

## 6.7 Nondiscrimination and Title IX Statement

Title IX of the Educational Amendments of 1972 (“Title IX”) prohibits sexual discrimination in educational programs receiving federal funds. At Methodist University, some of those programs and activities include: admissions, recruitment, financial aid, academic programs, athletics, housing, and employment. Title IX also protects students, faculty, and staff from unlawful sexual harassment in school programs or activities. Title IX protects both male and female students, faculty, and staff from sexual harassment, regardless of who is the harasser.

Methodist University does not discriminate on the basis of sex and is prohibited from doing so by Title IX. Sexual discrimination includes sexual harassment, sexual misconduct, and sexual violence (see section 6.5.1.1. Sexual Harassment and Discrimination Defined).

Questions regarding nondiscrimination policies at Methodist or the application thereof may be addressed to:

Debra Yeatts, Director of Human Resources and Title IX Coordinator  
Horner Administration Building  
5400 Ramsey Street  
Fayetteville, NC 28311  
Telephone: 910-630-7385  
Fax: 910-630-7306  
dyeatts@methodist.edu

The Department of Education’s Office of Civil Rights (OCR) ensures institutions receiving federal funding comply with Title IX regulations. Additional inquiries regarding Methodist University’s application of Title IX may be referred to:

The Office of Civil Rights  
District of Columbia Office  
U.S. Department of Education  
400 Maryland Ave SW  
Washington, DC 20202-1475  
Telephone: 202-453-6020  
Fax: 202-453-6021  
OCR.DC@ed.gov.

Methodist University does not discriminate on the basis of age, race, gender, national or ethnic origin, religion, sexual orientation or disabilities in its programs and activities.

The procedures of this policy apply to complaints made against a Methodist University student, faculty, or staff member for engaging in some form of sexual discrimination. The person making the report of sexual discrimination is known as the “complainant.” The person whose conduct is complained about is known as the “respondent.”

If the Title IX Coordinator determines it is appropriate, the Title IX Coordinator may recommend third-party mediation between the complainant and the respondent at the Cumberland County Dispute Resolution Center at any point in the investigation. The complainant and/or respondent may decline to participate in informal mediation, in which case the matter will be processed as otherwise provided in these Procedures.

Only under extraordinary circumstances will resolution of complaints be finalized in more than 60 days. Otherwise, cases will be concluded within the Federal recommendations of no more than 60 days. Timelines apply equally to both the complainant and the respondent. Both parties will be given regular updates in writing until the process is complete.

Nothing herein shall operate to create an expectation of continued employment or enrollment with Methodist University. In most cases, employment with Methodist University is at-will, and employees may be terminated for any lawful reason or for no reason.

## 6.7.1 Title IX Responsibilities

To assist Methodist University in preventing discrimination based on sex or gender, all members of the university community are required to contact the Title IX Coordinator or one of the Deputy Coordinators if they are personally subjected to, become aware of, or observe conduct that may be in violation of Methodist University's policies prohibiting discrimination on the basis of sex or gender.

### 6.7.1.1 Mandatory Reporters

Complainants may report violations of this policy to any of the following mandatory reporters or to a Deputy Title IX Coordinator, who will promptly report the incident to the University's Title IX Coordinator:

- Academic department chairs
- Deans
- Department heads
- Senior administrators
- Supervisors
- Human Resources representatives
- Campus police and security staff
- Residence life staff (including student staff)
- Faculty and other employees supervising or leading student activities

### 6.7.1.2 Title IX Coordinator

The Title IX Coordinator plays an essential role in helping to ensure that every person affected by the operations of Methodist University is aware of the legal rights Title IX affords and that Methodist University and its officials comply with their legal obligations under Title IX.

The Title IX Coordinator's responsibilities include, but are not limited to:

- Ensuring thorough training is completed by the Deputy Title IX Coordinators in the investigation and handling of Title IX complaints
- Ensure training and technical assistance on University policies related to sex discrimination is available to all University members
- Develop programs and informational guides on issues related to Title IX to make sure that all members of the school community, including students, faculty, and staff, are aware of their rights and obligations under Title IX.
- Overseeing all Title IX complaints
- Coordinating responses to Title IX complaints
- Coordinating efforts for the investigation, resolution, and implementation of corrective measures
- Review and analysis of information from annual climate surveys
- Updating and revising the Title IX Policy and Procedures as necessary
- Monitoring of the educational and working environment to stop, remediate, and prevent discrimination based on sex
- Identify, and address any patterns or systemic problems that arise during the review of complaints

The Title IX Coordinator also serves as chair of the Title IX committee which consists of the Coordinator and multiple Deputy Coordinators.

