

Point University Grievance Procedures for Resolving Allegations of Sexual Misconduct

General Information

The following outlines the procedures the University follows in resolving allegations by a Complainant against a Respondent in violation of the University's Title IX Policy. Complainant and Respondent will be referred to collectively as the "Parties." This is an administrative process.

The Office of Title IX, and the Title IX team, will coordinate resolution of all reports of Prohibited Conduct defined in the Point University Title IX Policy.

Prohibited Conduct Not Based on Sex

Prohibited Conduct (discrimination, harassment or retaliation) based on protected status other than sex (e.g., race, color, age, disability, veteran status or other classification protected by federal or state law or University policies) is prohibited by other University policies. In the event of such complaints, the University will identify, based upon the allegations, the appropriate office to coordinate resolution of the report. Dismissal of Formal Complaint if the conduct alleged in the Formal Complaint would not constitute sexual harassment as defined in this Policy even if proved or did not occur in the University's education program or activity or did not occur against a person in the United States, then the University must dismiss the Formal Complaint with regard to that conduct for purposes of sexual harassment under this Policy. However, such a dismissal does not preclude action under another provision of the University's Code of Conduct for students published in the Point University Honor Code.

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

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

Upon dismissal of the Formal Complaint either required or permitted, the University will promptly send written notice of the dismissal and reasons for the dismissal simultaneously to each Party through email, the University's official means of communication (See the Point Honor Code.). Either the Complainant or the Respondent have the right to appeal the decision to dismiss a Formal Complaint.

Consolidation of Formal Complaints

The University may consolidate Formal Complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Rights of Respondent and Complainant

- Right to be informed of the process and all available options
- Right to be informed of resources
- Right to Supportive Measures
- Right to a timely investigation
- Right to an Advisor of choice
- Right to review report
- Right to appeal Advisor Both Complainant and Respondent have the right to have an Advisor of their choice. It is the responsibility of the Complainant and Respondent to communicate with the Advisor regarding allegations, times and dates of meetings, hearings, outcomes and any other information regarding the case. The Investigators, Title IX Coordinator, Assistant Coordinator, and Deputy Coordinators will not discuss the case with any Advisor. The Advisor may:
 - Attend any meeting or hearing with the respective Complainant or Respondent regarding the case, if invited by the respective Complainant or Respondent
 - May not participate directly in any meeting involving the case
 - May provide advice to the Complainant or the Respondent he/she is advising through quiet conversation or written notes in any meeting related to the case
 - May be a member of the University community but is not required to be.
 - May be an attorney, but is not required to be.
 - If a party does not have an advisor present at the Live Hearing, the University must provide without fee or charge to that party, an Advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross examination on behalf of that party. [§106.45 (b)(6) (i)]
 - At the Live Hearing, the decision-maker(s) must permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. [§106.45 (b)(6) (i)]

Step by Step Process Actual

Knowledge

The Title IX grievance process begins with Actual Knowledge. Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator or any Official with Authority who has authority to institute corrective measures on behalf of the University. [§106.30]. The actual knowledge standard is not met when the only official of the University with actual knowledge is the Respondent. Actual Knowledge may come in the form of a Formal Complaint.

Intake meeting with Complainant

With or without a Formal Complaint, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to supportive measures, and explain to the Complainant the process for filing a Formal Complaint.

- Address immediate physical safety and emotional well-being needs
- Notify the Complainant of the right to contact law enforcement and seek medical treatment (and the right to decline to do so), and the importance of preservation of evidence
- Notify the Complainant of the right to be assisted by individuals at the University in contacting law enforcement
- Notify the Complainant of confidential and non-confidential reporting options on and off campus
- Provide the Complainant with information about:
 - On and off campus resources, including counseling, health, mental health, and victim advocacy;
 - The range of Supportive Measures and remedies, including changes to academic, living, transportation, and/or working situations, or other protective measures, which are available to the Complainant and the Respondent regardless of whether the Complainant files a Formal Complaint with the University or other action with local law enforcement.
- Provide an overview of the procedural options and process, including Informal Resolution and Formal Resolution. This overview would include explanation that the Complainant will receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Complainant to prepare to participate.
- Explain that if, in the course of an investigation, the University decides to investigate allegations about the Complainant or the Respondent that are not included in the notice described above, the University will provide notice of the additional allegations to the Parties.
- Provide notice of any provision in the University's Honor Code or Employee Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

