Title IX Sexual Harassment/Sexual Assault Policy

ROWAN UNIVERSITY POLICY

Title: Title IX Sexual Harassment/Sexual Assault Policy
Subject: Equity and Diversity
Policy No: SL:2020:01
Applies: University-Wide
Issuing Authority: President
Responsible Officer: Title IX Coordinator, Office of Student Equity and Compliance
Date Adopted: 8/13/2020
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Last Reviewed: 06/30/2023

I. PURPOSE

Students/Employees of the Rowan University community have the right to access and benefit from the University's Education Programs or Activities, free from any form of Sexual Harassment/Sexual Assault. The University does not tolerate Sexual Harassment/Sexual Assault of any kind. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated.

II. ACCOUNTABILITY

Under the direction of the President, the Title IX Coordinator of the Office of Student Equity and Compliance ("Title IX Coordinator"), shall implement and ensure compliance with this policy.

III. APPLICABILITY

This policy applies to all Rowan University students from the time of their acceptance and admission until the date of their graduation or formal withdrawal. This policy also applies to all employees of the University. This policy shall not apply to allegations of sexual misconduct which do not constitute Sexual Harassment/Sexual Assault as defined herein. Notwithstanding, such behavior may be addressed by the University under other policies such as the Student Sexual Misconduct and Harassment Policy, Student Code of Conduct, or Procedure for Resolving Student v. Student Discrimination Complaints (for student Respondents); or the Policy Prohibiting Discrimination in the Workplace and Educational Environment, Disruptive Behavior and Workplace Violence Policy, or other applicable policy (for employee Respondents).

IV. INTRODUCTION

Title IX of the Education Amendments of 1972 is a federal law that prohibits sex discrimination (which throughout this policy includes discrimination based on sex, sexual orientation and gender identity) in the University's programs and activities. It reads: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." As a recipient of Federal financial assistance, Rowan University has jurisdiction over complaints alleging sex discrimination, including Sexual Harassment/Sexual Assault.

The University will respond to Reports or Formal Complaints (as defined below) of conduct prohibited under this policy with measures designed to stop the prohibited conduct, prevent its recurrence, and remediate any adverse effects of such conduct on campus or in University-related programs or activities.

The University will not deprive an individual of rights guaranteed under federal and state law (or federal and state anti-discrimination provisions; or federal and state law prohibiting discrimination on the basis of sex) when responding to any claim of Title IX Sexual Harassment/Sexual Assault.

Conduct that is prohibited under this policy may also constitute a violation of federal, state or local law and a student/employee may be charged in the criminal justice system, as well as under this policy. Alternatively, charges can occur for violations of this policy which may not be violations of the law. The criminal justice system is different from this Title IX process. The University reserves the right to reach its own determination on violations of this policy, independently of the outcome of any civil or criminal proceeding. The University retains the right to hear a Sexual Harassment/Sexual Assault matter before, after, or during the pendency of a civil or criminal matter related to the same incident/conduct. If a matter is going through the criminal justice system, and a Report or Formal Complaint has also been made to the University, the Title IX process at the University may proceed normally during the pendency of the criminal proceedings. As the Title IX process is an educational disciplinary process, the legal rules related to evidence, criminal procedure, civil procedure and administrative procedure do not apply to this process.

V. STANDARD OF EVIDENCE

A finding under this policy will be based on the preponderance of the evidence standard. In other words, a finding will be made if the evidence as a whole shows that it is more likely than not that a violation of the Title IX Sexual Harassment/Sexual Assault Policy occurred. Under this policy, there is a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Process, or the Respondent admits responsibility.

VI. DEFINITIONS/TERMINOLOGY

1. ACTUAL KNOWLEDGE – Notice of Sexual Harassment/Sexual Assault or allegations of Sexual Harassment/Sexual Assault made to the University's Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University (such as the Investigator, or Dean of Students). This standard is not met when the only official of the University with Actual Knowledge is also the Respondent. In addition, the mere fact that a third party who works for the University (such as a Responsible Employee) may become aware of allegations of Sexual Harassment /Sexual Assault, or that such individuals have the ability or obligation to report Sexual Harassment /Sexual Assault, or to inform another about how to report Sexual Harassment/Sexual Assault, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the University.
2. COMPLAINANT – An individual who is alleged to be the victim of conduct that could constitute Sexual Harassment/Sexual Assault, or on whose behalf the Title IX Coordinator has filed a Formal Complaint.
3. CONSENT – Consent is informed, knowing, voluntarily and freely given permission to engage in mutually agreed upon sexual activity. The University will apply a reasonable person standard in determining whether or not consent was given, unless otherwise required by law.
    a. The person giving consent must be capable of doing so freely, with the ability to understand what they are doing and the specific details (who, what, when, where, and how) of the sexual contact to which they are consenting.
    b. Consent may be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.
    c. It is the obligation of the person initiating sexual contact to obtain clear consent for the specific type of sexual contact sought. A person's use of alcohol and/or drugs shall not diminish such person's responsibility to obtain consent.
    d. Lack of protest does not constitute consent. Silence or passivity without words or actions that communicate mutually understandable permission cannot be assumed to convey consent.
    e. Use of violence, threats, coercion or intimidation invalidates any consent given.
    f. A verbal "no," even if it may sound indecisive or insincere, constitutes lack of consent.

g. Consent for one form of sexual contact does not imply consent to other forms. For example, consent to oral sex does not imply consent to vaginal/anal sex.
h. It is expected that once consent has been established, a person who changes their mind during the sexual act or sexual contact will communicate through words or overt actions their decision to no longer proceed.
i. Past consent does not constitute consent for future sexual contact/activity.
j. Persons who are unable to give valid consent under New Jersey law, (i.e. minors, individuals with mental health disabilities) are considered unable to give consent under NJ State Policy N.J.S.A. 2C:4-2.
k. Consent cannot be given by a person who is unconscious or sleeping. If consent has been given while a person is conscious or awake, and then that person becomes unconscious or falls asleep, consent terminates at that point.
l. Persons who are incapacitated due to the use of drugs or alcohol cannot give consent.

