

# Comprehensive Policy and Procedure to Address Sex Discrimination, Including Harassment and Sex-Based Misconduct

## I. [Statement of Policy](#)

The University of Illinois Springfield (“University”) does not discriminate on the basis of sex and prohibits discrimination on the basis of sex in any education program or activity that it operates, as required by Title IX and other laws, including in admission and employment.

Discrimination on the basis of sex, which will hereafter be referred to as “Sex Discrimination,” includes:

- Discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; and
- Sex-based harassment including both
  - Sexual harassment (quid pro quo harassment and hostile environment harassment), and
  - Other harassment on the basis of sex (e.g., sexual assault, sexual violence, sexual abuse, dating violence, domestic violence, and stalking).

The University prohibits and will not tolerate Sex Discrimination of any kind, of or by students, employees, or others in its educational programs and activities, including in admissions and employment, and will take action to provide appropriate remedies when such conduct is determined to have occurred. The University is committed to providing an educational and work environment free of all forms of Sex Discrimination. In furtherance of this commitment, the University will impose appropriate sanctions and take corrective and remedial action to address discriminatory conduct and/or will respond to all reports or complaints of Sex Discrimination consistent with this Policy and Procedure.

## II. [Applicability](#)

The procedures below apply to any allegation of sex discrimination, including harassment and sex-based misconduct or retaliation against any person.

Appendix A describes the specific forms of legally prohibited discrimination, harassment, sex-based misconduct, and retaliation that are prohibited under University Policy, as well as related Policy definitions. As required by state law, consent is defined below:

Consent means mutually understood words or actions indicating a freely given, informed agreement to engage in a particular sexual activity with a specific person or persons. Consent must be voluntarily given and cannot be the result of coercion. A person's lack of verbal or physical resistance or submission resulting from the use or threat of force

does not constitute consent. A person's manner of dress does not constitute consent. A person's consent to past sexual activity does not constitute consent to future sexual activity. A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another. A person can withdraw consent at any time.

A person cannot consent to sexual activity if that person is unable to understand the nature, fact, or extent of the activity or give knowing consent due to circumstances, including without limitation the following:

- The person is incapacitated due to the use or influence of alcohol or drugs;
- The person is asleep or unconscious;
- The person is under the age of consent;
- The person is incapacitated due to mental or physical disability.

To be found responsible in a case involving a Complainant who could not consent to sexual activity, the Respondent must have known, or should have known, the Complainant was unable to understand the nature of the sexual activity or give knowing consent due to the circumstances. "Should have known" is determined using an objective, reasonable person standard. That is, would a reasonable person have recognized that the Complainant could not consent to the sexual activity.

### III. Public Notice

The University does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admissions and employment.

Inquiries about Title IX may be referred to the University's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both. The University's Title IX Coordinator is

**Ray Rodriguez**

**Senior Director for Access & Equity**

[Title IX Coordinator](#)

[Equal Employment Opportunity Officer](#)

[ADA/504 Coordinator](#)

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[titleix@uis.edu](mailto:titleix@uis.edu)

To report information about conduct that may constitute Sex Discrimination, including any form of sex harassment, please use the form available on the University website at <https://www.uis.edu/aeo/title-ix/report-incident>.

The UIS Policy Prohibiting Harassment, Discrimination, and Sex-Based Misconduct policy can be found at [www.uis.edu/policies](http://www.uis.edu/policies).

#### IV. Title IX Coordinator

The University's Title IX Coordinator is responsible for and authorized to coordinate the University's efforts to comply with and carry out its responsibilities under Title IX, which prohibits Sex discrimination in education programs and activities for institutions that receive federal financial assistance, as well as retaliation for the purpose of interfering with any right or privilege protected by Title IX. The Title IX Coordinator also oversees the University's response to all reports and complaints of Sex Discrimination, including harassment, to monitor outcomes, identify any patterns, and assess their effects on the campus climate. The Title IX Coordinator evaluates requests for confidentiality by those who report or complain about Sex Discrimination, including harassment, in the context of the University's responsibility to provide a safe and welcoming campus environment for all students free from Sex Discrimination. The Title IX Coordinator is also responsible for effective implementation of any supportive measures or remedies for Sex Discrimination, including harassment, and for overseeing the University's recordkeeping obligations under Title IX.