Any Title IX complaints or inquiries regarding the University's non-discrimination policies should be immediately directed to the Title IX Coordinator:

Debra Yeatts, Director of Human Resources and Title IX Coordinator  
Horner Administration Building  
5400 Ramsey Street  
Fayetteville, NC 28311  
Telephone: 910-630-7385  
Fax: 910-630-7306

Should the Title IX Coordinator be named as the respondent, the functions of the Title IX Coordinator will transfer to the Vice President of Planning and Administration for that investigation only. At no point will the Title IX Coordinator or any Deputy Title IX Coordinator be involved in the investigation or adjudication of a complaint against him or her except for his or her role as a respondent.

#### *6.7.1.3 Deputy Title IX Coordinators*

Deputy Title IX Coordinators have the responsibility of receiving, investigating, and adjudicating Title IX complaints as directed by the Title IX Coordinator. Deputy Title IX Coordinators must receive thorough training in the handling of Title IX Complaints and proper investigative procedures. In addition, the Deputy Title IX Coordinators serve on the Title IX Committee.

The Title IX Coordinator is responsible for assigning investigations to the Deputy Title IX Coordinator(s). If a potential conflict exists in performing the investigation, the Deputy Title IX Coordinator(s) must make the Title IX Coordinator aware of the conflict prior to investigating the complaint. At any point in the investigation, the Title IX Coordinator may reassign investigations to alternate Deputy Coordinators if necessary for cause. The complainant and respondent will be notified of the investigating Deputy Title IX Coordinator(s) and their contact information prior to the investigation proceeding and updated if any of that information changes in the course of the adjudication.

Investigations will be reviewed by the Title IX Coordinator and Deputy Coordinators as the Title IX Committee.

Deputy Coordinators will include, at a minimum:

- The Human Resources Assistant Director
- A delegate of the Dean of Students
- A representative from the Athletics Department
- A representative from the Faculty

### **6.7.2 Sexual Harassment and Discrimination**

Sexual harassment is a form of sex discrimination which is prohibited by Title VII of the Civil Rights Act of 1964, by Title IX of the Education Amendments of 1972, and in the Methodist University Equal Opportunity Policy.

Sexual harassment is an abuse of persons: it is a violation of the principle that all members of the Methodist community should be treated fairly and equally, with dignity and respect. Sexual harassment is thus a violation of the freedom of others: it cannot and will not be tolerated at Methodist University. It is the responsibility of all members of the Methodist University community to work toward understanding, preventing, and combating sexual harassment. The purpose of the University's policy regarding sexual harassment is to help the entire community fulfill this obligation. Any person found to have violated this policy will be subject to disciplinary measures.

In addition to its policy regarding sexual harassment, Methodist University provides contacts and resources trained to deal with this issue. The Title IX Coordinator is available to assist with contacting any of these resources and making appointments if desired.

Methodist University's Center for Personal Development  
Counseling and Psychological Services  
(910)630-7150  
Monday-Friday; 8:00 am- 5:00 pm

Campus Police and Public Safety  
(910)630-7577

Cape Fear Valley Employee Assistance Program  
(910)829-1733

CONTACT Crisis Hotline of Fayetteville  
(910)483-4134

Rape Crisis Volunteers of Cumberland County  
(910)485-7273

Fort Bragg Victim Advocacy Hotline  
(910)322-3418

Fayetteville VA Medical Center / Sexual Trauma Counseling:  
910-488-2120, ext. 5482

Pope Field Victim Advocacy Hotline  
(910)394-7272

Safe-Link Domestic Violence Assistance Program  
(910)475-3029

NC Victim Compensation Services  
800-826-6200

Domestic Violence Women's Shelter:  
910-677-2532

Fayetteville Police Department  
(910)433-1529

Cumberland County Sheriff Department  
(910)323-1500

#### *6.7.2.1 Sexual Harassment and Discrimination Defined*

Methodist University has a legal obligation to ensure a working and learning environment that is reasonably free from discrimination or harassment. Methodist University has procedures to receive, investigate, respond to and resolve complaints of discrimination, including harassment based on sex. Title IX violations include discrimination on the basis of sex or gender and include sexual harassment, sexual exploitation, nonconsensual sexual acts, sexual violence, and sexual misconduct. In this policy, "discrimination," refers generically and inclusively to all forms of discrimination based on sex or gender, including sexual harassment, sexual exploitation, nonconsensual sexual acts, sexual misconduct and sexual violence.

