

# Title IX Sex Discrimination Policy

## TITLE IX SEX DISCRIMINATION POLICY

*Addresses all forms of sex discrimination, including sexual harassment, sexual violence, dating violence, domestic violence and stalking*

### I. INTRODUCTION

Greenville University is a Christ-centered institution of higher education that is committed to the biblical principle that all human beings are created in the image of God. Because of that belief, the University is committed to basing judgments concerning the admission, education, and employment of individuals upon their qualifications and abilities.

Greenville University is also committed to maintaining and strengthening an educational, working, and living environment founded on the biblical principles of love and mutual respect. The University seeks to provide programs, activities, and an educational environment free from sex discrimination. In accordance with this policy and as delineated by federal and Illinois law, Greenville does not unlawfully discriminate on the basis of sex in education programs or activities, including but not limited to recruitment, admissions, housing, athletic and extracurricular activities, discipline, distribution of financial assistance, distribution of institutional resources, hiring practices, employment, promotion, and policies. A relevant portion of Title IX states as follows:

“No person in the United states shall, on the basis of sex, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under any education program or any activity receiving Federal financial assistance.”

The University is committed to promoting respect for the bodily integrity of all persons, the virtues of chastity, and the sacredness of human sexuality. The University affirms that sexual relationships are designed by God to be expressed solely within a marriage between a man and a woman. Sexual activity outside the confines of marriage is inconsistent with biblical principles and is prohibited by University policies.

Sex discrimination, as used in this policy, means any form of sex discrimination prohibited by Title IX and its implementing regulations. Sex discrimination includes all forms of sexual violence, sexual assault, and sexual harassment by or against University students, employees, or others in the University community. Sex discrimination is antithetical to the standards and ideals of our community and will not be tolerated. Greenville University recognizes the spiritual, moral, legal, physical and psychological seriousness of all sex discrimination, regardless of the level of acquaintance between the parties, however casual. Greenville University aims to eradicate sex discrimination through education, training, clear policies, and serious consequences for violations of these policies.

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Further, the University recognizes that sexual violence is a serious threat to the University community, is prohibited by Title IX, and is a criminal act. Therefore, the University is committed to providing the following to members of the University community:

1. A statement of expectations for behavior with regard to community standards pertaining to sex discrimination.
2. Resources aimed at reducing the risk of sexual violence, including educational programs for men and women.
3. Intervention to offer support, information, and resources, including confidential assistance such as counseling if desired, following the report of sex discrimination.
4. Procedural options for resolving a report.
5. Student conduct and employee disciplinary procedures that address the needs of complainants and protect the rights of respondents.

The University will take immediate action to address sex discrimination and to promptly and equitably investigate complaints to eliminate the discrimination, prevent its reoccurrence, and address its effects. The University may also implement awareness and/or preventative measures.

Sex discrimination reports may result in criminal prosecution or civil liability. Any criminal prosecution will proceed separate and apart from any University investigation and disciplinary proceeding. The University will cooperate with any criminal investigation or prosecution of sexual assault incidents involving any member of the Greenville University community. At the request of law enforcement, the University may agree to defer its Title IX fact gathering until after the evidence gathering stage of a criminal investigation. The University will nevertheless communicate with the Complainant regarding Title IX rights and procedural options and may take interim measures to protect members of the University community. The University will promptly resume its Title IX fact gathering as soon as it is informed that law enforcement has completed its initial investigation. The University may not, by federal law, wait to address reports of sex discrimination until any external legal processes are resolved.

All sexual assault reports shall be treated with gravity, dignity, and justice throughout the process. Members of the University community should not do any of the following:

1. Pressure a Complainant to suppress a report of sex discrimination;
2. Cause a Complainant to believe that the Complainant is responsible for the commission of any crime against him/her;
3. Communicate to any Complainant that the Complainant was contributorily negligent or assumed the risk of being assaulted by reason of circumstances, dress, or behavior; or

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4. Communicate to any Complainant that the University would incur unwanted publicity as a result of a report of sex discrimination.