#### V. Confidentiality

All individuals engaged in the administration or execution of this grievance procedure shall keep confidential the identity of any individual who has made a report of sex-based discrimination, any Complainant, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law, or to carry out the purposes of this grievance procedure, including but not limited to the conduct of any investigation, hearing, or judicial proceeding arising thereunder, and implementation or enforcement of supportive measures, remedies, or disciplinary sanctions.

The University prohibits Complainants, Respondents, Advisors, and other participants to the grievance process from unauthorized disclosure of information or evidence obtained solely through the grievance process. This prohibition does not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures. The University may consolidate complaints.

#### VI. Responsible Employees

With the exception of Confidential Employees, all staff, faculty, and certain student employees (as outlined below) are Responsible Employees. Responsible Employees are university employees who must promptly report all known details of actual or suspected Prohibited Conduct under this policy to the Title IX Coordinator. A Responsible Employee who is themselves a target of Prohibited Conduct under this Policy is not required to report their own experience, though they are encouraged to do so.

The following groups of student employees are also Responsible Employees: All graduate student employees and undergraduate student employees who are Residential Advisors, Teaching Assistants, and Graduate Student Employees Categories may be added based on responsibility and will be added to this procedure.

Confidential Employees fall into three categories. (1) An employee of the university whose communications are privileged or confidential under Federal or State law, provided, however, the employee’s confidential status, for purposes of this policy, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or (2) An employee of the university who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination—but the employee’s confidential status is only with respect to information received while conducting the study.

Only the Title IX Coordinator can designate additional Confidential Employees that do not fall under No. 1. All employees who believe they are considered a Confidential Employee should confirm their status and training requirements with the Title IX Coordinator.

Confidential Employees are university employees who are not required to report actual or suspected Prohibited Conduct under this policy to the Title IX Coordinator. They must, however, let the Complainant know their status as confidential, provide contact information of the Title IX Coordinator and information about how to make a report, and let them know the Title IX Office may be able to offer and coordinate supportive measures, as well as review options such as an informal resolution process or an investigation under the grievance procedures. Confidential Employees must also complete training requirements. Pursuant to state law, Confidential Employees are required to use a form issued by the Access & Equity Office to track reports (in an anonymized manner) of sex discrimination made to them by students. As required for reporting, Confidential Employees will provide this information to the Title IX Coordinator.

VII. [Contact Information / Where to Report](#)

Those who believe they have been subjected to a violation of this Policy have the right to choose to report or not report incidents of sex-based harassment to UIS officials, on-campus or local law enforcement, and/or confidential services, separately or simultaneously. A report may be made to the local police department; the UIS Police Department; the campus Title IX Coordinator; or Dean of Students. Reporting may be anonymous, confidential, or made by a third party. Anonymous reporting may limit the University’s ability to investigate and may result in complaint dismissal if not enough information is provided (e.g. if a Respondent cannot be identified).

In addition, support is available through the Counseling Center (UIS Students only); the Employee Assistance Program (Employees only) or local and national crisis centers; however, making a report to these resources will not initiate a resolution process under these procedures

Type of Report	To Whom to Report	How to Report
To report a crime off-campus	UIS or local police department (Non-Confidential)	Call 911 if off-campus
To report a crime on-campus	UIS Police Department (Non-Confidential)	Emergency: 911 or 217.706.7777 Non-emergency: 217.206.6690