- Explain the right to object to the assignment of the Title IX Coordinator, Deputy Title IX Coordinator or Investigators based on bias or conflict of interest within 1 (one) Business Day of a decision to proceed through the process;
- Explain that the student has a right to an Advisor of their choice during the process;
- Assess for pattern of evidence or other similar conduct if possible;
- Explain the University's immunity/amnesty policy as published above in this document and in the Guide to Student Life;
- Explain the University's policy prohibiting retaliation as listed in the Standards of Conduct in the Code of Student Conduct and in the section entitled General University Policies and Procedures in the Guide to Student Life;
- Respondent is presumed not responsible for the alleged conduct and any determination regarding responsibility is made at the conclusion of the process;
- If the Title IX Coordinator dismisses the Formal Complaint or any allegations therein, both Complainant and Respondent have the right to appeal that decision.

At the Intake Meeting, the Coordinator or Deputy Coordinator will provide the Complainant with the above-listed information in writing. If the Intake Meeting is conducted by a Deputy Coordinator, the meeting report will be submitted to the Coordinator for consideration. As described in the Sexual Misconduct Policy, the Complainant has the right to request that the Title IX Office not share the Complainant's name (or other identifiable information) with the Respondent, or that the Title IX office take no formal action in response to the report. If the Complainant makes such a request, the Coordinator will balance the request with his/her dual obligation to provide a safe and nondiscriminatory environment for all University community members, and to remain true to principles of fundamental fairness that require the University to provide the Respondent with notice of the allegations and an opportunity to respond before action is taken against the Respondent.

The Coordinator will make this determination consistent with the following considerations, namely:

1. The seriousness of the conduct;
2. The respective ages and roles of the Complainant and the Respondent;
3. Whether there have been other complaints or reports of Prohibited Conduct against the Respondent; and
4. The right of the Respondent to receive notice and relevant information before disciplinary action is sought.

Should the Coordinator determine that, in response to the Complainant's request, the University can satisfy its obligations to the Complainant, the University community members, and the Respondent without proceeding through the process described herein, the Coordinator has the discretion to do so.

Absent a request for confidentiality as described above, the Coordinator or Deputy Coordinator will interview the Complainant to gain a basic understanding of the reported Prohibited Conduct. The interview will focus on key facts upon which the Complainant bases the report (i.e., who, what, where, and when) to assess how to proceed. At the conclusion of the Intake Meeting, and if the individual wishes to move forward with a complaint, the Coordinator will make two threshold determinations:

1. Does the Complainant's report state facts that, if true, could constitute a violation of the University's Sexual Misconduct Policy?
2. If yes, should the University proceed through Informal Resolution?

The Coordinator will make both threshold determinations as soon as possible after the Intake Meeting with the Complainant and communicate that finding in writing to the Complainant.

Initial interview with Respondent

The University will provide written notice to Respondent of the allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.

The Title IX Coordinator or Deputy Coordinator will schedule an initial interview with the Respondent and to discuss the availability of Supportive Measures, consider the Respondent's wishes with respect to supportive measures, and explain to the Respondent the process for resolving a Formal Complaint.