4. DISCIPLINARY SANCTIONS – Disciplinary Sanction(s) shall be imposed upon a Respondent where a determination of responsibility for Sexual Harassment/Sexual Assault has been made against the Respondent. Disciplinary Sanctions for student Respondents may range from a warning to expulsion. Disciplinary Sanctions for employee Respondents may range from an oral reprimand, to initiation of revocation of tenure proceedings and termination of employment, subject to applicable laws and collective bargaining agreements. Student/employee Respondents will also be referred to appropriate authorities for criminal prosecution when appropriate, regardless of any Disciplinary Sanctions under this policy.
5. EDUCATION PROGRAM OR ACTIVITY – Includes any location, event, or circumstance over which the University exercises substantial control over both the Respondent and the context in which the alleged Sexual Harassment/Sexual Assault occurs. This includes all of the University's education programs or activities, whether occurring on or off-campus, and any building owned or controlled by a student organization that is officially recognized by the University (i.e., a house owned or controlled by a University-recognized fraternity or sorority).
6. FALSE REPORT– Intentionally making a report of Sexual Harassment/Sexual Assault, to a University official knowing, at the time the report was made, that the prohibited conduct did not occur and the report was false. A determination regarding responsibility, alone, will not be sufficient to conclude that any party made a materially false report in bad faith.
7. FALSE STATEMENT – Intentionally making a statement during the Grievance Process or Appeals Process to a University official knowing, at the time the statement was made, that it was false. A determination regarding responsibility, alone, will not be sufficient to conclude that any party or witness made a materially false statement in bad faith.
8. FORMAL COMPLAINT – A document filed and signed by a Complainant, or signed by the Title IX Coordinator, alleging Sexual Harassment/Sexual Assault against a Respondent, and requesting that the University investigate the allegations of Sexual Harassment/Sexual Assault. The Formal Complaint should include in detail the nature of the complaint, dates and locations of particular events, names /contact information of witnesses (if any), the name of the individual(s) against whom the complaint is being made, and any other relevant information. At the time of filing a Formal Complaint, a Complainant must be either participating in or attempting to participate in the Education Program or Activity of the University. A Report of Sexual Harassment/Sexual Assault may be filed with the Title IX Coordinator in person, by mail, by electronic mail, or by filling out the report form found HERE. Upon receipt of a Report of possible Sexual Harassment/Sexual Assault, the Title IX Coordinator, or Designee, will reach out the Complainant to discuss the Complainant's options, including the ability to file a Formal Complaint.
9. INCAPACITATION – The physical and/or mental inability to make informed, rational judgements and decisions. States of incapacitation include sleep, unconsciousness, and blackouts.
    a. Where alcohol or drugs are involved, incapacitation is determined by how the substance impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgements. In evaluating whether a person was incapacitated for purposes of evaluating effective Consent, the University considers two questions:
        i. Did the person initiating sexual activity know that their partner was incapacitated?
        ii. Should a sober, reasonable person in the same situation have known that their partner was incapacitated?
        If the answer to either of these questions is "yes," effective Consent was absent.

b. For purposes of this policy, incapacitation is a state beyond drunkenness or intoxication. A person is not incapacitated merely because they have been drinking or using drugs. The standard for incapacitation does not turn on technical or medical definitions, but instead focuses on whether a person has the physical and/or mental ability to make informed, rational judgments and decisions.
c. A person who initiates sexual activity must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every individual may manifest signs of incapacitation differently, typical signs include slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, or incontinence. A person who is incapacitated may not be able to understand some or all of the following questions: "Do you know where you are?," "Do you know how you got here?," "Do you know what is happening?," or "Do you know whom you are with?"
d. Because the impact of alcohol and other drugs varies from person to person, one should be cautious before engaging in sexual contact or intercourse when either party has been drinking alcohol or using drugs. The introduction of alcohol or other drugs may create ambiguity for either party as to whether effective Consent has been sought or given. If one has doubt about either party's level of intoxication, the safe thing to do is to forgo all sexual activity.

10. REMEDIES – Remedies may be provided to a Complainant where a determination of responsibility for Sexual Harassment/Sexual Assault has been made against the Respondent. Remedies are designed to restore or preserve the Complainant's equal access to the University's Education Program or Activity. Remedies may include the same individualized services described in the Supportive/Interim Measures section below; however, unlike Supportive/Interim Measures, Remedies need not be non-disciplinary or non-punitive, and need not avoid burdening the Respondent. Remedies provided may include, but not be limited to, a one-way no contact directive; changes to housing/work arrangements; or a leave of absence.
11. REPORT – Anyone may file a Report alleging an incident of Sexual Harassment/Sexual Assault of which they become aware. The Report should include as much information possible, such as details (if known) of the nature of the incident, dates of particular events, names/contact information of any Complainant, Respondent, witnesses (if any), and any other relevant information. A Report may be filed with the Title IX Coordinator in person, by mail, by electronic mail, or by filling out the report form found HERE.
12. RESPONDENT – An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment/Sexual Assault.
13. RESPONSIBLE EMPLOYEES – Certain employees, who under this policy, are required, after receiving information regarding Sexual Harassment/Sexual Assault, to report it to the Title IX Coordinator. These employees include, but are not limited to, Public Safety Police and Security Officers, managers and supervisors, coaches, club and organization advisors, faculty, Deans, and Residential Learning staff (Resident Assistants, Community Safety Assistants, Resident Directors, and Residential Learning Coordinators). Notwithstanding, knowledge of an incident of Sexual Harassment/Sexual Assault by a Responsible Employee (other than those who also have authority to institute corrective measures on behalf of the University) does not constitute Actual Knowledge by the University.
14. SANCTIONS – See Disciplinary Sanctions.
15. SUPPORTIVE/INTERIM MEASURES – See Section X below.

VII. PROHIBITED CONDUCT

This policy addresses allegations of sexual misconduct that meet the definition of Title IX Sexual Harassment/Sexual Assault, which encompasses all of the prohibited conduct defined below that occurs on the basis of sex, sexual orientation and/or gender identity, and meets the following requirements: (i) occurs within the United States; (ii) occurs within the University's Education Program or Activity; and (iii) at the time of the filing of the Formal Complaint, the Complainant was participating in, or attempting to participate in, the Education Program or Activity.