To report sex discrimination and request supportive measures or a sexual misconduct investigation	Title IX Coordinator, Office for Access and Equity	Call 217.206.6222 Email <a href="mailto:titleix@uis.edu">titleix@uis.edu</a> or at <a href="https://www.uis.edu/aeo/title-ix/report-incident">https://www.uis.edu/aeo/title-ix/report-incident</a>
To report violations of the UIS Student Conduct Code / Student Disciplinary Policy	Office of the Dean of Students (Non-Confidential)	Call: 217.206.8211 Email: deanofstudents@uis.edu
To explore your options or ask questions in a confidential setting	UIS Counseling Center (Confidential)	Call 217.206.7122 Email: counseling@uis.edu
To report anonymously or electronically	Reports are received by the Title IX Coordinator	Submit the Anonymous (or Voluntary) Incident Reporting Form located at <a href="https://www.uis.edu/aeo/title-ix/report-incident">https://www.uis.edu/aeo/title-ix/report-incident</a> .
<p>Additional resources, including counseling services or local and national crisis centers, are available under <a href="#">Supportive Measures</a>.</p> <p>The Title IX Coordinator or designee can assist in filing a case with the UIS and/or local police.</p>		

VIII. [Supportive Measures](#)

UIS will offer and implement appropriate and reasonable supportive measures to the Parties upon Notice of alleged discrimination, harassment, sexual misconduct and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. Please see the UIS Policy Prohibiting Discrimination, Including Harassment and Sex-Based Misconduct and Appendix C for more information.

IX. [Resources](#)

Resources are available at UIS and within the community to assist individuals experiencing any form of sex discrimination or harassment.

X. [Accommodations and Support During the Resolution Process](#)

#### *A. Disability Accommodations*

The University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the University's Resolution Process and education program or activity without unreasonably burdening either party, including, but not limited to measures designed to protect the safety of all Parties or the University's educational environment; provide support during the University's grievance procedures or during an informal resolution process; or deter sex discrimination

Anyone needing such accommodations or support should contact the Administrator, who will work with disability support colleagues as appropriate to review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full process participation.

### XI. Resolution Process and Investigation Procedures—Generally (**Procedure A**)

#### *A. Preliminary Assessment*

After a report is filed, AEO will determine in a preliminary assessment if AEO has jurisdiction over the alleged complaint. AEO will provide supportive measures as outlined in Appendix C and inform the reporting party of case resolution options. AEO will determine the most effective method of investigating alleged violations of the University's UIS Policy Prohibiting Discrimination, Including Harassment and Sex-Based Misconduct using these Procedures to Address Sex Discrimination, Including Harassment and Sex-Based Misconduct.

#### *B. Dismissal of a Complaint*

The University may dismiss a complaint of sex discrimination in whole or in part, if:

1. The University is unable to identify the Respondent after taking reasonable steps to do so;
2. The Respondent is not participating in the University's education program or activity and is not employed by the University;
3. The Complainant voluntarily withdraws any or all allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the University determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute Sex Discrimination under these procedures; or
4. The University determines the conduct alleged in the complaint, even if proven, would not constitute Sex Discrimination.

Upon dismissal, the University will notify the Complainant of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the University will also notify the Respondent of the dismissal and the basis for the dismissal concurrently with notification to the Complainant. The notice will include the availability of the appeal procedure.

The University will provide appropriate supportive measures following any dismissal.

The Title IX Coordinator or designee will take other prompt and effective steps to ensure Sex Discrimination does not continue or recur within the University's education program or activity.

#### C. Emergency Removal and Administrative Leave

##### 1. Students

The University may remove a student Respondent from UIS's education program or activity on an emergency basis. Any such removal will be based on an individualized safety and risk analysis that determines that the Respondent poses an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex-based discrimination, including harassment justifying removal. Immediately after the removal, the University will provide Respondent with notice and an opportunity to challenge the decision.

##### 2. Employees

The University may place an employee Respondent (to include those who are paid or unpaid, and volunteers) on administrative leave during the pendency of the applicable grievance process, subject to applicable laws, regulations, collective bargaining agreements, and policies.

