



LU Policy Number:

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Purpose

Notice of Nondiscrimination.

As a recipient of federal funds, Life University is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.* (“Title IX”), which prohibits discrimination on the basis of sex in educational programs or activities, admission and employment. Sex-based discrimination includes sexual harassment and gender-based harassment. Inquiries concerning the application of Title IX may be referred to Life University’s Title IX Coordinator or to the U.S. Department of Education’s Office for Civil Rights. Life University’s Title IX Coordinator is Ms. Leigh Parker, whose office is located the Administrative Offices, 1250 Life’s Way, Marietta, Georgia 30060. Ms. Parker may be contacted by phone at (770) 426-2686 or by email at TitleIX@life.edu or Leigh.Parker@life.edu. Questions may also be directed to a Deputy Title IX Coordinators. Their names and contact information are listed below.

Life’s University’s Commitment to Addressing Sexual Harassment and Gender-Based Harassment

Life University reaffirms the principal that its students, administration, faculty, and staff have a right to be free from sexual harassment and gender-based harassment. Sexual harassment and gender-based harassment are prohibited by this policy, as well as by federal law. Life University will take seriously every allegation or report of sexual harassment or gender-based harassment received. The University will not tolerate sexual harassment or gender-based harassment and wants to make clear that sexual harassment or gender-based harassment are reprehensible in any situation.

Additional Authority: Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.* (“Title IX”)

Scope: This Policy applies when an allegation of sexual harassment or gender-based harassment involves a student or student employee. The allegation may be against another student, an employee of the University (which includes University faculty) or a third party where the conduct giving rise to the complaint occurred during a program or activity of the University, involved a complainant participating in or attempting to participate in an education program or activity of the University, and about which the University has Actual Knowledge.

DRAFT – pending formal adoption by the Life University President’s Advisory Group



Nothing in law precludes the University from taking disciplinary action under the Life University Honor Code and Standards of Conduct where allegations are not actionable under this Policy, but otherwise prohibited by community standards.

Approval Authority: President

Responsible Authority: Office of Title IX

Definitions:

Actual Knowledge means notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University.

Clear and Convincing Evidentiary Standard. The “Clear and Convincing” evidentiary standard is the legal standard by which the University makes determinations as to responsibility in cases alleging violations of University policy. The Clear is Convincing standard means that it is “highly probable or reasonably certain that the sexual harassment or gender-based harassment occurred.”

Complainant an individual who is alleged to be the victim of conduct that could constitute sexual harassment or gender-based harassment. The Complainant must be participating in or attempting to participate in the education program or activity of the University.

Consent is defined as agreement that is informed and given freely. Consent must be clearly communicated through words and/or actions, to participate in each form of sexual activity. Silence cannot be interpreted as consent, nor can passivity or lack of resistance. Previous relationships or instances of consent do not imply future consent. There is no consent when there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological. Impairment due to the use of alcohol or drugs does not excuse failure to obtain consent. Likewise, any person incapacitated by alcohol or drug use, or who is incapacitated is incapable of giving consent. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent.

Coercion is inappropriate pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to obtain consent from another. When a person makes clear that they do not want sex, wants to stop, or that going past a certain point of sexual interaction is unwanted, continued pressure beyond that point can be coercive.

Dating Violence

The term “dating violence” means violence committed by a person—

- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship.
 - (ii) The type of relationship.



(iii) The frequency of interaction between the persons involved in the relationship.

Domestic Violence

The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

Formal complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment or gender-based harassment against a respondent and requesting that the University investigate the allegation of sexual harassment or gender-based harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the University. Nothing in this part may be read in derogation of any legal right of a parent or guardian to act on behalf of a complainant, respondent, or party, including but not limited to filing a formal complaint.

If the allegations in a formal complaint do not meet the definition of sexual harassment contained in the Policy, or did not occur in the University’s education program or activity against a person in the United States, the University must dismiss such allegations for the purposes of Title IX but may address the allegations under another University Policy such as the Life University Honor Code and Standards of Conduct.

Gender-based Harassment: unwelcome conduct based on sex or harassing conduct based on failure to conform to sex stereotypes (for example, harassing behavior directed at or about a person or group that does not conform to stereotypical assumptions and/or expectations about how someone of a certain sex should dress, behave, etc).