Allegations of sexual misconduct that do not fall under this policy because they do not constitute prohibited conduct as defined in this section, may be addressed under the Student Sexual Misconduct and Harassment Policy, Student Code of Conduct, or Procedure for Resolving Student v. Student Discrimination Complaints (for student Respondents); or the Policy Prohibiting Discrimination in the Workplace

and Educational Environment, Disruptive Behavior and Workplace Violence Policy, or other applicable policy (for employee Respondents).

Prohibited conduct (referred to collectively as "Sexual Harassment/Sexual Assault" throughout the policy) is:

1. SEXUAL HARASSMENT – Conduct on the basis of sex, through any medium, that satisfies one or more of the following:
    a. An employee of the University conditions the provision of aid, benefit or service of the University on an individual's participation in unwelcome sexual conduct; or
    b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person of equal access to the University's Education Program or Activity.
2. SEXUAL ASSAULT – Any sexual act directed against another person, without their consent or where they are incapable of giving consent. An offense that meets the definition of rape, fondling, incest or statutory rape:
    a. *Rape*: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
    b. *Fondling*: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
    c. *Incest*: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    d. *Statutory Rape*: Sexual intercourse with a person who is under the statutory age of consent.
3. STALKING – Engaging in a course of conduct, through any medium, directed at a specific person that would cause a reasonable person to: (a) fear for the person's own safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of this definition:
    a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;
    b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant;
    c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
4. DATING VIOLENCE – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with another person. The existence of such a relationship shall be determined based on a consideration of the following factors: (a) the length of the relationship; (b) the type of relationship; and (c) the frequency of interaction between the persons involved in the relationship.
5. DOMESTIC VIOLENCE – A felony or misdemeanor crime of violence committed by: (a) a current or former spouse or intimate partner; (b) a person with whom an individual shares a child in common; (c) a person who is cohabitating with, or has cohabitated with, the other person as a spouse or intimate partner; (d) a person similarly situated to a spouse of the other person under the domestic or family violence laws in which the crime of violence occurred; or (e) any other person against an adult or youth who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

VIII. REPORTING OPTIONS – HOW TO FILE A REPORT/COMPLAINT

Students/Employees who have experienced Sexual Harassment/Sexual Assault or sex discrimination in the University's programs and activities, and those who have knowledge of Sexual Harassment/Sexual Assault or sex discrimination in the University's programs and activities, are strongly encouraged to report this information as soon as possible. Prompt reporting of incidents greatly improves the ability of the University and law enforcement to provide support resources to students/employees and to address the violations effectively. Although there is no time limit for reporting Sexual Harassment/Sexual

Assault, delays in reporting may reduce the ability of the University and law enforcement to investigate and respond to incidents. After an incident of Sexual Harassment/Sexual Assault, the student/employee should consider seeking medical attention as soon as possible. In New Jersey, evidence may be collected even if you chose not to make a report to law enforcement.

It is a violation of this policy for anyone to make a False Report of Sexual Harassment/Sexual Assault, or for anyone to make a False Statement. Disciplinary Sanctions may be imposed for intentionally making a False Report or False Statement.

1. Reporting to Law Enforcement
    a. Where criminal behavior is involved, the University encourages, and will assist students /employees with, reporting to law enforcement. However, students/employees have the right to decline notifying law enforcement. For criminal offenses that occur on the University campus, students/employees should immediately contact Rowan Public Safety, 856-256-4911. Rowan Public Safety can assist students/employees in contacting and filing a report/complaint with any other agency when the incident did not occur on campus.
        i. Glassboro campus – Glassboro Police Department, 1 South Main Street, Glassboro, NJ 856-881-1500; http://www.glassboropd.org/
        ii. Camden campuses – Camden County Metro Police, 800 Federal Street, Camden, NJ 856-757-7440; http://camdencountypd.org/
        iii. RowanSOM campus – Stratford Police Department, 315 Union , Stratford, NJ 856- 783-8616; https://som.rowan.edu/oursom/campus/safety.html
    b. LGBTQIA+ (Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, or Agender /Asexual) students/employees should know that every Rowan Public Safety Officer will assist them should they choose to report Sexual Harassment/Sexual Assault. However, if an LGBTQIA+ student/employee would prefer, they can ask to speak directly with the Rowan University LGBTQIA+ police liaison.
    c. Behavior that constitutes a violation of this policy may also be a crime under the laws of the State of New Jersey.
2. Reporting to the University
    a. A student/employee may choose to report an incident of Sexual Harassment/Sexual Assault to the University before they have made a decision about whether or not to report to law enforcement. A student/employee has the right to file a criminal complaint and a Title IX Formal Complaint simultaneously.
    b. Once a Report of Sexual Harassment/Sexual Assault has been received, whether or not a Formal Complaint has been filed, the University will provide written notification to the Complainant about existing counseling, health, mental health, student advocacy, employee advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services that are available at Rowan and in the surrounding For more information on these services please visit OSEC's website.
    c. Reports of incidents alleging to involve Sexual Harassment/Sexual Assault or sex discrimination in a University program or activity should be made to the Title IX Coordinator in person, by mail, by electronic mail, or by filling out the report found HERE.

        Interim Title IX Coordinator

        Joe Mulligan

        Office of Student Equity & Compliance, Savitz Hall Room 333

        856-256-5440 or 856-256-4562

        mulligan@rowan.edu

        In addition, prior to filing a Report or Formal Complaint, a person may reach out to the following individuals to discuss their reporting options. The below individuals are Responsible Employees

under this policy and, therefore, should report the incident to the Title IX Coordinator. However, their knowledge of any incident does not constitute Actual Knowledge by the University. Thus, if a student/employee wishes to ensure a Report/Formal Complaint has been made, the individual should also reach out to the Title IX Coordinator.