#### D. Informal Resolution

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Investigator, Title IX Coordinator, or their designee at any time prior to a final determination, or the Investigator, Title IX Coordinator, or their designee may offer the option to the Parties, in writing. The University will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution. Types of Informal Resolution available may include but are not limited to supportive measures only, educational conversation, accepted responsibility, and restorative practices.

#### E. Presumption of Respondent Not Responsible

The Respondent is presumed not responsible for the alleged Sex Discrimination until a determination is made at the conclusion of the University's procedure.

#### F. Notice of Investigation and Allegation(s)

Upon receipt of a Complaint of Sex Discrimination, and if the Complaint is not dismissed, the Title IX Coordinator will provide the following notice to the parties who are known:

- Notice of the University's Procedures, including any informal resolution process (if applicable)
- Notice of the allegations of Sex Discrimination, including:
  - The identities of the parties involved in the alleged Sex Discrimination, if known;
  - The conduct allegedly constituting Sex Discrimination;
  - The date and location of the alleged incident, if known;

- Statement that retaliation is prohibited
- Statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If a summary of the evidence is provided, then the parties may equally access the evidence upon request of any party.

If applicable to an investigation, an updated written notice will be provided to Respondent of any additional allegations added after the initial notice to the parties whose identities are known.

#### G. Limitations

The University's ability to investigate a specific allegation, as well as the extent to which an allegation can be investigated, will be affected by any number of factors, including, but not limited to the nature of the allegations, the availability of evidence, whether the Complainant is willing to participate in an investigation and/or hearing, the location where the alleged conduct occurred, and the University's access to information relevant to the alleged or suspected violation of this policy.

#### H. Equitable Treatment of Parties

The University will treat Complainants and Respondents equitably.

#### I. Conflict of Interest and Bias Prohibited

The University will designate a Title IX Coordinator, Investigator, and Decision Maker who does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. The Decision Maker may be the same person as the Title IX Coordinator or Investigator except where a university policy designates otherwise.

#### J. Investigation

The investigation will be adequate, reliable, and impartial. In the normal course, an investigation will include: (a) interviewing the Complainant(s), the Respondent(s), and any other relevant individuals and witnesses, and (b) reviewing written statements, documents, records, and other relevant evidence that is not otherwise impermissible. The investigator is not required to follow any particular order for interviewing the Complainant, Respondent, or any witnesses. When the Decision Maker is not the Investigator and a party's or witness's credibility is in dispute and the individual has information relevant to the determination of Sex Discrimination, the Decision Maker will meet with such individuals with disputed credibility to assess the same.

##### *Investigation Timeframe*

The Access & Equity Office strives to complete an investigation within 90 business days after issuance of the notice of investigation, unless good cause exists to extend the period for investigation and notice is given to the Parties with the reason for delay. Both parties will be provided periodic updates of the status of the investigation and will be notified if the period for investigation has been extended. The University may extend the timeframes in this procedure on a case-by-case basis for good cause with notice.

#### K. Concurrent Court Proceedings

The Title IX Coordinator will not wait for the conclusion of any criminal or civil investigation or proceedings before initiating these procedures. The Investigator may, however, determine that a temporary delay is needed where the evidence gathering stage of the investigation is interfering with a police investigation. In such cases, the University simultaneously provides written notice of the delay and the reason for it to the Complainant and the Respondent. As soon as it is appropriate to proceed, the Investigator will promptly notify the parties and resume the investigation.

The University may reassess supportive measures needed to maintain access to the education program or activity at any time if it determines additional supportive measures are necessary.

#### L. Burden

The burden is on the University to conduct an investigation that gathers sufficient evidence to determine whether Sex Discrimination occurred.

#### M. Evidence

Both parties will have an equal opportunity to present evidence, both inculpatory and exculpatory, and witnesses to the Investigator throughout the investigation. The Investigator will use their professional judgment to assess the relevance and permissibility of the information submitted. In some instances, the Investigator may interview the Complainant, Respondent, and witnesses more than once.