## II. SCOPE OF POLICY AND PROHIBITED CONDUCT

### A. Scope:

The policy applies to all University community members, including students, faculty, administrators, staff, volunteers, vendors, independent contractors, visitors, alumni and any individuals regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity with the University or on University property. This policy applies to sexual harassment, discrimination and violence, including sexual violence, dating violence, domestic violence and stalking, both on and off campus. In particular, off-campus conduct is subject to this policy if the conduct occurred in the context of an education program or activity of the University or had continuing adverse effects on campus or in an off-campus education program or activity.

### B. Prohibited Conduct:

**Sex Discrimination:** For the purposes of this policy, “sex discrimination” shall include but not be limited to any acts of sexual assault, sexual violence, and sexual harassment. In compliance with Title IX of the Educational Amendments of 1972, sex discrimination applies but is not limited to: recruitment, admissions, housing, athletic and extracurricular activities, rules and regulations, discipline, class enrollment, access to programs, courses and internships, distribution of financial assistance, distribution of institutional resources, hiring practices, employment, promotion, and policies.

**Sexual Harassment:** Sexual harassment is antithetical to biblical and academic values and to a work environment free from the fact or appearance of coercion. Sexual harassment is a form of sex discrimination, a violation of University policies, and may result in serious disciplinary action. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature on or off campus, when:

1. Submission to or rejection of such conduct is an explicit or implicit condition of an individual’s employment, evaluation of academic work, or any aspect of a University program or activity; or
2. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance, i.e. it is sufficiently serious, pervasive, or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under an objective standard.

Sexual harassment may be found in a single episode, as well as in persistent behavior. Conduct that occurs in the process of application for admission to a program or selection for

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employment, as well as conduct directed toward University students, faculty, or staff members, is covered by this policy and the University's Harassment Policy.

Both men and women are protected from sexual harassment, and sexual harassment is prohibited regardless of the sex of the harasser. Sexual harassment is a matter of particular concern to an academic community in which students, faculty and staff are related by strong bonds of intellectual and spiritual interdependence and trust.

**Sexual Assault:** Sexual assault is the commission of a nonconsensual sexual act or nonconsensual sexual contact against another person. Lack of consent can be by force, threat or force, coercion, or because the party is physically or mentally unable to consent.

**Sexual Contact:** Sexual contact means the nonconsensual touching of a person's intimate parts (including genitalia, groin, breast or buttocks, or clothing covering any of those areas), or using force or threat of force to cause a person to touch his or her own or another person's intimate parts.

**Sexual Acts not Involving Contact:** Much sexual misconduct includes nonconsensual sexual contact, however, contact is not a necessary component. A sexual act not involving contact may also violate this policy, provided that the act was nonconsensual. For example, photographing, or the auditory or visual recording of sexual activity, if done without the consent of one or both parties, is sexual misconduct that would violate this policy. Similarly, sharing such recording or photographs without consent is a form of sexual exploitation and would violate this policy.

**Domestic Violence, Dating Violence, and Stalking:** The crimes of domestic violence, dating violence and stalking can also constitute sexual misconduct when motivated by a person's sex. These types of conduct, no matter the motivation behind them, are a violation of this policy and will be addressed pursuant to the procedures herein.

- "Domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of a victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. The definition of domestic violence under Illinois law can be found at 750 ILCS 60/1. Domestic battery, a form of domestic violence, is also defined in Illinois law at 720 ILCS 5/12-0.1 and 5/12-3.2
- "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship. Illinois law

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does not specifically define dating violence, but conduct of this nature is covered by the definitions of domestic violence and domestic battery noted above.

- “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress. Stalking can include conduct that occurs via social media (i.e., “cyberstalking”). The definition of stalking under Illinois law can be found at 720 ILCS 5/12-7.3

## C. Related Definitions:

**Consent:** Lack of consent is a critical factor in determining whether sexual violence has occurred. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive.