Athletics / LGBTQIA+
Penny Kempf, Associate Director of Athletics
Esby Gym, Glassboro Campus
856-256-4679
kempf@rowan.edu

Cooper Medical School of Rowan University
Dr. Marion Lombardi, Chief Student Affairs Officer
CMSRU Medical Education Building
Camden, NJ
856-361-2850
lombardim@rowan.edu

Rowan University School of Osteopathic Medicine
Dr. Paula Watkins, Assistant Dean for Admissions
Academic Center, One Medical Center Drive, Suite 113
Stratford, NJ 856-566-7050
fennerpa@rowan.edu

Graduate School of Biomedical Sciences
Dr. Diane Worrad, Director
42 East Laurel Road, UDP, Suite 2200
Stratford, NJ 856-566-6282
worrad@rowan.edu

3. Policy of Immunity – The University will grant immunity for using alcohol and drugs to both a Complainant and/or Respondent, unless the alcohol or drug was used knowingly to perpetrate violence. No one should be fearful of obtaining resources or remedies from a violent crime because they were intoxicated. In addition, the University will not pursue disciplinary action for drug or alcohol violations, or most other violations of the Student Code of Conduct, against a party or witness who comes forward in good faith to Report Sexual Harassment/Sexual Assault. See Rowan University Good Samaritan Policy.
4. Other Reporting Options
   Individuals also have the right to file a complaint with federal/state agencies that investigate Sexual Harassment, Sexual Assault and discrimination. An external complaint must be filed directly with the agency, and each agency should be consulted to determine proper deadlines for filing.

   Office of Civil Rights, U.S. Department of Education
   New Jersey, New York, Puerto Rico, Virgin Islands OCR
   New York Office, U. S. Department of Education
   32 Old Slip, 26th Floor New York, NY 10005-2500
   Telephone: (646) 428-3800
   Facsimile: (646) 428-3843 Email: OCR.NewYork@ed.gov

   Equal Employment Opportunity Commission Philadelphia District Office
   801 Market Street, Suite 1000
   Philadelphia, PA 19107-3126
   Telephone: (800) 669-4000 / (267) 589-9700
   Facsimile: (215) 440-2606 Email: PDOContact@eeoc.gov

   New Jersey Division on Civil Rights
   Southern Regional Office
   5 Executive Campus, Suite 107

Cherry Hill, NJ 08034 map
Telephone: 856-486-4080
Facsimile: 856-486-2255

IX. CONFIDENTIALITY

When the University is made aware of a report or allegation of Sexual Harassment/Sexual Assault, the University will endeavor to maintain the confidentiality of the matter and of all individuals involved to the extent permitted by law. The University will balance the needs of the individuals involved (Complainant and Respondent) with its obligation to fully investigate allegations and to protect the safety and wellbeing of the community at large. In all cases, the University and its employees will respect the dignity and rights of all individuals involved.

1. Responsible Employees: When consulting campus resources, individuals should be aware that certain employees are Responsible Employees who under this policy are required, after receiving information regarding Sexual Harassment/Sexual Assault, to report it to the Title IX Coordinator. These include, but are not limited to, Public Safety Police and Security Officers, managers and supervisors, coaches, club and organization advisors, faculty, Deans, and Residential Learning staff (Resident Assistants, Community Safety Assistants, Resident Directors, and Residential Learning Coordinators). Knowledge of an incident of Sexual Harassment/Sexual Assault by a Responsible Employee (other than those who also have authority to institute corrective measures on behalf of the University) does not constitute Actual Knowledge by the University.

   If an individual has reported information to a Responsible Employee, but the individual would like for the report to remain confidential, the student should contact the Title IX Coordinator, who will evaluate the individual's request for confidentiality. The Grievance Process will only be initiated when a Formal Complaint has been filed with or by the Title IX Coordinator.

2. Confidential Resources – Students: Students who desire that details of an incident be kept confidential can receive confidential services through the Counseling & Psychological Services Center (856-256-4333), which is located in the Wellness Center at Winans Hall. Counselors with specialized training are available to support students who report Sexual Harassment/Sexual Assault. Counselors are available to help you free of charge, and can be seen on an emergency basis. The Student Health Center (856-256-4222) can also provide confidential consultation with students and may offer treatment to prevent sexually transmitted infections or pregnancy. In circumstances where the Health Center is unable to offer these services, they will provide a referral to an appropriate medical resource. In addition, you may speak with members of the clergy, who will also keep reports made to them confidential. LGBTQIA+ students who would like to speak with a confidential resource should know that every counselor at the Wellness Center is committed to supporting students of all gender identities, gender expressions, and sexual orientations. When speaking with these resources, a student's right to confidentiality is legally protected. However, there are limits to this protection in specific situations. For example, if a student discloses that the incident involved the use of a weapon or other contraband as defined by New Jersey law, or there is an ongoing threat or danger to the safety of another person (particularly children or the elderly), these resources may be required to report the incident to police.

3. Confidential Resources – Employees: Employees who desire that details of an incident be kept confidential can receive confidential services through the New Jersey Employee Advisory Service (1-866-327-9133).

4. Federal Statistical Reporting and Federal Timely Warning Obligations: Certain campus officials have a duty to report Sexual Harassment/Sexual Assault for federal statistical reporting purposes. All personally identifiable information is kept confidential, but statistical 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, etc. – with addresses withheld), 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.

Individuals who report Sexual Harassment/Sexual Assault should also be aware that University administrators may be required to issue timely warnings for certain incidents reported to them that pose a substantial threat of bodily harm or danger to members of the community, to aid in the prevention of similar occurrences. The University will withhold the names and other personally identifiable information of individuals as confidential, while still providing enough information for community members to make decisions related to their safety in light of the danger.

X. SUPPORTIVE/INTERIM MEASURES

Non-disciplinary, non-punitive individualized services will be offered to the Complainant and/or Respondent, as appropriate and as reasonably available, without fee or charge, where no Formal Complaint has been filed, or before or after the filing of a Formal Complaint. Such measures are designed to restore or preserve equal access to the University's Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties, the University's educational environment, and/or to deter Sexual Harassment/Sexual Assault.