- Address immediate physical safety and emotional well-being needs;
- Notify the Respondent of the right to contact law enforcement and seek medical treatment (and the right to decline to do so), and the importance of preservation of evidence;
- Notify the Respondent of the right to be assisted by individuals at the University in contacting law enforcement;
- Notify the Respondent of confidential and non-confidential reporting options on and off campus;
- Provide the Respondent with information about:
 - On and off campus resources, including counseling, health, mental health, and victim advocacy;
 - The range of Supportive Measures and remedies, including changes to academic, living, transportation, and/or working situations, or other protective measures, which are available to the Complainant and the Respondent regardless of whether the Complainant files a Formal Complaint with the University or other action with local law enforcement

- Provide an overview of the procedural options and process, including Informal Resolution and Formal Resolution. This overview would include explanation that the Complainant will receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Respondent to prepare to participate;
- Explain that if, in the course of an investigation, the University decides to investigate allegations about the Complainant or the Respondent that are not included in the notice described above, the University will provide notice of the additional allegations to the Parties;
- Provide notice of any provision in the University's Code of Conduct or Employee Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process;
- Explain the right to object to the assignment of the Title IX Coordinator, Deputy Title IX Coordinator or Investigators based on bias or conflict of interest within 1 (one) Business Day of a decision to proceed through the process;
- Explain that the student has a right to an Advisor of their choice during the process;
- Assess for pattern of evidence or other similar conduct if possible;
- Explain the University's immunity/amnesty policy as published above in this document and in the Point University Honor Code;
- Explain the University's policy prohibiting retaliation as listed in the Honor Code;
- Respondent is presumed not responsible for the alleged conduct and any determination regarding responsibility is made at the conclusion of the process;
- If the Title IX Coordinator dismisses the Formal Complaint or any allegations therein, both Complainant and Respondent have the right to appeal that decision.

Determining Course of Resolution for the Grievance

As an alternative to Formal Resolution, and only if the Coordinator determines that it is appropriate, the Parties may choose to resolve complaints through Informal Resolution. Informal Resolution must be mutually agreed upon in writing by both parties in any case.

Some complaints that allege harassment may be appropriate for Informal Resolution. The purpose of an Informal Resolution is to stop the inappropriate behavior. The process will not be used to resolve allegations that an employee sexually harassed a student. Sec. 106.45(b)(9). If the Coordinator determines that the Formal Complaint may be resolved appropriately through informal resolution, the Coordinator will ask the Complainant and the Respondent, separately, whether they would agree to pursue resolution of the complaint informally. The parties must voluntarily agree, in writing, to consent to use the Informal Resolution process. Any resolution reached through an informal process will be confirmed in writing and provided to the parties.

Informal Resolution

An Informal Resolution process cannot begin unless a Formal Complaint is filed. An individual who feels she/he is being harassed may seek to resolve the matter informally. Examples of informal ways to resolve a complaint of sexual harassment may include:

- A supervisor counsels the accused individual to stop the alleged misconduct; or
- Confronting the harasser face to face; or
- Writing a letter to the harasser; or
- Requesting advice and/or intervention from a Title IX Coordinator or third party.

The main purpose of the Informal Resolution procedure is to stop the inappropriate behavior. To proceed with Informal Resolution, the University must provide the parties with written notice:

1. Disclosing the allegations, and
2. The requirements of the Informal Resolution process including the circumstances under which the parties could be precluded from resuming a Formal Resolution process arising from the same allegations; and
3. That no party can be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive their right to an investigation and adjudication of a Formal Complaint.

Any Party (including the Title IX Coordinator) may terminate the Informal Resolution process at any time up until the Informal Resolution becomes binding. In that event, the Title IX Coordinator will so notify the Parties in writing via official University email and will describe next steps and timeframes for the Formal Resolution. If the Parties reach agreement, the matter is closed. If not, the Parties will proceed with Formal Resolution set forth in the section on Formal Resolution below.

At the conclusion of an Informal Resolution, and upon receipt of official notification via University email, the Complainant and the Respondent have 2 (two) Business Days to change their mind about the resolution of the case. If either the Complainant or the Respondent changes their mind regarding the agreed upon resolution, they must do so in writing and submit it to the Title IX Coordinator. Should the Party's request not be received in writing (including electronically), or does not submit within 2 (two) Business Days, the informal resolution will be considered final and binding.