- If coercion, intimidation, threats, and/or physical force are used, there is no consent; a person’s lack of verbal resistance or submission resulting from the use or threat of force does not constitute consent
- If a person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent
  - Warning signs of when a person may be incapacitated due to drug and/or alcohol use include: slurred speech, falling down, passing out, and vomiting
- If a person is asleep or unconscious, there is no consent
- A person who is under age in the applicable jurisdiction cannot provide consent to sexual activity
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity
- Consent to past sexual activity does not imply consent to other forms of sexual activity
- Dressing in a certain manner does not constitute consent
- Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another
- Consent can be withdrawn at any time. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent
- Being in a romantic relationship with someone does not imply consent to any form of sexual activity
- Effective consent may not exist when there is a disparity in power between the parties (e.g., faculty/student, supervisor/employee)

**Force:** Force means physical force, violence, threat, intimidation, or coercion.

**University Community:** For purposes of this policy, “University community” includes students, faculty, administrators, staff, volunteers, vendors, independent contractors, visitors and any individuals regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity with the University or on University property.

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**Employee:** Employee means any person employed by the University, whether as a faculty or staff member, whether full-time, part-time, adjunct, tenure-track or non-tenure track.

**University:** University means Greenville University, Greenville, Illinois.

**University Student:** University student means any student who is registered or enrolled at the University at the time of the alleged sex discrimination.

## III. EMPLOYEE-STUDENT CONSENSUAL RELATIONS

The integrity of the teacher-student relationship is the foundation of the University's educational mission. This relationship vests considerable trust in the teacher, who, in turn, bears authority and accountability as a mentor, educator, and evaluator. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between teacher and student must be protected from influences or activities that can interfere with learning and personal development

Whenever a teacher is or in the future might reasonably become responsible for teaching, advising, mentoring, or directly supervising a student, an amorous relationship between them is inappropriate and should be avoided. In addition to creating the potential for coercion, any such relationship jeopardizes the integrity of the educational process by creating a conflict of interest and may impair the learning environment for other students. Finally, such situations may expose the University and the teacher to liability for violation of laws against sex discrimination.

For purposes of this policy, "direct supervision" includes the following activities (on or off campus): course teaching, examining, grading, advising for a formal project such as a thesis or research, supervising required research or other academic activities, and recommending in an institutional capacity for admissions, employment, fellowships or awards.

"Teachers" includes, but is not limited to, all tenured and non-tenured full-time, part-time and adjunct faculty of the University. It also includes graduate and professional students and associates when they are serving as part-time acting instructors or in similar institutional roles, with respect to the students they are currently teaching or supervising.

"Students" refers to those enrolled in any and all educational and training programs of the University.

This Policy also applies to members of the Greenville University community who are not teachers as defined above, but have authority over or mentoring relationships with students, including athletic coaches, supervisors of student employees, advisors and directors of student organizations, residential advisors, as well as others who advise, mentor, or evaluate students.

Employees or students with questions about this policy are advised to consult with the University's Title IX Coordinator or Deputy Coordinators listed on the University website.

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## IV. TITLE IX COORDINATOR

- A. The Title IX Coordinator is the individual designated by the University to coordinate the University's efforts to comply with and enforce the responsibilities of the University under this policy in accordance with pertinent Title IX regulations.
- B. Currently serving in the capacity of Title IX Coordinator is: Katrina Liss, Director of Human Resources, 315 E. University Ave. Greenville, IL. Deputy Coordinators are also posted on the University website.
- C. The University has designated the duties and responsibilities of the Title IX Coordinator who shall:
  1. Appoint deputy Title IX Coordinators as needed.
  2. Ensure coordination with the deputy Title IX Coordinators and appropriate staff with relevant responsibilities for such activities on campus as housing, Counseling Services, Campus Safety, Student Life, and Human Resources.
  3. Prepare and arrange for a preventive education program. Such programs will include information designed to encourage students to report incidents of sexual violence to the appropriate University and law enforcement authorities.
  4. Develop specific materials that include the University's policy, rules and resources for students, faculty, coaches and administrators and arrange for such materials to be included in all employee and student handbooks. These materials would include:
    - a. What constitutes sex discrimination, sexual harassment, or sexual violence.
    - b. What to do if a student has been the victim of sex discrimination.
    - c. Contact information for counseling and victim services on and off school grounds.
    - d. How to file a complaint with the school.
    - e. How to contact the University's Title IX coordinator.
    - f. What the University will do to respond to allegations of sexual harassment or violence, including interim measures that can be taken.
    - g. Explain that retaliation against an individual who makes a report under this policy is strictly prohibited and is itself a violation of this policy.