Supportive/Interim Measures may include, but are not limited to, the provision of information related to counseling, academic support, mental health services; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties (no contact directives); changes in work or housing locations; leaves of absence; increased security; and other similar measures. These measures may be implemented in coordination with the Vice President of Student Life/Dean of Students or designee (students) or the Vice President of Human Resources or designee (employees).

In addition, the University may place a student on an Interim Suspension, pending the outcome of the Grievance Process. This decision will be made in accordance with the University's Student Code of Conduct. And, an employee may be placed on an Administrative leave (paid or unpaid), pending the outcome of the Grievance Process.

The University will maintain as confidential any Supportive/Interim Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the University's ability to provide the Supportive/Interim Measure(s).

XI. ADVISORS

A Complainant and Respondent each have the right to an Advisor of their choice during the Grievance Process (discussed below). An Advisor may be a family member, a friend, an attorney, or any third party (i.e., a trusted employee for a student; or a union representative for an employee). Advisors are present to support the parties and to provide advice on procedural matters, as well as conduct cross-examination during any Hearing.

Other than as provided in this policy, Advisors may not speak on behalf of the party.

Advisors must adhere to all conditions and obligations under this policy and as required by the University' s process.

The Advisor has the right to accompany the Complainant or Respondent to any meetings with the Title IX Coordinator, Investigator (or their Designee), or University administrators, and the party has the right to communicate with their Advisor during any meeting. The Advisor may also assist the Complainant or Respondent during the investigation, preparing/submitting a response to the investigation report, attend the live hearing, or assist with the filing of an appeal.

The Advisor does not have speaking privileges during the investigation/investigatory interviews. The Title IX Coordinator or designee will exercise control over the investigation. Anyone who disrupts an investigatory interview or who fails to adhere to University policies may be asked to leave an investigatory interview.

With respect to the Hearing, if a Complainant or Respondent does not have an Advisor, one will be provided by the University. The Advisor is to conduct cross examination on behalf of the party at the Hearing, as the parties may not conduct cross-examination on their own behalf.

Regardless of whether a party has an Advisor, the Title IX Coordinator, Investigator or Designee will correspond and communicate directly with the parties. If a party wishes for their Advisor to be copied on any correspondence or communications, the party should advise the Title IX Coordinator or Investigator.

XII. GRIEVANCE PROCESS/PROCEDURES

Upon receipt of a Report of Sexual Harassment/Sexual Assault, the Title IX Coordinator or Designee, will contact the Complainant to: (i) discuss available Supportive/Interim Measures, while taking into consideration the Complainant's wishes; (ii) inform the Complainant that the Supportive/Interim Measures are available with or without a Formal Complaint; and (iii) explain the process for filing of a Formal Complaint.

Upon receipt of a Formal Complaint, the University will initiate the Grievance Process.

The University will treat Complainants and Respondents equitably by providing Remedies to a Complainant where a determination of responsibility for Sexual Harassment/Sexual Assault has been made against the Respondent, and by following the Grievance Process before the imposition of any Disciplinary Sanctions or other actions, that are not Supportive/Interim Measures, are taken against a Respondent.

Throughout the Grievance Process, there will be an objective evaluation of all relevant evidence, including both inculpatory (evidence implying or imputing responsibility) and exculpatory (evidence exonerating responsibility) evidence. In addition, credibility determinations will not be based on an individual's status as a Complainant, Respondent, or witness.

Individuals involved in the Grievance Process (Title IX Coordinator, investigator, decision-maker, or any person designated by the University to facilitate an informal resolution process) shall not have a conflict of interest or bias for or against Complainants or Respondents generally, or an individual Complainant or Respondent. Such individuals shall also have the appropriate training as set forth in the Training Section of this policy.

It is presumed that a Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Process, or if a Respondent admits to responsibility.

It is a violation of this policy for anyone to make a False Report of Sexual Harassment/ Sexual Assault, or for anyone to make a False Statement during the Grievance Process. Disciplinary Sanctions may be imposed for intentionally making a False Report or False Statement.

1. <u>Dismissal of a Formal Complaint</u>
    a. The Title IX Coordinator must dismiss the Formal Complaint, or allegations therein, at any time, if it is determined that the conduct alleged: (i) would not constitute Sexual Harassment/Sexual Assault, even if proved; (ii) did not occur while the Complainant was participating in, or attempting to participate in, the University's Education Program or Activity; or (iii) did not occur against a person in the United States. **Such a dismissal does not preclude the University from taking action under another provision of the University's policies.**
    b. The Title IX Coordinator, in his/her discretion, may also dismiss the Formal Complaint, or allegations therein, if at any time during the Grievance Process, the following occurs: (1) the Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint, or any allegations therein; (ii) the Respondent is no longer enrolled or employed by the University; or (iii) specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

c. Written notice of any required or permitted dismissal, including any reason(s) therefore, shall be promptly sent to the parties simultaneously. This notice will also advise the parties of their appeal rights in accordance with this policy.

2. Consolidation of Formal Complaints – Formal Complaints as to allegations of Sexual Harassment /Sexual Assault against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, may be consolidated where the allegations of Sexual Harassment/Sexual Assault arise out of the same facts or circumstances.
3. Notice of Allegations – Upon receipt of a Formal Complaint, the Title IX Coordinator, or Designee, will provide written notice to the known parties, which includes:
    a. A link to the University's Title IX Sexual Harassment/Sexual Assault Policy, so the parties can review the University's Grievance Process, including the Informal Resolution Process;
    b. Sufficient detail, of what is known at the time, related to the allegations of Sexual Harassment /Sexual Assault, including details such as the identities of the parties involved, the conduct allegedly constituting Sexual Harassment/Sexual Assault, and the date(s) and location(s) of the alleged incident(s);
    c. A statement that the Respondent is presumed not responsible for the alleged conduct, and that a determination regarding responsibility will be made at the conclusion of the Grievance Process;
    d. Information that the parties may have an Advisor of their choice, who may be, but is not required to be, an attorney;
    e. A statement that the parties and their Advisors will have the right to inspect and review evidence during the investigation of a Formal Complaint; and
    f. Reference to the provisions within the Title IX Sexual Harassment/Sexual Assault Policy that prohibits knowingly making False Reports or False Statements.