Formal Resolution

A Formal Resolution process cannot begin unless a Formal Complaint is filed. If the Coordinator determines that the Complainant's report must proceed through Formal Resolution, the Coordinator will notify both Parties, in writing, of the decision. The

Coordinator's written notification to the Respondent will state facts sufficient to apprise the Respondent of the nature of the allegations, including, specifically:

- [1.](#) Complainant's name
- [2.](#) Nature of the Report
- [3.](#) Specific policy violations (example: sexual assault, sexual harassment, retaliation)
- [4.](#) Date of alleged policy violations
- [5.](#) Time of alleged policy violations
- [6.](#) Location of alleged policy violations
- [7.](#) Brief description of allegations

Investigation

All investigations will be conducted in a timely and impartial manner. The Parties will be informed of the projected timeline for conclusion of the process. There may be temporary delays of the process and limited extensions of time frame for good cause. The Parties will be provided written notice of the delay and reasons for such delay.

The Coordinator will select trained internal investigators to conduct a reasonable, impartial, and prompt investigation of the complaint. The Coordinator will select Investigators based on several factors, including:

- The Parties involved,
- The complexity of the complaint,
- The need to avoid any potential conflict of interest, and who may best conduct a fair and equitable investigation for all Parties involved.

The Coordinator will notify the Parties, in writing, of the name of the designated Investigators at the time the Coordinator issues the notice of a Formal Resolution process. Both Parties will have 2 (two) Business Days to object to the Investigators selected on the basis of bias or conflict of interest. If either of the Parties objects, the Coordinator will evaluate whether the objection is substantiated. The Coordinator will remove and replace any Investigator the Coordinator finds to have a bias or conflict of interest against either Party. The Coordinator's decision is final and cannot be appealed.

The Investigators will commence the investigation once the time for the Parties to object to the selected investigators has expired or, if an objection is made, and the Coordinator determines the objection is not substantiated, from the time the Coordinator notifies the objecting party of the determination). The Investigators, in consultation with the Coordinator, will establish a preliminary timeline and process for conducting the investigation and report the timeline to the Parties. The Parties will also be notified in writing of any delays and the new timeline.

Step One: Fact-Gathering

The Investigators will interview both Parties and relevant witnesses, including fact and expert witnesses, and gather documentary evidence provided by the Parties and any identified witnesses. This evidence will include both inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University and not on the Parties. The Investigators will prepare a summary of each interview (“Interview Summary”). The Investigators will share the Interview Summary with the interviewee. The interviewee will have the opportunity to correct or comment on any statements made in the Interview Summary.

If the interviewee has no corrections to, or comments on, the Interview Summary, the interviewee will sign an acknowledgement that the interviewee has reviewed and agrees that the Interview Summary is accurate. If the interviewee has corrections or comments to the Interview Summary, the interviewee may submit a written response directly to the Investigators within 3 (three) Business Days reflecting any additions or changes which the interviewee believes are necessary to ensure the accuracy of the interviewee’s statement. If no response is received from the interviewee, their Interview Summary may be included in the Investigative Title IX report and will be presumed to be accurate. In all instances where the Investigators include the Interview Summary as an exhibit to a report, the Investigators will also include any response.

The Investigators may use, if available, all of the following, but, are not limited to the following:

- Police Reports
- Video or Audio recordings
- Witness statements
- Campus Reports (scan logs, campus business, required programs completed)
- All other appropriate reports, recordings, etc.

The University cannot access, consider, disclose, or otherwise use a Party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or 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 University obtains that Party’s voluntary, written consent.

Step Two: Rebuttal Fact-Gathering

The Investigator may conduct follow-up interviews with both Parties and witnesses based upon testimonial and documentary evidence gathered during Initial FactGathering. The Parties and witnesses can expect that, in these follow-up interviews, the Investigator will seek responses to specific allegations or evidence. To the extent additional material, witnesses or evidence are identified during Rebuttal Fact-Gathering, the Investigator will conduct additional interviews and gather additional evidence. Rebuttal Fact Gathering may be repeated as necessary to ensure a complete gathering of evidence.