The investigation is a party's opportunity to present testimonial and other evidence, either inculpatory or exculpatory, that the party believes is relevant and not otherwise impermissible to resolution of the allegations in the complaint. Both parties are given equal opportunity to do so. A party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will generally be prohibited from introducing any such evidence or witness testimony during the appeal. The Investigator retains discretion to limit the number of witnesses interviewed during the investigation. The Investigator may choose not to interview individuals where the testimony would be unreasonably cumulative, if the individual does not have information relevant to the allegations at issue, or if the individual is offered to render testimony that is categorically inadmissible. The parties will be allowed an equal opportunity to access relevant and not otherwise impermissible evidence or an accurate description of the evidence and be given an equal opportunity to respond to the evidence or description.

Written statements provided by individuals acting in the capacity as an Advisor must be acknowledged by the relevant Party.

The Decision Maker will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence—and provide creditability determinations not based on a person's status as a Complainant,

Respondent, or witness.

#### *Impermissible Evidence*

The following types of evidence and questions seeking such evidence will be excluded from consideration as impermissible regardless of whether they are relevant:

1. Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a Confidential Advisor, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
2. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the University obtains that party's or witness's voluntary, written consent for use in the University's grievance procedure.
3. Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to provide consent to the alleged Sex-Based Harassment or preclude determination that Sex-Based Harassment occurred.

#### *Access to and Review of Evidence*

The University will provide Parties with an equal opportunity to access the evidence that is relevant to the allegations of Sex Discrimination and not otherwise impermissible through either access to such evidence or to an accurate description of such evidence. If the University provides a description of the evidence, then the Parties will have an equal opportunity to also access the relevant and not otherwise impermissible evidence upon request. The Parties will have a reasonable opportunity to review and respond to the evidence or description within three (3) days.

#### N. Consultation

The Investigator may consult others who may provide specific knowledge and who have no connection to the reported incident when expertise on a specific topic or submitted evidence is needed to gain a fuller understanding of the relevance or value of the evidence or the issue at hand or to provide factual detail relevant to the investigation.

#### O. Determination

Following the investigation and evaluation of all relevant and not otherwise impermissible evidence, the Decision Maker shall use the preponderance of evidence standard of proof to determine whether Sex Discrimination occurred. The Decision Maker will notify the parties in writing of the determination of whether Sex Discrimination occurred including the rationale for such determination and the procedures for appeal, if applicable. The Title IX Coordinator shall coordinate the provision and implementation of remedies to a Complainant and other persons the

University identifies as having had equal access to the University's education program or activity limited or denied by Sex Discrimination, coordinate imposition of any disciplinary sanctions on a Respondent, including notification to the Complainant of any such disciplinary sanctions, and take other appropriate prompt and effective steps to ensure that Sex Discrimination does not continue or recur within the University's grievance procedures that the Respondent engaged in Sex Discrimination.

Either party may appeal a determination. If no appeal is timely filed, the determination will be deemed final, at which time, if the Respondent has been found to have not violated the policy, the matter will be closed. If the Respondent is found to have violated the policy, sanction will be determined.

## XII. Resolution Process for Student Cases Involving Allegations of Sex-Based Harassment

For cases involving Sex-Based Harassment where either the Complainant(s) or Respondent(s) are students, the procedures in [Section XI](#) (Investigation Procedures – Generally) will apply in addition to the following:

- A. In the event that a dismissal is based on the withdrawal of allegations by the Complainant, the Complainant's withdrawal must be in writing.
- B. The University shall provide written notice to parties of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.
- C. Advisor of Choice: The Parties will have the same opportunity to be accompanied to any meeting or proceeding by the Advisor of Choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of the Advisor of Choice for the Complainant or Respondent in any meeting or proceeding; however, the University may establish restrictions regarding the extent to which the advisor may participate in the grievance procedures, as long as the restrictions apply equally to the parties.
- D. Support Person: The Parties will have the same opportunity to be accompanied by not more than one support person other than the advisor of choice during any meeting or proceeding.
- E. Expert Witness: The University may determine whether expert witnesses may be presented by the parties and provide equal opportunity where expert witnesses are permitted.
- F. Extensions: The University will allow for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice to the parties that includes the reason for the delay.
- G. For cases involving allegations of Sex-Based Harassment and a non-student Respondent,