**Sex Discrimination:** Conduct that denies or limits a person's ability to benefit from or fully participate in educational programs or activities or employment opportunities because of a person's sex. Examples of the types of discrimination that are covered under Title IX include, but are not limited to, sexual harassment, sexual misconduct, sexual violence, failure to provide equal opportunity in educational programs and co-curricular programs including athletics, discrimination based on pregnancy, and employment discrimination.

**Gender Discrimination or Gender Harassment:** Prohibited sex discrimination includes discrimination based on the person's gender but which is not sexual in nature. Methodist University's policies prohibit gender-based harassment, which means unwelcome conduct based on an individual's actual or perceived sex, including discrimination or harassment on the basis of sexual orientation, gender expression, or nonconformity with sex stereotyping.

**Sexual Harassment:** Prohibited sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other physical or nonverbal/verbal conduct of a sexual nature when:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term of or a condition of education, employment, or participating in university activities;
- Submission to or rejection of such conduct by an individual is used as the basis for evaluation in making academic or personal decisions affecting that individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance, or creating an intimidating, hostile or offensive working, living or learning environment.

Examples of this type of prohibited sex discrimination include but are not limited, to slurs, threats, derogatory or suggestive comments, unwelcome jokes, exposure to sexually-oriented literature or pictures (an exception is granted for justified academic purposes), sexual violence, teasing or sexual advances and other similar verbal or physical conduct, including e-mail, phone calls, or other online communications (including social media). Sexual violence including rape, sexual assault, sexual battery and sexual coercion are forms of sexual harassment covered under Title IX.

**Sexual violence:** A form of sexual harassment and refers to physical sexual acts perpetrated against a person's will or when the person is incapable of giving consent because of a disability, drug or alcohol use, or other reason. Examples of sexual violence include rape, "date rape," sexual assault, and forcefully coercing someone to have sex or perform a sexual act.

**Sexual Misconduct:** Sexual misconduct is any attempted or actual sexual contact directed against another person in the direct absence of effective, mutually understandable consent. Prohibited sexual misconduct includes:

- **Indecent Exposure:** Deliberate exposure of one's intimate body parts; the display of sexual behavior in a public or open setting.
- **Non-Consensual Sexual Contact:** Any attempted or actual sexual touching directed against another person in the direct absence of effective, mutually understandable consent. Examples of sexual contact include but are not limited to the intentional touching, groping, or fondling of a person's breasts, buttocks, groin, genitals, or mouth or the clothing covering any of those areas, or using force to cause the person to touch, grope, or fondle his/her own breasts, buttocks, groin, genitals, or mouth or clothing covering any of those areas.
- **Non-Consensual Sexual Intercourse:** Any sexual penetration (anal, oral, or vaginal), however slight, with any body part or object by any person upon any other person without consent.
- **Sexual Exploitation:** Taking sexual advantage of another person without effective consent. Examples include but are not limited to causing incapacitation of another person for a sexual purpose; causing the prostitution of another person; recording, photographing, or transmitting intimate or sexual utterances, sounds, or images of another person; allowing third parties to observe sexual activity; engaging in voyeurism, trespassing, spying, or eavesdropping for sexual arousal; distributing intimate or sexual information/images of another person; and/or knowingly exposing another person to a sexually transmitted infection.

**Domestic violence:** Attempting to cause bodily injury; intentionally causing bodily injury; or inflicting substantial emotional distress by causing fear of imminent serious bodily injury or harassment by someone with whom the aggrieved party has or has had a personal relationship. A personal relationship means one between current or former spouses, persons who live or have lived together, persons who have a child in common, or persons who are or have been in a dating relationship.

**Dating violence:** Violence, sexual abuse, physical abuse, or threats of or attempts at such abuse between partners who are or have been in a personal, romantic, or intimate relationship.

**Stalking:** Any course of conduct directed against another person that violates reasonable expectations of personal privacy and that is sufficiently serious to cause physical, emotional, or psychological fear or to create a hostile, intimidating, or abusive environment to a reasonable person. This includes actions or contact through a third party. Examples include but are not limited to: repeatedly contacting or following a person; use of electronic devices or software to obtain or attempt to obtain private data; entering or opening a student's private property without express consent; use of another person's password or ID to attempt to gain access to personal information.