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5. Analyze periodically any trends or patterns of sex discrimination on campus, assess the efficacy of campus-wide response to sex discrimination, and conduct an annual review of all Title IX complaints brought to the University Title IX Coordinator.
6. Communicate with Campus Safety regarding the University's obligations under Title IX and serve as a resource regarding Title IX and its relationship to the University's obligations under the Clery Act.
7. Develop a protocol with Campus Security regarding complaints of sexual misconduct filed with Campus Safety.
8. Monitor and assess the University's overall Title IX compliance efforts.

D. In addition, the Title IX Coordinator will arrange for ongoing conduct training for all new employees and periodic training for other employees and students. The following individuals or relevant members of the departments or offices named below shall receive at least annual training:

1. Members of the Campus Counseling Department.
2. Members of Campus Safety.
3. Academic Deans.
4. Department chairpersons.
5. Student Life staff, including Resident Assistants and Resident Directors.
6. All new employees.
7. All other employees and all students shall be provided periodic training and information.

E. Develop internal operating procedures for any Title IX deputy coordinators and investigators, including training on that protocol.

F. Oversee and log all communications regarding reports and activities covered by this policy.

## **V. COMPLAINT RESOLUTION PROCESS**

### **A. Privacy and Confidentiality**

The University shall protect the privacy of individuals involved in a report of sex discrimination to the extent allowed by law and University policy. Communications to health professionals employed by the University, including counselors at the University

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Counseling Center, may be privileged and confidential. In addition, other University employees (e.g., clergy in the context of confidential communications as recognized by state law) may have a legal obligation to remain confidential. Because discussions with confidential resources are not reported to the University, such discussions do not serve as notice to the University to address the alleged sex discrimination.

Reports to other University personnel may serve as notice to the University. Specifically, all faculty and any staff who are “responsible employees” of the University are **required** to promptly report allegations of sexual discrimination that they observe, or that are reported to them, directly to the Title IX Coordinator. “Responsible employees” include managers, supervisors and officials with significant responsibility for student and campus activities, such as student life (Resident Directors and Resident Assistants) and campus safety. All other employees are strongly **encouraged** to report this conduct regardless of employment classification.

In cases where a Complainant requests that no action be taken or that his/her name not be shared with the Respondent, the University will balance the needs of the parties for privacy with the institution’s responsibility to ensure a safe educational environment and workplace. In some cases, strict confidentiality may not be possible or appropriate. An individual’s request regarding the confidentiality of reports of discrimination or sexual misconduct will be considered in determining an appropriate response; however, such request will be considered in the dual context of the University’s legal obligation to ensure a working and learning environment that is free from discrimination or sexual misconduct and the rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation. The Title IX Coordinator will assess such requests by examining the seriousness of the reported conduct, whether the reported misconduct was perpetrated with a weapon, the respective ages and roles of the parties, whether there have been other reports of misconduct or discrimination by the Respondent, whether the University possesses other means to obtain relevant evidence of the alleged conduct, whether the report reveals a pattern of misconduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group, and the rights of the Respondent to receive notice and relevant information before disciplinary action is initiated.