but student Complainant, the Decision Maker (either the dual Investigator-Decision Maker or separate Decision Maker) will have an opportunity to ask questions to parties and witnesses during individual meetings. The Decision Maker will allow the Parties to propose questions for any party or witness. The Decision Maker will ask the party or witness the questions seeking relevant and not otherwise impermissible evidence and record (through transcription or audio or audiovisual recording) the response. The Decision Maker will provide the record of question responses to the Parties with a reasonable opportunity to ask follow-up questions. If a submitted question is unclear or harassing, the Decision Maker will give the party an opportunity to revise the question.

- H. All Sex Discrimination cases involving a student Respondent shall be determined with a live hearing, including the following procedures:
1. Evidence review: The Parties shall have an opportunity to review the relevance and not otherwise impermissible evidence in advance of the live hearing.
  2. Live hearing location: The live hearing may be conducted with the parties physically present in the same geographic location or with the parties physically present in separate locations, with technology enabling the decisionmaker and parties to simultaneously see and hear the party or the witness while that person is speaking.
  3. Recording: The University will create an audio or audiovisual recording or transcript of the live hearing and make it available to the parties for inspection and review upon request.
  4. Questioning of Parties and Witnesses by Decision Maker(s): The Decision Maker(s) will have an opportunity to ask questions to Parties and witnesses during the live hearing. Parties may propose such questions that the party wants asked of any party or witness and have those questions asked by the Decision Maker(s) when the Decision Maker(s) determines that the questions are relevant and not otherwise impermissible. Prior to removing a proposed question, the Decision Maker(s) will explain the decision to exclude the question as not relevant or not otherwise impermissible. If the Decision Maker(s) decides that questions are unclear or harassing, then the party proposing the question will have an opportunity to revise the question. The Decision Maker(s) will determine whether the revision sufficiently clarifies or revises a question such that it is no longer unclear or harassing and ask sufficiently revised questions.
  5. Questioning of Parties and Witnesses by Advisors: Advisors will have an opportunity to ask questions to Parties and witnesses during the live hearing that are relevant and not otherwise impermissible as determined by the Decision Maker(s). The Advisors will have the opportunity to revise questions that are unclear or harassing. The Decision Maker(s) will determine whether questions are sufficiently revised and may be posed by the Advisor.
- I. A Decision Maker may choose to place less or no weight on statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The Decision Maker must not draw an inference about whether Sex-Based Harassment

occurred based solely on a party's or witness's refusal to respond to such questions. The Decision Maker(s) will not draw any inference from any individual's choice to participate or not participate in the hearing process.

- J. If the Decision Maker(s) finds, by a preponderance of the evidence, that the Respondent is responsible for Sex Discrimination, the Decision Maker(s) may impose any combination of the sanctions. The Title IX Coordinator will take the steps necessary to effectuate the remedies provided to a Complainant, if any, and to ensure that Sex Discrimination does not continue to recur.
  
- K. Written Determination: The University will provide a written determination including the following to the Parties simultaneously within 7 Days of a determination, which will become final either on the date on which an appeal would no longer be considered timely:
  - 1. A description of the alleged Sex-Based Harassment;
  - 2. Information about the policies and procedures that the University used to evaluate the allegations;
  - 3. The Decision Maker's evaluation of relevant and not otherwise impermissible evidence;
  - 4. A determination of whether Sex-Based Harassment occurred;
  - 5. When a finding of Sex-Based Harassment is made, any disciplinary sanctions the University will impose on the Respondent, whether other remedies will be provided by the University to the Complainant, and when appropriate, other students identified by the University experiencing the effects of the Sex-Based Harassment; and
  - 6. Procedures for the Parties to appeal the determination.
  