Sexual coercion or intimidation: Words or actions used to pressure, manipulate, isolate, trick or intimidate a person into engaging in unwanted sexual activity.

Retaliation: Retaliation is taking action against someone for that person's participation in a protected activity. Protected activity under this policy includes (i) a good faith reporting of a complaint under the policy, (ii) participation in an investigation or hearing under the policy, and (iii) opposition to practices that an individual reasonably believes are in violation of this policy.

### **6.7.3 Privacy and Confidentiality**

Complainants should not assume that reports of sex discrimination, including sexual violence, will be kept confidential. In fact, mandatory reporters as defined above are required to share information they have regarding any incident of sexual bias, discrimination, or harassment with the Title IX Coordinator or a Deputy Title IX Coordinator. Although the University will attempt to honor requests for confidentiality, such requests will be considered in the dual contexts of the University's legal obligation to ensure a working and learning environment that is free from discrimination or harassment 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 or Deputy Title IX Coordinator(s) will review requests for complete confidentiality, considering several factors, including but not limited to:

- whether there is an increased risk that the alleged perpetrator /respondent may commit additional acts of sexual or other violence
- whether there have been other sexual violence complaints about the same alleged perpetrator/respondent;
- whether the alleged perpetrator/respondent has a history of arrests or records from a prior school indicating a history of violence;
- whether the alleged perpetrator/respondent threatened further sexual violence or other violence against the victim or others;
- whether the sexual violence was committed by multiple perpetrators/respondents;
- whether the sexual violence was perpetrated with a weapon;
- whether the victim is a minor;
- whether the University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- whether the complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

If the University determines that it cannot maintain a complainant's confidentiality and must proceed with an investigation, the University will inform the complainant prior to starting an investigation.

The University will strive to keep information received from complainants private, meaning that information related to a report under this policy will only be shared with those University employees who "need to know" in order to assist in the active review, investigation, or resolution of the report. These individuals will be discreet and respect the privacy of all individuals involved in the process. If the decision is made to pursue disciplinary action against a respondent, information related to the report will be shared with the respondent.

### **6.7.4 Title IX Procedures**

#### **6.7.4.1 *Complaint Adjudication Procedures***

##### **Receiving a Complaint**

Complaints of sexual discrimination will be directed to the University's Title IX Coordinator or Deputy Title IX Coordinators, who will immediately notify the Title IX Coordinator of the complaint. Complaints of sexual violence will be forwarded to campus police.

The Title IX Coordinator or Deputy Title IX Coordinator(s) will interview the complainants and provide them with a copy of these procedures.

This interview will consist of, at a minimum:

- Complainant personal information (including contact information)
- Nature of the complaint made (sexual/gender discrimination, sexual violence, sexual misconduct, sexual harassment, sexual discrimination, or other)
- Who the complainant has contacted regarding the complaint (including Police or other University personnel)
- Witnesses to the complained behavior (if any)
- Respondent Information (if available)
- Description of the Title IX violation

During this interview, the Title IX Coordinator or Deputy Title IX Coordinator(s) will communicate the options for proceeding with a complaint to the complainant:

- *The complainant may elect or decline to participate in the Title IX procedures.*
  - Should the Title IX Coordinator or Deputy Title IX Coordinator(s) determine that there are Public Safety concerns, he or she may elect to proceed with the investigation without the participation of the complainant. Examples of when the Title IX Coordinator or Deputy Title IX Coordinator(s) might opt to proceed with an investigation without the participation of the complainant include (but are not limited to) cases where there have been multiple complaints against the same respondent or if the complaint is of a nature where the safety of the University community or the complainant is in question.
  - Even if a complainant declines to participate during this interview, he or she may elect to participate with an investigation at any time, with the understanding that the University's ability to respond to and investigate any new information may be limited or complicated by length of time.
  - If the complainant elects to proceed, the University will complete an adequate, reliable and impartial investigation of the complaint.
- *The complainant will be offered the option of mediation (if appropriate). Incidents of sexual violence will never be eligible for mediation.*
- *The complainant may request to have his or her name or other identifying information withheld from the respondent.*
  - Although the University will attempt to honor requests for confidentiality, such requests will be considered in the dual contexts of the University's legal obligation to ensure a working and learning environment that is free from discrimination or harassment and the rights of the accused to be informed of the allegations and their source (see 6.5.2.3 Privacy and Confidentiality). The University's ability to respond to the complaint may be limited if confidentiality is requested.
- *The complainant may request any interim measures during the University's investigation (such as University-enforced no contact orders, change in class schedules, the ability to retake or withdraw from class without penalty, etc.)*
  - The decision to impose interim measures is made by the Title IX Coordinator, the Vice President for Planning and Administration (for Staff), the University Provost (for Faculty), the Dean of Students (for Students), or by the University's President. The University will also enforce any court order. The Complainant and Respondent will be notified in writing of any imposed interim measures.
- *The complainant will be advised of any additional resources available to him or her for counseling, other mental health services, academic assistance, or other support*