Incapacitation can result from mental disability, sleep, involuntary physical restraint, or from intentional or unintentional taking of alcohol and/or other drugs. An incapacitated person does not have the ability to give knowing consent. Sexual activity with a person who one should know to be – or based on the circumstances should reasonably have known to be – mentally or physically incapacitated, constitutes a violation of this policy. The perspective of a reasonable person will be the basis for determining whether one should have known about the impact of the use of alcohol and/or drugs on another’s ability to give consent.

Program or Activity An education program or activity includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the sexual harassment or gender-based harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

Respondent is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or gender-based harassment.



Retaliation is intimidation, threatening behavior or discrimination against an individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.

Sexual Harassment is conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or
- (3) Sexual assault, dating violence, domestic violence or stalking

Sexual Assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, as defined in 20 U.S.C. 1092(f)(6)(A)(v).

Sex offenses are any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

(A) 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.

(B) Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

(C) Statutory Rape - Sexual intercourse with a person who is under the statutory age of consent.

Stalking

The term "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.

(C) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

(D) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Supportive Measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. 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 or the University's educational environment, or deter sexual harassment. Supportive measures may include counseling,



extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Supportive measures provided to the complainant or respondent, will remain confidential to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Remedies are measures designed to restore or preserve equal access to the University’s education program or activity. Remedies may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Remedies are uniquely tailored to suit the needs of the individual.

Policy Title

Life University Sexual Harassment and Gender-Based Harassment Policy

Policy Statement

Prohibition on Sexual Harassment and Gender-Based Harassment.

This Policy is designed to protect the rights of complainants and respondents and to maintain a community free from sex-based discrimination in accordance with Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq. (“Title IX”) and Life University community standards.

Prohibition on Retaliation.

Retaliation against any person is strictly prohibited.

Prohibition on Providing False Information.

Any individual who knowingly files a false complaint under this Policy, who knowingly provides false information to University officials, or who intentionally misleads University officials who are involved in the investigation or resolution of a complaint may be subject to disciplinary action.

Sources for Confidential Reporting.

Life encourages parties to claims of sexual harassment or gender-based harassment to talk to somebody about their experiences, so they can obtain the support they need. There are various support resources available both on and off-campus including:

Student Assistance Program (SAP)

24/7 phone and online resources: 800-869-0276



www.eapconsultants.com (password: **lifeu**)

Life University Student Success Center

770-426-2725

<https://www.life.edu/campus-life-pages/student-success-center/counseling/>

LiveSafe

Domestic violence, Sexual Assault & Elder Abuse

24 Hour Crisis Line: 770-427-3390

Main Office: 770-427-2902

www.livesaferesources.org

Reporting

Life University encourages all employees with knowledge of potential occurrences of sexual harassment or gender-based harassment to promptly report this information to the Title IX Coordinator.

Responsible Employee is a University official with authority to institute corrective measures on the University's behalf. Responsible Employees have a legal obligation to report incidents about which they gain knowledge to the Title IX Coordinator so that the University may appropriately respond.

Responsible Employees include:

University President

Academic Deans

Administrative Vice Presidents

A responsible employee cannot guarantee that the University will be able to honor a request for confidentiality. However, to the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University's response to the report. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will inform the Title IX Coordinator of the complainant's request for confidentiality, if such a request has been made.

Related Misconduct and Limited Immunity.

The University considers the reporting and adjudication of sexual harassment and gender-based harassment cases to be of paramount importance. When conducting the investigation, the University's primary focus will be on addressing the harassment and not necessarily on other policy violations that may be discovered or disclosed, such as alcohol violations.

Procedure(s)

Reporting Sexual Harassment and Gender-Based Harassment



Because sexual harassment and gender-based harassment may in some instances constitute both a violation of University policy and criminal activity, and because the University grievance process is not a substitute for instituting legal action, the University encourages individuals to report alleged sexual harassment and gender-based harassment promptly to campus officials and to law enforcement authorities, where appropriate.

Filing a Complaint with Local Law Enforcement:

Individuals have the option to notify or decline to notify law enforcement of their complaint. Individuals may file a complaint directly with local law enforcement agencies by dialing 911. Individuals may contact any of the following for assistance in filing a complaint with local law enforcement:

Campus Safety, 24 hours a day, 365 days a year. Campus Safety can be contacted from a Life University land line phone at Ext. 2911 or from a cell phone at (770) 426-2911 and is located in Mod 2 behind the Learning Resources Center (“LRC”); or

Life University’s Title IX Coordinator, Leigh Parker whose office is located in the Administrative Offices, 1250 Life’s Way, Marietta, Georgia 30060. Ms. Parker may be contacted by phone at (770) 426-22686 or by email at TitleIX@life.edu.