- L. Student Amnesty: Any student who reports, in good faith, an alleged violation of the Comprehensive Policy to Address Sex Discrimination, Harassment, and Sexual Misconduct to a responsible employee will not receive a disciplinary sanction by the University for a student conduct violation, such as underage drinking or possession or use of a controlled substance, that is revealed in the course of such a report, unless the University determines that the violation was egregious, including without limitation an action that places the health or safety of any person at risk.

### XIII. Sanctions

Following a determination that discrimination, harassment or retaliation for participating in the grievance process occurred, the University may impose disciplinary sanctions, which may include sanctions for student Respondents set out in the Student Disciplinary Policy ranging from a warning to dismissal. Employee Respondents are subject to a range of sanctions ranging from a warning to termination. Other Respondents are subject to a range of sanctions ranging from a warning to a complete ban on participation in the University's education programs and activities.

#### XIV. Withdrawal or Resignation Before Complaint Resolution

##### *Student*

Should a student Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If a student Respondent withdraws from the University, the Resolution Process may continue, or Administrator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, University will still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the Complaint is dismissed or pursued to completion of the Resolution Process, University will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When a student withdraws or leaves while the process is pending, the student may not return to the University in any capacity until the Complaint is resolved and any sanctions imposed are satisfied. If the student indicates they will not return, the Administrator has discretion to dismiss the Complaint. The Registrar and Office of Admissions will be notified, accordingly.

If the student Respondent takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely. If found in violation, that student is not permitted to return to university unless and until all sanctions, if any, have been satisfied.

##### *Employee*

Should an employee Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If an employee Respondent withdraws from the University with unresolved allegations pending, the Resolution Process may continue, or Administrator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, the University may still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When an employee resigns and the Complaint is dismissed, the employee may not return to the University in any capacity. Human Resources, the registrar, and admissions will be notified, accordingly, and a note will be placed in the employee's file that they resigned with allegations pending and are not eligible for academic admission or rehire with the University. The records retained by the Administrator will reflect that status.

#### XV. Appeals—Generally

Unless specified otherwise for the type of complaint, a dismissal of a Complaint or any allegations therein, and a determination may be appealed by a Party in writing within 5 Days

of receipt of the notice of dismissal or of receipt of the determination through notice to the Title IX Coordinator on any of the following bases:

- A. Procedural irregularity that would change the outcome of the matter;
  - Student Respondents and Complainants in cases alleging sexual violence, domestic violence, dating violence, and stalking involving a student Respondent will also have the appeal basis that a procedural error occurred.
- B. New evidence that was not reasonably available at the time the determination regarding dismissal was made, that would change the outcome of the matter;
- C. The Title IX Coordinator, investigator(s), or hearing officer(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent, which would change the outcome of the matter.
- D. The sanctions are disproportionate with the violation, considering the cumulative conduct/disciplinary record of the Respondent

The University will notify the Parties of any appeal and include notice of the allegations if not previously provided to the Respondent. All individuals wishing to appeal on the grounds listed above must send a statement to the Appeal Decision Maker, as identified by the Title IX Coordinator. The statement must contain at least the following: (1) specific grounds for appeal; (2) specific outcome requested; and (3) the appellant's reasons in support of the grounds identified and outcome requested. The appellant must submit the Notice of Appeal in writing, and the appellant must either sign the Notice of Appeal or submit it by email to the Appeal Decision Maker from their university email address (if applicable). Oral appeals are not accepted.

The appeal procedure will apply equally for the Parties. The appeal Decision Maker will not have taken part in the investigation of the allegations or dismissal of the Complaint. The appeal Decision Maker shall provide the parties 5 Days to make a statement challenging or supporting the determination. The appeal Decision Maker will review the appeal and notify the parties of a determination within 10 Days.

The appeal Decision Maker has the authority to affirm the determination, remand the case to cure a procedural irregularity or review new evidence, or remand for modifications of the sanctions to address disproportionality.