Step Three: Preliminary Report

1. The Investigators will prepare a Preliminary Report. The Preliminary Report is a written summary of the evidence gathered in the course of the Preliminary Investigation.
2. The Investigators will state specific factual findings in the Preliminary Report (e.g., “Complainant was incapacitated” or “Respondent believed that Complainant was not incapacitated”).
3. The standard for determining each factual finding is Preponderance of Evidence standard. This standard of proof is that the evidence presented during the investigation must be considered to be more likely than not to be factual.
4. The Investigators will not state ultimate findings as to whether the Respondent has, or has not, violated one or more of the University’s policies.
5. The Investigators will attach as exhibits to the Preliminary Report all Interview Summaries and any documentary evidence gathered as part of the investigation that is directly related to the allegations in the Formal Complaint, including any evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and any inculpatory or exculpatory evidence whether obtained from a Party or other source.
6. When the Investigators determine that the Preliminary Investigation is complete, the Investigators will submit the Preliminary Report to the Coordinator. The Coordinator may require the Investigators to conduct additional investigation; if so, the Investigators will conduct additional investigation consistent with the procedures outlined above.

Step Four: Notice of Preliminary Investigation Findings and Opportunity to Respond

1. Once the Coordinator has agreed that the Preliminary Investigation is complete, the Coordinator will provide the Preliminary Report to the Parties and Advisor, if any, for review. Neither the Complainant nor the Respondent (or their Advisors, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided.

A. The Parties may respond to the Preliminary Report; the Parties will have ten (10) Business Days to submit any response of being notified of their opportunity to review the report. The Parties may respond in one or both of the following ways:

i. The Parties may provide a written response to the Preliminary Report, or any portion of it, including each Interview Summary. The Investigators will consider any written response provided by the Parties in preparing the Investigative Report.

ii. The Parties may submit a written request for additional investigation. Such requests may include, but are not limited to, the following:

1. Request for follow-up interviews
2. Requests for interviews with new witnesses
3. Requests to consider new information

2. If neither of the Parties requests additional investigation, the Investigators will prepare the Final Investigative Report. If either (or both) Parties request additional investigation, the Investigators will review the request(s) in consultation with the Coordinator.

3. The Investigators will conduct the requested additional investigation if the Investigators, in consultation with the Coordinator, determine that the request(s) will assist the Investigators in completing the investigation.

4. The Investigators and Coordinator will assess whether investigation of the additional information requires a substantial deviation from the recommended timeframe for completion of the investigation. If so, the Coordinator will notify the Parties in writing with an anticipated revised timeframe.

5. If the Investigators conduct additional investigation, the Investigator will prepare an Addendum to the Preliminary Report (“Addendum”).

6. The Investigators will submit the Addendum to the Coordinator. The Coordinator may require the Investigators to conduct additional investigation before the Addendum is complete.

Step Five: Final Investigative Report

1. The Investigators will prepare a Final Investigative Report. The Final Investigative Report consists of the testimonial and documentary evidence from the Preliminary Investigation, the Preliminary Report, the Addendum (if applicable), and all of the Parties’ responses throughout the Formal Resolution proceeding.

2. When the Investigators are satisfied that the Final Investigative Report is complete, the Investigators will submit the Final Investigative Report including recommended findings or recommended conclusions to the Coordinator. The decision-maker in the case is under an independent obligation to evaluate

objectively all relevant evidence and not defer to any recommendations in the Final Investigative Report.

3. The Coordinator will review the Final Investigative Report.
4. The Coordinator will provide to each Party and the Party's Advisor, if any, a copy of the Final Investigative Report in an electronic or hard copy. Neither the Complainant nor the Respondent (or their Advisors, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided.
5. No sooner than 10 (ten) Business Days after sending the Final Investigative Report, the Coordinator will meet individually with the Complainant and the Respondent.