If an investigation will take place, notes from this preliminary interview will be shared with the Investigating Deputy Title IX Coordinator(s), once assigned. The Title IX Coordinator or Deputy Title IX Coordinator shall also give the respondent written notice that a complaint has been made against him or her along with a copy of these Procedures.

### Investigation On Own Initiative

If the Title IX Coordinator or Deputy Title IX Coordinator believes a Methodist University employee or student may have committed sexual discrimination as defined herein, the Title IX Coordinator or Deputy Title IX Coordinator may initiate an investigation without waiting for a formal complaint to be made or an interview with the complainant to occur. The investigation and adjudication will otherwise proceed according to these Procedures.

### Police Investigation Separate

A complainant may make a report of sexual discrimination, including sexual violence, to the campus police or another law enforcement agency, to the Title IX Coordinator, to a Deputy Title IX Coordinator, or all. The fact that a police investigation is ongoing does not relieve Methodist University of its obligation to investigate reports of sexual discrimination as provided herein. If campus police receives a report of sexual discrimination, campus police shall promptly notify the Title IX Coordinator.

### Investigation

Upon receiving a complaint, the Title IX Coordinator will assign the investigation of the complaint to a Deputy Title IX Coordinator. More than one Deputy Title IX Coordinator may be selected for investigations of significant size or complexity. The complainant and the respondent shall be informed of who will be performing the investigation into the complaint. Evidence of past consensual sexual relationships or previous Title IX complaints by the Complainant will not be considered when making a determination regarding a current complaint.

The Deputy Title IX Coordinator(s) shall fully investigate the facts alleged in the complaint with the support of the Title IX Coordinator. This shall include, at a minimum:

- an interview with the complainant
- an interview with the respondent
- an interview with any witnesses to the accused conduct

A respondent shall not be required to be interviewed, and the Title IX Coordinator and Deputy Coordinator(s) will draw no negative inference from the respondent's refusal to be interviewed. The interviews may be recorded. If not, the investigator shall take and preserve notes of the interviews. After the investigation is completed, the Title IX Coordinator will retain and preserve any relevant documents or other evidence gathered during the investigation of a complaint against Faculty or Staff. The Deputy Title IX Coordinator from the Dean of Students Office will retain and preserve any relevant documents or evidences gathered during the investigation into a complaint against a student.

### Interim Measures

The University will not automatically restrict a respondent from coming to work (for Faculty and Staff), attending class (for students), or participating in other University activities on the basis of a complaint of sexual discrimination. However, Methodist University reserves the right to impose interim remedial measures at any time upon receiving a report of sexual discrimination if the University has concerns about the safety of the Methodist community. Such measures may include, but are not limited to, restrictions regarding movement on campus, removal from University housing, and/or removal from campus. The decision to impose interim measures is made by the Title IX Coordinator, the Vice President for Planning and Administration (for Faculty and Staff), the Dean of Students (for Students), or by the University's President. The University will also enforce any court order.

### Retaliation

Retaliation against anyone who brings forward a complaint of sexual discrimination is strictly prohibited. Anyone responsible for retaliation or threats of retaliation, whether that person is the accused party, someone affiliated with the accused (i.e. a friend or family member), or any other party, will be subject to disciplinary action by the University. Retaliation includes (but is not limited to):

- adverse employment actions (such as unjustified termination, suspension, denial of a promotion, or refusal to hire)
- Harassment (such as threats, increased surveillance, altering work conditions so an employee cannot perform the duties of his or her job, unjustified grading, excluding student from class participation, or unjustified write-ups or performance reviews)
- Criminal acts (violence such as assault, vandalism, and theft)
- Post-employment retaliation (such as refusing to provide a reference, interfering with attempts to find other employment, or providing false and negative information in a job reference)

Retaliation should be reported promptly to the Title IX Coordinator or the any Deputy Title IX Coordinator(s), who will report the retaliation to the Title IX Coordinator. Retaliation by a person not affiliated with the University may be addressed by the police.