    Such notice will be provided to the parties within a reasonable period of time prior to conducting any investigatory interview, so that the parties have time to prepare and meaningfully respond.

    If, in the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that were not included in the initial notice, the University will provide notice of the additional allegations to be investigated, to the known parties.

4. Formal Resolution Process
    a. Written Notice of Meetings, Interviews, Hearings – Written notice of the date, time, location, participants, and purpose of all investigative interviews, hearings, or any other meetings, will be provided to any party whose participation is invited or expected, with sufficient time for the party to prepare to participate.
    b. Investigation of a Formal Complaint – After notification of the allegations in the Formal Complaint has been sent, the Investigator, or Designee, will promptly initiate an investigation within seven (7) calendar days. The investigation shall be completed in a reasonably prompt manner, and should be completed within ninety (90) calendar days from the time the Formal Complaint is filed.
        i. The investigation will include interviews of the Complainant(s), Respondent(s) and any witnesses/individuals believed to have information relevant to the allegations, as well as the collection of any relevant evidence.
        ii. Each party is permitted to have their Advisor present during any investigatory interview, or other meeting. However, while the party has the right to communicate with their Advisor during any meeting, the Advisor does not have speaking privileges during the investigation /investigatory interviews.
        iii. The investigator will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional/paraprofessional acting in the professional/paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the investigator obtains that party's voluntary, written consent to do so for a Grievance Process.
        iv. The parties and their Advisors are not restricted from discussing the allegations under investigation for the purpose of gathering and presenting evidence to the investigator.

v. During the investigation, the parties will be provided the opportunity to present witnesses, including fact and expert witnesses, and other inculpatory (evidence implying or imputing responsibility) and exculpatory (evidence exonerating responsibility) evidence.

c. Investigation Report – The Investigator or Designee will prepare an Investigation Report that fairly summarizes relevant evidence and party/witness statements.
   i. Prior to an Investigation Report being prepared, all of the evidence gathered by the investigator (any evidence obtained as part of the investigation, that is related to the allegations in the Formal Complaint, including information that will not be relied upon in reaching a determination and without regard to the source of the information), will be shared with the parties and their Advisors (if any) simultaneously. Names and other identifying information of individuals may be redacted if required by the Family Educational Rights and Privacy Act ("FERPA"). The parties and their Advisors must keep the evidence confidential and not share it with anyone, except for the purpose of gathering and presenting relevant evidence to provide to the investigator within the 10-day period. Failure to abide by this confidentiality obligation may subject a party or Advisor to disciplinary action by the University.
   ii. Each party may respond to the investigator in writing, within ten (10) calendar days of receipt of the evidence.
   iii. After reviewing any timely submitted responses by the parties, the investigator will prepare an Investigation Report. The Investigation Report will fairly summarize the relevant evidence and party/witness statements.
   iv. The parties and their Advisors (if any) will be simultaneously provided with an electronic or hard copy of the final Investigation Report. The parties may choose to provide a written response to the Investigation Report, which must be submitted to the investigator within ten (10) calendar days of receipt. The parties and their Advisors (if any) will be provided with an electronic or hard copy of the other party's written response, if any, to the Investigation Report.
   v. A copy of the Investigation Report and any written response(es) will then be forwarded to the Office of Community Standards, for the scheduling of a Hearing.

d. Hearing – A Hearing should be scheduled by the Office of Community Standards no later than thirty (30) calendar days after receipt of the final Investigation Report.
   i. Each party may have one Advisor attend the Hearing, who will be responsible for conducting cross-examination and questioning on behalf of the party. Prior to the scheduled Hearing, each party will be asked to identify their Advisor who will be present for the Hearing. If a party does not have an Advisor, the University will provide one to them.
   ii. Prior to the scheduled Hearing, the parties will be provided an opportunity to make a request for witnesses to participate in the Hearing on their behalf. The parties must notify the Assistant Dean of Students, or Designee, of any witnesses at least seven (7) calendar days prior to the Hearing. The parties will also be advised of potential Hearing Officer(s), and provided the opportunity to object to a specific Hearing Officer based on a conflict of interest.
   iii. If the matter to be heard had originally attempted, but was unsuccessful at, the Informal Resolution Process, any information related to the Informal Resolution Process will not be admissible during the Hearing. In addition, the individual who facilitated the Informal Resolution Process may not be called as a witness at the Hearing.
   iv. The matter will be heard by a Hearing Officer who will exercise control over the manner in which the Hearing is conducted, including being responsible for managing the cross-examination and questioning process in accordance with applicable law/policy. The Hearing Officer will make decisions regarding responsibility and any Disciplinary Sanctions, if applicable.
   v. Hearings may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the Hearing virtually, with technology enabling participants simultaneously to see and hear each other. For Hearings occurring in-person, at the request of a party, the University will provide for the Hearing to occur with the parties located in separate rooms with technology enabling the Hearing Officer, parties and their Advisors to simultaneously see and hear the party or the witness answering questions.