Where possible, the University will honor requests for confidentiality or that no action be taken so long as the University can meet its obligation to eliminate the discriminatory conduct, prevent the reoccurrence, and address its effects. If the University is unable to take action consistent with the wishes of the Complainant, the Title IX Coordinator will inform the Complainant about the chosen course of action, which may include an investigation and potential disciplinary action against the Respondent. In all instances, the University will take immediate action as necessary to protect and assist the Complainant.

If the University honors the request for confidentiality, the University’s ability to meaningfully investigate the incident and pursue disciplinary action against a Respondent may be limited.

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**B. Confidential Advisors:** If an individual desires to ensure confidential discussion about his or her situation, there are resources available. Confidential advisors are available to assist you and will not further disclose the information you provide, unless otherwise required to do so by law. A list of confidential advisors and other available resources and reporting options are outlined in the Appendix to the Title IX Policy.

**C. Amnesty:** The University seeks to remove barriers to reporting sexual discrimination. To this end, a violation of the student handbook (such as an alcohol or substance abuse violation), when the violation is discovered as a result of a report of sex discrimination, will not result in dismissal for the complainant, provided that the complaint is raised in good faith and the health and safety of the individuals involved is not jeopardized. The University reserves the right to extend grace to all parties involved and may choose to recommend or require institutional or counseling remedies for a student consistent with our values.

## **D. Parties to a Complaint:**

Complainant: Any individual, employee, or other current member of the University community, defined above, who contemplates filing or actually files a complaint of sex discrimination.

Respondent: A person alleged to have committed a violation of the University Title IX policy.

## **E. Report to Title IX Coordinator**

Any member of the University community who has experienced or is experiencing sex discrimination, should immediately contact the University Title IX Coordinator to report the alleged act or acts of sex discrimination.

The University's response may be limited if the alleged Respondent is no longer on campus or is unknown. Nevertheless, resources and assistance may still be available and the Complainant is encouraged to report the discrimination.

The University President, Vice Presidents, Deans, or Chairs may request the Title IX Coordinator investigate allegations of sex discrimination with or without the consent of the Complainant. The administrator requesting the investigation will act as the Complainant and must specify the person or persons responsible for committing the alleged discriminatory conduct. The Title IX Coordinator will use the same notification and procedural guidelines outlined in this policy.

## **F. Response of Title IX Coordinator**

In response to a report under this Policy, the Title IX Coordinator will do the following:

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1. Schedule a meeting with the Complainant in order to provide to the Complainant a general understanding of this Policy (and a copy of the Policy, if necessary), and to identify forms of support or immediate interventions available to the Complainant, such as health services, mental health services, crime victim services, or services of a local rape crisis center. The meeting will cover any interim measures or accommodations that may be appropriate under the circumstances. In response to a report under this Policy, regardless of the action chosen by the Complainant, the University will undertake an appropriate inquiry and take such prompt and effective action as is reasonably practicable under the circumstances to support and protect the Complainant. Such measures may include a “no-contact” order, which will typically direct that the parties refrain from having contact with one another, directly or through proxies, whether in person or via electronic means. The Title IX Coordinator also may take any further protective action deemed appropriate concerning the interaction of the parties, including, without limitation, directing appropriate University officials to alter the students’ academic, housing or employment arrangements, providing an escort for the Complainant, and any other measure deemed appropriate by the Title IX Coordinator. Any interim measures taken under this policy shall not disproportionately impact the Complainant. Violations of the Title IX Coordinator’s directives or interim measures may lead to additional disciplinary action.
2. Advise the Complainant of his or her rights as follows:
  - a. The right to contact or decline to contact the appropriate law enforcement personnel to pursue criminal charges under local, state, or federal law. The Complainant should be informed of his or her right to file a criminal complaint concurrent with or after the University’s Title IX investigation. The University may suspend or delay its fact-finding investigation under this policy during the initial evidence gathering process conducted by law enforcement, but will resume upon notice from law enforcement that evidence gathering is completed. When law enforcement remedies are pursued by a Complainant, the University may still take interim measures to ensure the safety and care of the parties or witnesses and provide them information as to their rights under this policy.
  - b. The right to file a civil action against the alleged Respondent.
  - c. The right to file a complaint with the U.S. Department of Education, the U.S. Equal Employment Opportunity Commission, and/or the State of Illinois Human Rights Commission.