If both Parties wish to resolve the case without an adjudication, the Coordinator can facilitate an Informal Resolution of the Formal Complaint that does not necessitate a full adjudication. The Parties must agree to this Informal Resolution in writing. [106.45(b)(9)] At the conclusion of an Informal Resolution, and upon receipt of official notification via University email, the Complainant and the Respondent have 2 (two) Business Days to change their mind about the resolution of the case. If either the Complainant or the Respondent changes their mind regarding the agreed upon resolution, they must do so in writing and submit it to the Title IX Coordinator. Should the Party's request not be received in writing (including electronically), or does not submit within 2 (two) Business Days, the informal resolution will be considered final and binding.
6. If either of the Parties do not wish to participate in the Informal Resolution prior to an adjudication by the hearing panel, the Coordinator will schedule a hearing on the case not less than 10 (ten) Business Days from the meeting to schedule the Live Hearing.

Step Six: Live Hearing

1. Live Hearings are administrative hearings.
2. Live Hearings will 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 Live Hearing virtually, with technology enabling participants simultaneously to see and hear each other.

3. The University must create an audio or audiovisual recording, or transcript, of any Live Hearing and make it available to the parties for inspection and review.
4. The Standard of Evidence is Preponderance of Evidence throughout the Title IX Process including Live Hearings.
5. Cross-examination is allowed with specific rules.

 - a. At the Live Hearing, the decision-maker(s) must permit each party's Advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
 - b. Such cross-examination at the Live Hearing must be conducted directly, orally, and in real time by the Party's Advisor of choice and never by a Party personally, notwithstanding the discretion of the University under Sec. 106.45 (b)(5)(iv) to otherwise restrict the extent to which Advisors may participate in the proceedings. Other than cross-examination, Advisors may not participate in the hearing and may only communicate with the Party whom they advise in the case through whispers or written word.
 - c. If a Party does not have an Advisor present at the Live Hearing, the University must provide without fee or charge to that Party, an Advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that Party [§106.45 (b)(6) (i)]
 - d. Only relevant cross-examination and other questions may be asked of a Party or witness as determined by the hearing panel chair.
 - e. Before a Complainant, a Respondent, or a witness answers a crossexamination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
 - f. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
6. Each Party will receive written notification of the outcome of the Live Hearing. The notification will include the following elements:

 - a. Determination of responsibility including identification of the allegations which constitute sexual harassment.
 - b. Procedural steps taken from the receipt of the Formal Complaint through the determination including notifications to the Parties, interviews with the Parties, witnesses, site visits, and methods used to gather information.
 - c. Findings of fact supporting the determination

- d. Conclusions regarding the application of the University's code of conduct to the facts
- e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes 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.
- f. Description of permissible procedures for appeal

Order and rules for Live Hearing

1. Introduction

- a. Introduction of all Parties, including: Complainant, Respondent, Witnesses, Advisors, Investigators, Hearing Panel, and any Title IX staff.
- b. Review of Procedures and reminders about appropriate decorum of those present

2. Presentation of the Final Investigative Report

- a. Investigator presents the Final Investigative Report
- b. Questions by Hearing Panel of the Investigator
- c. Questions by Complainant of the Investigator
- d. Questions by the Respondent of the Investigator

3. Presentation of Complainant's Case

- a. Opening Statement by Complainant
- b. Questions by the Hearing Panel of Complainant.
- c. Cross-examination of Complainant by Respondent's Advisor. All crossexamination questions must be approved by Hearing Panel chair prior to answering.
- d. Statement of Complainant's Witnesses
- e. Questions by the Hearing Panel of Complainant's Witnesses.
- f. Cross-examination of witnesses by Respondent's Advisor. All cross examination questions must be approved by Hearing Panel Chair prior to answering.

4. Presentation of Respondent's Case

- a. Opening Statement by Respondent
- b. Questions by Hearing Panel of Respondent.