vi. Both/all parties shall be permitted to be present during testimony of all witnesses and presentation of the evidence throughout the Hearing.
vii. The Hearing Officer will be provided access to the final Investigation Report and evidence at least twenty-four (24) hours prior to the Hearing. However, while the Hearing Officer may consider the final Investigation Report as evidence, the Hearing Officer will function as an independent adjudicator and will not be bound by any findings made by the investigator.
viii. At the beginning of the Hearing, the Hearing Officer will enter his, her or their name into the recording. The parties and their Advisors will also enter their names into the recording.
ix. The Hearing Officer will ask if the Respondent has received the original notice of allegation (s) letter, and understands the nature of the charges.
x. The Hearing Officer will then confirm that the parties have received copies of the Formal Complaint, notice of allegation(s) letter, list of witnesses, along with the final Investigation Report.
xi. The remainder of the Hearing will customarily proceed in the following order:
    1. Opening statement from the Complainant;
    2. Opening statement from the Respondent;
    3. Questioning of Complainant by Hearing Officer;
    4. Cross-examination of Complainant by Respondent's Advisor;
    5. Questioning of Respondent by Hearing Officer;
    6. Cross-examination of Respondent by Complainant's Advisor;
    7. Questioning of witnesses – each witness will be called one at a time, questioned separately, and dismissed at the conclusion of their testimony. Each witness may be questioned by the Hearing Officer, as well as the parties' Advisors;
    8. Final questions of the Complainant(s)/Respondent(s) from the Hearing Officer;
    9. Respondent's final statement; and
    10. Complainant's final statement.
xii. Each party's Advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Cross-examination conducted by the Advisors must be done directly, orally and in real time.
xiii. Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing Officer will first determine whether the question is relevant, and explain any decision to exclude a question as not relevant.
xiv. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence: (1) are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or (2) concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent, and are offered to prove Consent.
xv. The presentation of evidence by a party (including opening statements), questions directed to participants, and final statements may be constrained to specified time periods when cumulative or as otherwise deemed appropriate by the Hearing Officer.
xvi. The Hearing Officer may not draw an inference about the determination regarding responsibility based solely on a party or witness's absence from the Hearing, or refusal to answer cross-examination or other questions.
xvii. Formal rules of evidence that are applicable to civil and criminal trials are not applicable to the Hearing.
xviii. All Hearings will be closed to the public, and the only individuals who are permitted to attend are the Complainant(s), Respondent(s), their Advisors, the Hearing Officer, and any witnesses called to provide testimony. In addition, University administrators (i.e., legal counsel) may also attend the Hearing with prior approval from the Hearing Officer.
xix. All Hearings will be audio and/or video recorded. Upon request, a digital file will be made available to the parties for inspection and review.

e. <u>Written Determination Regarding Responsibility/Disciplinary Sanctions</u> – Within fourteen (14) calendar days following the Hearing, the decision-maker(s) will issue a written determination regarding responsibility, and Disciplinary Sanctions and/or Remedies (if applicable).
    i. If a Respondent has a record of prior disciplinary violations by the University, unless otherwise permissible, this information will not be considered by the Hearing Officer until

after a determination of responsibility has been made, to assist the Hearing Officer in determining appropriate Disciplinary Sanctions.

ii. The written determination will include:
    1. A summary of the allegations of Sexual Harassment/Sexual Assault;
    2. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notices to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, evidence considered, and hearings held;
    3. Findings of fact supporting the determination;
    4. Conclusions regarding the application of the University's Title IX Sexual Harassment /Sexual Assault Policy to the facts;
    5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any Disciplinary Sanction(s) the University will impose 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
    6. Information regarding the University's process and permissible bases for the Complainant and Respondent to appeal.

iii. The University will provide the written determination to the parties simultaneously.

iv. The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of an appeal, if any appeal is filed; or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

5. <u>Informal Resolution Process</u>

At any point after a Formal Complaint has been filed, but before a determination of responsibility has been made, the University offers the opportunity for the parties to take part in an Informal Resolution Process, as an alternative to the Formal Resolution Process. Allegations of Sexual Harassment/Sexual Assault made by a student against an employee may <u>not</u> be resolved through Informal Resolution.

Informal Resolution is an opportunity for the parties to settle their matter, without going through the entire Formal Resolution Process, and without a finding by the University related to responsibility. The University will not pursue disciplinary action against a Respondent during the Informal Resolution Process. And, if the parties seek an Informal Resolution after an investigation has already begun, the investigation will be suspended, pending the outcome of the Informal Resolution.

Any party interested in pursuing an Informal Resolution should advise the Title IX Coordinator. Engagement in the Informal Resolution Process is completely voluntary, and each party must provide their written consent prior to beginning the process. If both/all parties do not agree to the Informal Resolution Process, the Formal Complaint will be addressed through the Formal Resolution Process. Most matters will be eligible for the Informal Resolution Process; however, the Title IX Coordinator, in his /her discretion, may determine, based on the allegations in the Formal Complaint, that a matter is not appropriate for Informal Resolution.

The Informal Resolution Process will be facilitated by the Title IX Coordinator or Designee. The Informal Resolution Process will be initiated within ten (10) calendar days of the receipt of the written consent of both/all parties. The Title IX Coordinator, or Designee, will work with the parties to complete the Informal Resolution Process within thirty (30) days.

Prior to engaging in the Informal Resolution Process, the parties will receive written notice providing the following information: (i) disclosure of the allegations, (ii) the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations; (iii) notice that prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution Process and resume the Formal Resolution Process; and (iv) the consequences resulting from participating in the Informal Resolution Process, including the records that will be maintained or could be shared.

If the parties reach an Informal Resolution of a Formal Complaint, an agreement that outlines the terms agreed upon by the parties will be prepared and signed by all parties. Each/all parties will be provided with a copy of the signed agreement, and the University will retain a copy in accordance with applicable law and its recordkeeping requirements. Agreements reached via the Informal Resolution Process shall be final and cannot be appealed. Any agreement reached through the Informal Resolution Process will provide that a student's failure to comply with the terms of the signed agreement may result in disciplinary action in accordance with the Student Code of Conduct; and an employee's failure to comply with the terms of a signed agreement may result in disciplinary action, up to and including termination.

If the Informal Resolution Process is unsuccessful, or a party requests to end the process before a resolution is reached, or if at any time the Title IX Coordinator, or Designee, determines an Informal Resolution is no longer appropriate, the matter will be addressed through the Formal Resolution Process.

If a matter is unsuccessful in reaching an informal resolution, and is to be addressed through the Formal Resolution Process, any information related to the Informal Resolution Process will not be admissible during a Hearing. In addition, the individual who facilitated the Informal Resolution Process may not be called as a witness at a Hearing.

XIII. APPEALS PROCESS

Complainants or Respondents may appeal the University's dismissal of a Formal Complaint (or any allegations therein); or a determination regarding responsibility, including any Disciplinary Sanction(s) imposed.