## **G. Informal Resolution**

Following contact with the Title IX Coordinator, but prior to the submission of a formal complaint to the Title IX Coordinator, the Complainant is permitted to request a meeting with the Respondent alleged to be directly responsible for the violation or

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with the person having immediate supervisory authority over the Respondent. Such meeting shall be coordinated by and take place in the presence of the Title IX Coordinator.

The purpose of any pre-complaint contact will be for the Complainant to request a proposed course of action in order to resolve the matter in a manner consistent with biblical principles of dispute resolution. Such meeting shall be solely at the option of the Complainant. At no time will the Complainant be required to confront the Respondent. In cases involving sexual assault, no such meeting shall occur. An informal meeting under this section is not a pre-condition for the submission of a complaint to the Title IX Coordinator or proceeding under the formal resolution option of this policy. Mediation, while appropriate for some forms of sexual harassment, cannot be used to resolve sexual assault reports.

If the matter cannot be resolved by informal resolution under this section, then the Complainant may submit to the Title IX Coordinator a formal Complaint and proceed under the formal resolution option of this policy. In the event that the Title IX Coordinator has any conflict of interest in resolving the complaint in a fair and impartial manner, then the complaint shall be submitted to a deputy Title IX Coordinator or another individual appointed by the Executive Vice President of the University to serve as a substitute Title IX Coordinator.

## **G. Formal Resolution Process**

If the informal meeting does not resolve the complaint, or if such meeting is not held, the complainant may then seek formal resolution from the Title IX Coordinator. In order to facilitate the formal resolution process, the Complainant shall provide the Title IX Coordinator with the following information:

1. At the option of the Complainant, the name and address of the Complainant.
2. The name or names of the person or persons alleged to be responsible for the act of discrimination, if known.
3. Details of the specific acts of discrimination alleged, including the dates, times, and locations, if known.
4. Names, addresses and telephone numbers of potential witnesses who may be called in support of the complaint, if known.
5. The date the Complainant makes a request to seek formal resolution under this policy shall be considered the “Date of the Complaint” for purposes of calculating timely resolution.

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## **H. Investigation under Formal Resolution Process**

After the Complainant notifies the Title IX coordinator of his or her desire to pursue formal resolution, the Title IX Coordinator may assign the matter to a deputy Title IX Coordinator, or another person who has been trained to conduct investigations under Title IX, for investigation. References in this section to the investigator may be the Title IX Coordinator or to his or her designee, if one is assigned.

Once the formal resolution process begins, the investigator will meet with and interview the Complainant. The investigator will also schedule an interview with the Respondent to discuss the allegations, provide information about the complaint, a copy of the University's Title IX Policy, and explain the formal resolution process. The investigator will ask the Respondent for a response to the complaint. The Complainant is entitled to be informed of such response. The investigator will collect all relevant documents and information from each party and establish a deadline for the receipt of such information and documents from each party. The investigator will also interview any relevant witnesses to the allegations and may request documentation from the appropriate departments and offices at the University. Both the Complainant and the Respondent shall have the right to provide witness information and evidence to the investigator.

If the Respondent or any witness refuses or fails to respond to the investigator's request for a response to the complaint or request for information, or otherwise fails to cooperate, the investigator may nevertheless continue the investigation.

Within sixty (60) days after the date of the complaint, the investigator will render a decision as to whether, by a preponderance of the evidence, sex discrimination has or has not occurred. Such decision shall be supported by a written report containing findings of fact, along with a recommendation by the investigator of any remedial and/or disciplinary action(s) to be taken. Within ten (10) days of the date of the decision, the Title IX Coordinator shall notify in writing the Complainant and the Respondent of the decision.