If the incident occurred in Cobb County, you may also contact the Cobb County Police Department at 770-499-3900.

Reporting the incident to the police does not mean that a complainant must press charges, but it does help assure that the complainant receives assistance in deciding how to proceed. Individuals who make a criminal complaint may also choose to pursue a University complaint simultaneously.

A criminal investigation into the matter does not preclude Life University from conducting its own investigation. However, the University’s investigation may be delayed temporarily while the criminal investigators are gathering evidence.

Filing a Complaint with University Administration:

Anyone wishing to make a complaint under this policy should do so by contacting the Title IX Coordinator. Reports can also be made using the online reporting system by clicking the following link:

https://publicdocs.maxient.com/reportingform.php?LifeUniv&layout_id=5.

Additional Resources

In addition to the support resources available on campus, there are a number of support resources in the community to assist individuals in dealing with sexual harassment or gender-based harassment, whether it happened recently or in the past. Some of those support resources are listed below:

Cobb County Rape Crisis (YWCA)

*Free group and individual counseling, walk-ins welcome



770-423-3589

National Sexual Assault Hotline:

800-656-4673

Rape Crisis/Sexual Assault (Grady)

*includes an exam and rape kit w/in 72 hours at no charge:

404-616-4861

LiveSafe

Domestic violence, Sexual Assault & Elder Abuse

24 Hour Crisis Line: 770-427-3390

Main Office: 770-427-2902

www.livesaferesources.org/

Investigation and Adjudication

The Title IX Coordinator is responsible for overseeing the prompt, fair, and impartial investigation and resolution of complaints filed with the University. The Title IX Coordinator is primarily responsible for coordinating responses to complaints of possible violations of this policy, overseeing the investigation and adjudication of complaints, and coordinating supportive measures and remedies. Investigations will be conducted in a reasonably prompt timeframe, allowing for a fair and impartial yet thorough process.

While the Title IX Coordinator has ultimate oversight responsibility of the prompt, fair, and impartial investigation and resolution of complaints filed with the University, Deputy Title IX Coordinators are also involved with complaints filed under this Policy. There are two Deputy Title IX Coordinators*:

Andre Clanton, Assistant Dean of Community Living (770) 426-2700

Rebecca Koch, Director of Service Initiatives (770) 426-2910

*The University may appoint additional Deputy Title IX Coordinators, as needed.

Upon receipt of information regarding an allegation of potential sexual harassment or gender-based harassment, the Title IX Coordinator will: promptly and confidentially contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, and to inform the complainant of the availability of supportive measures with or without the filing of a formal complaint and to explain the process for filing a formal complaint.

There is a presumption on behalf of the University that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the adjudication process.

Request Not to Pursue a Complaint or for Confidentiality.



A complainant may determine after filing a complaint that they do not wish to pursue resolution of the complaint through the University, or that they want their identity to remain confidential. The University takes such requests seriously. However, such requests may limit the University's ability to respond to a complaint.

Under some circumstances, however, the Title IX Coordinator may decide to pursue an investigation without the cooperation of the complainant where it would not be deliberately indifferent to do so. Such circumstances might include where the allegations constitute a potential threat to campus safety.

Assignment of an Investigator(s).

Upon the filing of a complaint, the Title IX Coordinator will promptly assign the complaint to trained investigator(s) for investigation. The Title IX Coordinator will share the investigators' name(s) and contact information with the complainant and the respondent and will forward the complaint to the investigator(s).

Investigation.

Upon receipt of the complaint, the investigator will promptly begin their investigation. The investigation may involve conducting interviews with the complainant, the respondent, and third-party witnesses; where applicable, collecting and preserving relevant evidence (in cases of corresponding criminal complaints, this step may be coordinated with law enforcement agencies); reviewing law enforcement investigation documents, if applicable; reviewing student and personnel files; or other appropriate steps taken in an investigation. The investigation will be adequate, reliable, impartial, and prompt and will include the opportunity for both parties to present witnesses and other evidence. The investigation will be conducted by officials who receive regular training on the issues related to sexual harassment, domestic violence, dating violence, sexual assault, stalking and gender-based harassment.

The investigator should obtain, where applicable and where possible, the written consent of any third-party witnesses to the disclosure, as contemplated by this Policy, of any Personally Identifiable Information ("PII") contained in the complaint and/or any other documents the disclosure of which is contemplated by this Policy in order to further the resolution of the complaint. If the investigator is unable to obtain the consent of such third-party witnesses, they will redact to the extent necessary to avoid inappropriate disclosure of such witness's personally identifiable information, while ensuring that such redaction does not prevent resolution of the complaint.