1. Time to File an Appeal – An appeal must be in writing, and filed within seven (7) calendar days of the date of the letter informing the parties of the dismissal decision; or the determination regarding responsibility, including any imposition of Disciplinary Sanctions, if applicable. If an appeal is not filed within seven (7) calendar days, the dismissal decision or determination regarding responsibility (including Disciplinary Sanctions, if applicable) will be deemed final.
2. Bases for Appeal – Review of an appeal will be limited to the following bases:
    a. Procedural irregularity or substantive error that affected the outcome of the Deviations from the University's policy/procedures will not be a basis for sustaining an appeal unless significant prejudice resulted;
    b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
    c. The Title IX Coordinator, investigator(s), or decision-maker(s) 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; or
    d. The Disciplinary Sanction(s) imposed were substantially disproportionate or not appropriate in light of the violation(s).
3. Procedure for Appeal of Dismissal of Formal Complaint or Allegations – A party who wishes to appeal the Title IX Coordinator's decision to dismiss the Formal Complaint or an allegation therein, must submit the appeal in writing to the Vice President for Student Life and Dean of Students ("VP for Student Life"), explaining in detail the basis of the request, and including any supporting documentation. The VP for Student Life, or Designee, will review the appeal, any submission from the other party, Formal Complaint and the Title IX Coordinator's decision to dismiss, and then issue a written decision resolving the appeal, that includes the rationale for the decision, within fourteen (14) calendar days of receipt of the The appeal decision will be issued simultaneously to both/all parties. An assigned Designee shall not be the Title IX Coordinator, Investigator (or Designee), or anyone who would be involved in the determination regarding responsibility.
4. Procedure for Appeal of Determination Regarding Responsibility/Sanctions – A party who wishes to appeal a determination of responsibility, including any Disciplinary Sanction(s) imposed, if applicable, must submit the appeal in writing to the Vice President for Student Life and Dean of Students ("VP for Student Life"), explaining in detail the basis of the request, and including any supporting documentation. The VP for Student Life, or Designee, will review the written appeal, any submission from the other

party, and all documentation contained in the case file. The VP for Student Life, or Designee, will issue a written decision resolving the appeal, that includes the rationale for the decision, within twenty-one (21) calendar days of receipt of the appeal. The written appeal decision will be issued simultaneously to both/all parties. An assigned Designee shall not be the Title IX Coordinator, Investigator (or Designee), or anyone who would be involved in the determination regarding responsibility.

5. Notification of Appeal – If a party files an appeal, the other party(ies) will be notified and may make their own written submission in support of or challenging the decision of dismissal/determination of responsibility, to the VP for Student Life/Designee, no later than seven (7) calendar days after receipt of such notice.
6. Effect of Appeal – If there is an appeal of a determination regarding responsibility, including any Disciplinary Sanction(s) imposed, the imposition of the Disciplinary Sanction(s), if applicable, will be deferred pending the decision of the However, any Interim Suspension, no contact directive or other appropriate Supportive/Interim Measure will remain in effect during the appeal process.
7. Final Decision – An appeal may be resolved in the following manner:
    a. A dismissal or determination regarding responsibility, including any Disciplinary Sanctions (if applicable), is affirmed;
    b. A determination regarding responsibility is affirmed, but the Disciplinary Sanction(s)/Remedies is /are modified;
    c. A dismissal is reversed, and the matter is returned to the Title IX Coordinator to address in accordance with the policy; or
    d. A determination of responsibility is reversed, and a new outcome is determined, which may include imposition of Disciplinary Sanctions/Remedies or dismissal of the charges.

    The decision made on appeal shall be the final action of the University.

XIV. TIMELINES

All time frames set forth in this policy may be extended by the Title IX Coordinator, Investigator, Hearing Officer, or their Designee for good cause, with written notice to the Complainant(s) and Respondent(s) of the delay and the reason for the delay. Good cause may include, but is not limited to, considerations such as the absence of a party/Advisor, or a witness; the need for language assistance or an interpreter; or a person with disabilities requests a reasonable accommodation.

XV. RETALIATION

Any harassment, intimidation, coercion, discrimination or adverse action taken against an individual for the purpose of interfering with their rights under this policy, or because of that individual's participation in a complaint or investigation of Sexual Harassment/Sexual Assault, will be treated as a separate violation of this policy and will result in immediate action by the University to stop the retaliatory behavior, prevent further violations by the perpetrator, and remedy any adverse impact of the violation.

The University seeking appropriate disciplinary action against any individual who makes a False Report or False Statement does not constitute retaliation.

XVI. RECORDKEEPING

The University will retain for a period of at least seven (7) years, the records related to complaints, supportive/interim measures provided, investigations, transcripts or recordings of hearings, determinations of responsibility, informal resolutions, disciplinary sanctions, remedies provided, appeals and training.

XVII. TRAINING

The University's Title IX Coordinator, investigator(s), decision-makers, and any person who will facilitate an informal resolution process, shall receive training, as applicable, on the definition of Sexual Harassment/Sexual Assault, the scope of the University's Title IX Sexual Harassment/Sexual Assault Policy, the University's Education Program or Activity, how to conduct an investigation, how to conduct

a hearing, the appeal process, and informal resolution process. They will also receive training on how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Individuals who will investigate Title IX matters under this policy shall also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

In addition, any decision-makers shall receive training on the technology to be used at a live hearing, as well as 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.

The University will use materials to train the Title IX Coordinator, investigator(s), decision-makers, and any person who will facilitate an informal resolution process, which do not rely on sex stereotypes and promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment. These training materials will be made available on the University's website.

XVIII. REASONABLE ACCOMMODATIONS

Any student or employee with a disability who needs a reasonable accommodation to assist with reporting Sexual Harassment/Sexual Assault, responding to claims made against them, participating in the investigation and/or adjudication process, and/or determining Supportive/Interim Measures, should advise the Title IX Coordinator as soon as possible.

XIX. REFERENCES

1. File a Report
2. File a Formal Complaint
3. Office of Student Equity and Compliance
4. Title IX of the Education Amendments of 1972
5. Student Sexual Misconduct and Harassment Policy
6. Policy Prohibiting Discrimination in the Workplace and Educational Environment
7. Student Code of Conduct
8. Disruptive Behavior and Workplace Violence Policy
9. Good Samaritan Policy