- c. Cross-examination of Respondent by Complainant's Advisor. All cross examination questions must be approved by Hearing Panel chair prior to answering.
- d. Statement of Respondent's Witnesses
- e. Questions by the Hearing Panel of Respondent's Witnesses
- f. Cross-examination of witnesses by Complainant's Advisor. All cross examination questions must be approved by Hearing Panel Chair prior to answering.

5. Closing

- a. Each Party makes closing statements.
 - i. Complainant
 - ii. Respondent
- b. Final questions, if any, by the Hearing Panel.
- c. Final remarks by Hearing Panel concerning process

6. All parties except for Hearing Panel are dismissed.

7. Hearing panel deliberates in private.

8. Hearing Panel informs the Title IX Coordinator of the determination within 3 (three) Business Days and provides rationale as described above for elements required in the notification to the Parties.

Either Party may appeal the decision within 5 (five) business Days of the decision. The section below outlines the Appeals Process.

Step Seven: Appeals

Either the Complainant or the Respondent or may appeal the decision of the Hearing Panel within 5 (five) Business Days of the receipt of the decision. Appeals must be in writing and based on one of the following grounds for appeal and the grounds for appeal must be specifically stated in the written appeal.

Grounds for Appeal:

- 1. New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- 2. Procedural irregularity that affected the outcome of the matter; or
- 3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against the Complainants or the Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

An appeal is not to rehear the case, but to review whether any of the above, if present, influenced the outcome of the case.

Appeals for cases arising under this Policy will be heard by an Appeals Officer. The Coordinator will receive the written materials and forward to the Appeals Officer. The Appeals Officer will have access to all documents including, but not limited to:

- Recordings, both audio and video
- Communications, including electronic and non-electronic written documents
- Reports
- Responses to reports
- Addenda

• Other documents associated with the case that are not made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or 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 University obtains that Party's voluntary, written consent

If the Appeals Officer determines that a ground for appeal is substantiated, the case will be returned to the Coordinator. Otherwise, the decision of the hearing panel stands. When a case is returned to the Coordinator, the Coordinator may:

1. Decide to drop the case (e.g., based on insufficient information to believe that a policy violation may have occurred), or
2. Send the case to the original hearing panel for reconsideration, or
3. Send the case to a new hearing panel with the same or different charges, and/or (re)implement any aspect of the disciplinary process. When a case is sent back for a new hearing, it is possible that a different decision (i.e., the decision of responsibility and/or sanctions) may subsequently result.

Sanctions

The following are possible sanctions which may be assigned after a finding of Responsibility. This list is not exhaustive and may be modified to meet the particular circumstances of any given case.

1. **Expulsion:** Permanent severance of the student's relationship with the University. This severance includes being barred from campus.
2. **Disciplinary Suspension:** Temporary severance of the student's relationship with the University for a specified period of time. This may include the student being barred from campus.
3. **Limited Suspension:** A student may be denied certain privileges for a specified period of time. These privileges may include, but are not limited to, class attendance, housing, parking on campus, participation in extracurricular activities, ID card privileges, access to institutional facilities, and access to the campus.

4. Disciplinary Probation: Notice to the student that any further, major disciplinary violation may result in suspension. Disciplinary probation might also include one or more of the following: the setting of restrictions or the issuing of a reprimand.

5. Reprimand (either oral or written.)

6. Counseling: The committee may require that a Respondent participate in counseling with the campus counselor for issues including, but not limited to, anger management, substance abuse, and extenuating personal circumstances. The Counselor may confirm participation, but not the content of the meetings.

7. Work assignment changed

8. Referral to Human Resources or Academic Affairs for employment action

Record Keeping

Title IX Records will be maintained for 7 (seven) years [See §106.45 (b)(10)] and in accordance with the University's Records Retention Policy. Title IX records include:

1. Investigations
2. Determinations
3. Recordings
4. Transcripts
5. Sanctions
6. Remedies
7. Appeals
8. Informal Resolutions
9. Training Materials