Supportive Measures.

During the investigation and until resolution of matter, the Title IX Coordinator or Deputy Title IX Coordinator will issue supportive measures including, but not limited to, the following: no-contact or stay away orders between the complainant and respondent, class or housing reassignment or administrative leave, or exclusion from areas of campus, changes to work schedules, altering academic schedules, withdraw from/retake class without penalty, access to academic support (e.g., tutoring), among other measures. Supportive measures should not be construed to suggest that any decision has been made about the merits of the case or that there is any presumption of responsibility for the allegations.

DRAFT – pending formal adoption by the Life University President's Advisory Group



Report of Investigation.

At the conclusion of his or her investigation, the investigator(s) will prepare a written investigative report that includes items such as summaries of all interviews conducted, photographs, and descriptions of relevant evidence, summaries of relevant electronic records, and a detailed report of the events in question (the “Report of Investigation”). Investigators will take into consideration and will include both inculpatory and exculpatory evidence.

The Title IX Coordinator or Deputy Title IX Coordinator shall review the Report of Investigation and determine whether there is sufficient information to support charging the respondent with a potential violation of this Policy. The Title IX Coordinator or Deputy Title IX Coordinator, if that individual is not an investigator, may ask further clarifying questions of the complainant, respondent, witnesses or other parties or may request that the investigators do so to supplement the Report of Investigation. The Title IX Coordinator has the discretion to redact prohibitive or non-relevant information from the Report of Investigation before it is shared with the parties involved.

If a determination is made that the available information will not support a potential policy violation, then the respondent will not be issued the potential violation letter and the complainant and respondent will simultaneously be provided written notice of that determination.

If the Title IX Coordinator or Deputy Title IX Coordinator determines that there is sufficient information to support that a respondent may have committed a violation of this Policy, then the Title IX Coordinator will provide to both the respondent and the complainant a written “Notice of Potential Policy Violation” which will contain summary information supporting the allegation of the potential policy violation(s). The issuance of this document does not mean that the respondent is or will be found responsible for a Policy violation. Instead, it means that the Title IX Coordinator has determined that based upon the information contained within the Report of Investigation, the case warrants further review by a hearing board.

The respondent will only be found in violation if the hearing board determines, by the clear and convincing evidentiary standard, that the respondent has committed a violation of the Policy. The Title IX Coordinator will also share the Report of Investigation with the parties and their advisors, in electronic format or hard copy, with at least 10 days for the parties to respond prior to any adjudication. Upon receipt of the Report of Investigation, each party may submit written, relevant questions to be asked of any party or witness. These questions will be submitted to the appropriate parties, answers will be provided to the appropriate parties, and limited follow-up questions from each party will be allowed. This provision is allowed whether the matter is resolved formally or informally.

Informal Resolution.

The University may, in its discretion, offer and facilitate informal resolution options, such as mediation or restorative justice where both parties give voluntary, informed, written consent to attempt informal resolution. An informal resolution will not take place until after the filing of a formal complaint. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the formal adjudication process with respect to the formal complaint. Informal resolution is never an option where there is an allegation that an



employee sexually harassed a student.

Respondent's Acknowledgement of Responsibility Prior to Hearing.

At any time prior to the date of their hearing, the respondent may elect to acknowledge their actions and take responsibility for the allegations in the Notice of Potential Policy Violation. If a respondent does so, the Title IX Coordinator will determine the appropriate sanction within five (5) business days and send written notification of the sanction imposed to the complainant and respondent.

Hearing Procedure

Hearing Panel.

If an investigation supports moving forward with the issuance of the Notice of Potential Policy Violation; the matter will be brought to a hearing. The hearing will be conducted by a Hearing Panel appointed by the Title IX Coordinator consisting of (3) faculty or staff members, adequately trained and free from any bias. A Hearing Chair shall be appointed by the Title IX Coordinator and will preside over the hearing. The Chair is the ultimate decision-maker on the Panel.

In the event that the complainant and/or the respondent fail(s) to appear as scheduled, the Chair may choose to conduct or reschedule the hearing. Where the hearing takes place with either party in absentia, the results of the hearing are binding, nonetheless. Both parties, and their advisors, will be provided with all evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the parties to inspect, review, and respond to the evidence.

Eligibility.