### Adjudication

If an investigation and adjudication is going to take longer than 1 month, the complainant and respondent will be notified in writing of an approximate completion date. If the completion date cannot be met due to the significant size or complexity of the investigation, the complainant and respondent will be notified in writing of any updated completion timeline.

Upon completion of his or her investigation, the Deputy Title IX Coordinator(s) assigned to investigate the complaint will review the facts of the investigation with the Title IX Coordinator. At this time, the Title IX Coordinator will request additional investigation or, if the investigation is complete, the Title IX Coordinator and Deputy Coordinator(s) will evaluate if it is more likely than not that the respondent committed sexual discrimination as defined herein and provide a recommendation for that determination to the approving authority. The Deputy Title IX Coordinator(s) who investigated the complaint will send the results of the review of the investigation in writing and signed by the Title IX Coordinator and any investigating Deputy Title IX Coordinator(s) to the appropriate approving authority, who will review the recommendation of the determination by the Title IX Coordinator and Deputy Title IX Coordinator(s) and recommend the sanction (if any).

Review and approval of the investigation determination and any recommended sanction is completed by:

- The Vice President of Planning and Administration if the respondent is a member of the staff.
- The University Provost if the respondent is a member of the Faculty.
- The President of the University if the respondent is a Vice-President or Dean of the University.
- The Administrative Hearing Board if the respondent is a student.

The approving authorities may review any documents or recordings made as a result of the investigation or request additional information from or investigation by the investigating Deputy Title IX Coordinator(s) or Title IX Coordinator.

### Administrative Hearing Board (for Students)

The Hearing Board shall be made up of five members of the Methodist University community and shall be comprised of faculty and staff. Hearing Board members whose participation in the hearing may represent a conflict of interest will recuse themselves from the process. The Hearing Board shall convene within five calendar days of the Dean of Students or designee referring his or her report to its Chairperson. The proceedings of the Hearing Board shall be recorded or memorialized, and the recording or memorialization shall be preserved. Attorneys shall not be permitted at the proceedings, and the proceedings shall not be open to the public.

- The Hearing Board shall consider the investigation of the Dean of Students or designee, including recorded interviews, documents, and other evidence, and the submissions of the Complainant and Respondent, if any. The Hearing Board will not draw an inference of responsibility from the Respondent's refusal to submit materials for its consideration or refusal to be interviewed by the Dean of Students. The Hearing Board may decide the case based solely on the record presented to it.
- If the Hearing Board believes further investigation is necessary, it may:
  - Send a written request or email to the Dean of Students asking him or her to conduct further recorded interviews or attempt to obtain other evidence, which request the Dean of Students shall make every effort to comply with within five calendar days; and/or,
  - Recess and gather additional documents and evidence on its own, and then reconvene to consider it; and/or
  - Recess to make arrangement to interview witnesses, and reconvene to do so. Witnesses may be interviewed, in-person or through other means, except that the Respondent may not be required to testify in front of the Hearing Board and no negative inference may be drawn by the Respondent's refusal to do so.

- The complainant and the respondent will at no point be permitted to directly examine or interview each other. Questions may only be presented through the Administrative Hearing Board and are subject to the Administrative Hearing Board's absolute discretion.
- When the Hearing Board has satisfied itself that it has fully considered the facts alleged in the complaint, it shall, by a simple majority vote, make a determination that more likely than not the Respondent committed sexual discrimination as defined herein, or more likely than not the Respondent did not commit sexual discrimination as defined herein.

#### 6.7.4.2 *Sanctions*

If the appropriate authority determines that the respondent committed a Title IX violation as defined herein, he, she or they shall order an appropriate sanction, and shall consider a range of sanctions, which may include (but it not limited to) any of the following and depends on the nature and severity of the incident:

- No punishment
- Termination (complying with applicable rules for terminating a faculty member) or expulsion
- Additional required training
- Loss of supervisory/management duties
- Suspension
- Transfer of the respondent to another residence hall
- Transfer of the respondent out of classes shared with the complainant
- Verbal or written warnings
- Other appropriate sanctions as deemed necessary for the University to comply with all local, state, and federal laws and regulations and fulfill the University's obligation to ensure a working and learning environment that is reasonably free from discrimination or harassment.

