionate to the