In order to be eligible to serve on the Hearing Panel, individuals must meet the following requirements: Faculty must have been employed by Life University for a minimum of one (1) academic year and have taught at least one (1) course within the most recent two (2) academic quarters. Staff must be currently employed and must have been employed by Life University for at least one (1) complete quarter.

It is expected that members of the Hearing Panel shall recuse themselves from a particular hearing if there is the likelihood that their objectivity may be compromised.

The parties have the right to object to and/or request that any member of the Hearing Panel recuse themselves from a hearing for bias. This request will be reviewed, and a decision made by the Title IX Coordinator. The request must be submitted to the Title IX Coordinator at least 72 hours prior to the hearing.

Advisor and Cross-Examination

The complainant and respondent have the right to confer with an advisor of their choice, without limitations (excluding those persons directly involved in the dispute), throughout the disciplinary process.

Each party's advisor may ask the other party and any witnesses all relevant questions and



follow-up questions, including those that challenge credibility and are not prohibited by Rape Shield laws unless asked to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent. Cross-examination must be conducted directly, orally, and in real time by the parties' advisor of choice and never by a party personally. At the request of either party, the University will provide for the hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other.

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 Chair must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant.

If a party does not have an advisor present, the University will provide, without fee or charge to that party, an advisor of the University's choice to conduct cross-examination on behalf of the party. Law does not require the advisor to be an attorney.

If a party or witness does not submit to cross-examination at the hearing, the Chair must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Chair cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

Findings of the Hearing Panel.

The Chair will submit a written determination as to responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant to the Title IX Coordinator for simultaneous distribution to the parties. The Title IX Coordinator will include information about how to file an appeal with the distribution.

Potential Remedies for Complainants.

Effective remedial action taken as a result of a violation of this Policy may include, but is not limited to, disciplinary action against the respondent, providing counseling for the respondent, and remedies for the complainant and others. Depending on the specific nature of the problem, remedies for the complainant may include, but are not limited to: Providing and enforcing a no contact or stay away order, providing an effective escort to ensure that the complainant can move safely between classes and activities, moving the respondent or complainant to a different residence hall, ensuring the complainant and respondent do not share classes or extracurricular activities, providing services including medical, counseling and academic support services, such as tutoring, and arranging for the complainant to have extra time to complete or re-take a class or withdraw from a class without academic or financial penalty.

Sanctions.

Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct, any



record of prior discipline for sexual harassment or gender-based harassment, or both. Sanctions may include, but are not limited to, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments, expulsion or suspension from the University, disciplinary probation, expulsion from campus housing, mandated counseling, and/or educational sanctions deemed appropriate by the Hearing Panel.

The respondent has the responsibility to comply with all sanctions imposed as the result of a hearing. If an appeal is requested, the sanctions may be stayed and will not take effect until the appeal process has concluded, depending upon the circumstances as decided by the Title IX Coordinator. If no appeal is requested, the sanctions will take effect immediately. In a case in which interim sanctions have been imposed, they will continue in force until all appeals have been exhausted.

Appeals

The parties have the right to appeal any decision made by the Hearing Panel. Neither respondent nor complainant can appeal an Informal Resolution.

An appeal must be submitted in writing and must be received by the Title IX Coordinator within five (5) business days of the date of notification of the findings of the Hearing Panel. An extension to this deadline may be granted at the sole discretion of the Title IX Coordinator. The Title IX Coordinator shall then refer the appeal to the appellate officer.

A decision on an appeal may not be rendered until the filing deadline has passed. Appellate decisions should be rendered, and proper written notification provided to the Title IX Coordinator no later than ten (10) days after the filing deadline. The Title IX Coordinator shall notify all parties, as appropriate, of the results of the appeal.

Appellate Officer. The appellate officer shall be the Vice President for Academic Affairs

Appeal Criteria. Appeals shall be considered only in the following circumstances:

- Procedural irregularity that affected the outcome of the matter
- Newly discovered evidence that could affect the outcome of the matter
- Title IX personnel had a conflict of interest or bias that affected the outcome of the matter

Available Actions. The appellate officer is limited to taking one of the following actions for each party:

- Affirm the finding(s) of fact and sanctions imposed by the Hearing Panel.
- Affirm the finding(s) of fact but modify the sanction(s) imposed.
- Remand the complaint for a new hearing before a new hearing.

Under no circumstances shall the appellate officer supplant the function of the Hearing Panel; the appellate process exists solely to review the procedures used in the proceedings, and not to re-hear a complaint in its entirety.

The decision of the appellate officer is final.



Revised on 8/13/20