If sanctions are imposed based on published university guidelines, additional measures beyond those published guidelines may also be imposed on the Respondent and/or granted to the Complainant to meet the University's Title IX obligations.

Once an appropriate sanction is determined:

- The Title IX Coordinator shall inform the complainant and respondent of the determination and of the sanction imposed, if any, within 1 week of the final approval made by the Provost or Vice President of Planning and Administration.
- The University President shall inform the complainant and respondent of the determination and of the sanction imposed, if any, within 1 week of the final approval made by the President's Office.
- The Dean of Students shall promptly inform the complainant and respondent of the determination and of the sanction imposed, if any, within 1 week of the final approval made by the Dean of Students Office.

#### 6.7.4.3 *Appeals*

##### *Faculty and Staff:*

Appeals may be made to the Title IX Committee, which is comprised of the Title IX Coordinator and all Deputy Title IX Coordinators. The investigating Deputy Title IX Coordinators will not participate in the Appeals process.

- A complainant or respondent who wishes for the Committee to review the determination of the investigation must notify the Title IX Coordinator in writing within two business days of being notified of the determination.
  - The written request for an appeal must identify the basis for the appeal and any information the complainant or respondent would like reviewed.
  - A complainant may not appeal sanctions determined as a result of an adequate, reliable, and impartial investigation. Final authority on sanctions rests with the appropriate approval authority.
  - If the written requests contains new information not previously disclosed in the course of the investigation or adjudication of the complaint, it will immediately result in the investigation being reopened by the investigating Title IX Coordinator or Deputy Coordinator(s) and will not be reviewed by the Title IX Committee for appeal at that time.

- The complainant and respondent will be informed in writing that the investigation has been reopened.
- To prevent the investigation of new information being limited or complicated by length of time, the complainant and respondent should endeavor to communicate all relevant information to those investigating their complaint as early as possible in the Title IX process.
- After reinvestigation, the complainant and respondent will be informed in writing whether the new information changes any determination or sanction. The complainant or respondent has 48 of this notification to apply for an appeal.
- The Committee has three weeks to meet to review the appeal.
- The Title IX Committee will determine if the investigation was adequate, reliable, and impartial.
- The Title IX Committee may:
  - Review the written request for an appeal by the complainant or respondent
  - Review any documents or recordings made as a result of the investigation
  - Request additional information from the investigating Deputy Title IX Coordinator or Title IX Coordinator
  - Request that the complaint receive additional investigation by the investigating Deputy Title IX Coordinator(s) or Title IX Coordinator.
  - Request additional investigation be completed by an alternate Deputy Title IX Coordinator(s) than the Deputy Title IX Coordinator who initially completed the investigation.
- The Title IX Committee may not:
  - Interview the complainant or respondent
  - Interview witnesses to the complaint
- The Title IX Committee’s decision will be made by majority vote. Should, for any reason, the vote result in a tie, the initial decision by the approval authority will stand.
- The Title IX Coordinator will inform the complainant and the respondent of the final outcome of the case within a week of the Committee’s determination.
- The decision of the Title IX Committee is final.

### Students:

The Complainant or Respondent may appeal the Hearing Board’s determination, the sanction, or both.

- Appeals must be made within two business days of being informed of the Administrative Hearing Board’s determination
- Appeals must be in writing and are made and adjudicated by the Appeal Board pursuant to the procedures of that body. However, notwithstanding any provision of the Student Handbook to the contrary, when adjudicating an appeal of sexual discrimination, the Appeal Board shall simultaneously consider whether grounds for an appeal exist, and adjudicate the appeal. When so proceeding, the Appeal Board may consider only the record of the case, including any written submissions by the Complainant, and its proceedings are closed. Its proceedings, however, shall be recorded or memorialized and the recordings or memorialization preserved.
- When adjudicating cases of sexual discrimination, the Appeal Board may, in its sole discretion and if it deems doing so is necessary to prevent a manifest injustice, receive and consider new evidence not previously considered in a matter, if such new evidence was not available at an earlier stage of the investigation and adjudication.
- The Appeal Board’s decision will be made by majority vote. Should, for any reason, the vote result in a tie, the initial decision by the approval authority will stand.
- The Appeal Board shall make all reasonable efforts to render its decision within ten calendar days of receiving an appeal
- The decision of the Appeal Board is final.