## **I. Appeal of Findings of Investigation**

All parties to the complaint may appeal the findings and recommendation of the investigator. All grounds for appeal shall be based solely on the following:

1. Question of Fact: there is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the Investigating Officer and Panel, would result in a different determination. Evidence known to the appealing party at the time of the investigation or Panel hearing, but withheld, shall not constitute a question of fact and will not be considered upon appeal;
2. Question of Procedure: there was a procedural error significant enough to have affected the ultimate determination;

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3. **Severity of Sanction:** the sanction, punishment, or the corrective action imposed is disproportionate to the violation. Mere dissatisfaction with the sanction is not grounds for appeal.

The sole method of appeal shall be the impartial review by a senior level administrator as appointed by the President, who is not involved as a party or witness to the investigation. Appeals should be addressed to the Title IX Coordinator in a written document. Any appeal must be filed within ten (10) days of the investigator's decision.

Any actions pertaining to the safety and well-being of either party, or other remedial measures put in place by the Title IX Coordinator prior to or in conjunction with the formal resolution process may, in the discretion of the Title IX Coordinator, remain in place even during an appeal.

If one party appeals, the other party may review and respond to the appeal within five (5) days of the date of the appeal. The Senior Administrator appointed to the appeal shall render a decision on the appeal within ten (10) days of receipt of the appeal.

For purposes of this policy, all time requirements contained in the formal resolution process and any appeal shall mean business, not calendar, days. In addition, the University shall retain the discretion of extending timelines for good cause. Where a timeline is extended, the University will communicate with the parties in writing about the delay and the reason for the delay.

## **J. Determination of Disciplinary Action and Implementation of Remedial Measures**

In the event the investigator finds that the Respondent has committed an act of sex discrimination as defined by this policy, the matter will proceed as follows:

1. **Students:** If the Respondent is a University Student, the office of Student Development will determine and administer the appropriate disciplinary action. If the University Student is found to have committed a sexual assault, the office of Student Development may initiate expulsion proceedings pursuant to the Student Handbook and Student Code of Conduct.
2. **Staff:** If the Respondent is a staff member, the Title IX Coordinator or Deputy Coordinator will recommend the appropriate disciplinary action to the Director of Human Resources. If a staff member is found to have committed a sexual assault, then his or her employment may be terminated in accordance with the Employee Handbook.
3. **Faculty:** If the Respondent is a faculty member and his or her conduct warrants discipline that is less severe than discharge or suspension, the Title IX Coordinator will recommend sanctions to the Provost. In cases where the faculty member's actions warrant discharge or termination of employment, the Title IX Coordinator will recommend to the President that termination proceedings be

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initiated. If the President accepts the recommendation, the matter will proceed in accordance with the terms of the University's Faculty Handbook providing for Dismissal for Cause. If a faculty member is found to have committed a sexual assault, then the matter may proceed in accordance with the terms of the University's Faculty Handbook providing for Dismissal for Cause.

Any appeal of the Title IX Coordinator's decision and recommendation shall stay the imposition of disciplinary action under this section, but only during the pendency of the appeal. If the disposition of the appeal does not alter the recommended sanction, disciplinary action pursuant to this section shall proceed. Any actions pertaining to the safety and well-being of either party, or other remedial measures put in place by the Title IX Coordinator may, in the discretion of the Title IX Coordinator, remain in place even during an appeal process.

## VI. RETALIATION; FALSE COMPLAINTS

**A. Retaliation:** It is a violation of this Policy to retaliate against any person making a complaint under this Policy or against any person cooperating or participating in an investigation under this Policy. Retaliation should be reported promptly to the Title IX Coordinator and may result in appropriate disciplinary action independent of other sanctions or interim measures administered under this Policy.

**B. Filing a False Complaint:** Any Complainant who knowingly makes false charges alleging violations of this policy may be subjected to disciplinary action. A good faith complaint which is later not substantiated is not considered to be a false complaint.