Dillard University
Title IX Policy

I. Introduction

Dillard University complies with Title IX of the Education Amendments of 1972, which prohibits discrimination (including sexual and gender-based harassment, assault and sexual violence) based on gender in the University's educational programs and activities. Title IX also prohibits retaliation for asserting or otherwise participating in claims of gender discrimination. Dillard University has designated a Title IX Coordinator to coordinate compliance with and respond to inquiries concerning Title IX.

The University will take prompt and effective steps to end any sexual or gender-based harassment and discrimination, assault and/or sexual violence as well as to eliminate any hostile environment. It will take prompt and effective steps to prevent the recurrence of the prohibited conduct, and remedy any effects on the victim or others as appropriate.

The purpose of this policy is to define the conduct prohibited, describe the process for reporting violations of the policy, outline the process used to investigate and adjudicate alleged violations of policy, and identify some of the resources available to students, faculty and staff involved in any incidents that may violate this policy.

II. Applicability and Prohibition

Members of the University community shall not engage in sexual discrimination, including relationship violence, stalking, or sexual misconduct (all of which are discussed in more detail below) against employees, students, or third parties. Persons who do so are subject to disciplinary action. The University also prohibits sexual discrimination, including relationship violence, stalking, and sexual misconduct by third parties towards members of the University community. The University prohibits retaliation, including retaliatory harassment, against individuals who report discrimination, relationship violence, stalking, or sexual misconduct or who participate in the University's investigation and handling of such reports.

This policy and the procedures for addressing complaints apply to all forms of sex discrimination, including sexual and gender-based harassment, assault, and violence, against students occurring in all of the University’s programs and activities, including when:

- The conduct occurs on campus;
- The conduct occurs off-campus in the context of University employment, education, or research programs or activities, including, but not limited to, University-sponsored study abroad, internships, graduate/professional programs, intercollegiate athletics, or other affiliated programs.
- When conduct occurs off-campus outside the context of a University program or activity, the University will determine whether the off-campus conduct has any adverse effects on campus or in any University program or activity, including the creation of a hostile environment on-campus or in an off-campus education program or activity.

1 A third party is not a member of the University community (faculty, staff, or student) such as a visitor or guest, contractor, alum, or student from another institution.
III. Gender Discrimination

Title IX of the Educational Amendments of 1972 prohibits gender discrimination at institutions of higher education. The University prohibits gender discrimination in any of its programs or activities. Sexual discrimination, including sexual assault, stalking, and other kinds of sexual violence, is a form of gender discrimination. This policy and its related procedures apply to complaints alleging all forms of gender discrimination (including sexual harassment, stalking, sexual assault, and sexual violence). For the purposes of this policy, references to sexual misconduct include all forms of sex discrimination, including sexual and gender-based harassment, assault, and violence.

IV. Retaliation

Title IX and the University prohibit retaliation (including retaliatory harassment) against anyone for inquiring about suspected violations of University policy, filing a Title IX complaint, assisting another in making a complaint, or participating in a Title IX investigation. Retaliation is prohibited and can subject an individual(s) to strong responsive action, including sanctions, up to and including expulsion from the University, regardless of whether the University’s policy has been violated.

Retaliation occurs when a person takes an adverse action or engages in adverse treatment against an individual who initiates or participates in an investigation.

Anyone experiencing any conduct that he or she believes to be retaliatory (or retaliatory harassment) should immediately report it to the Title IX Coordinator using the contact information below.

V. Title IX Coordinator

Dillard University has designated a Title IX Coordinator to coordinate compliance with and respond to inquiries concerning Title IX. Complaints should be made to:

Sheila Judge
2601 Gentilly Boulevard
New Orleans, Louisiana 70122
(504) 816-4370
sjudge@dillard.edu

Title IX complaints may also be filed with the Department of Education's Office for Civil Rights by visiting: the U.S. Department of Education's website (https://www2.ed.gov/about/offices/list/ocr/index.html) or calling 1-800-421-3481.

Incidents covered by Title IX may also violate criminal law. Individuals who feel that they are also the victim of a crime should file a report with local law enforcement and/or the Dillard University Police Department (DUPD). Local law enforcement and DUPD may, depending upon the circumstances, pursue a complaint simultaneously. However, in most instances, DUPD may briefly suspend its investigation until local law enforcement has completed gathering evidence for the criminal investigation. A criminal investigation is intended to determine if an individual has
violated criminal law and may result in an individual (the accused) being imprisoned or subject to other criminal penalties. Law enforcement has the sole discretion to charge the accused with violating criminal law. A Title IX investigation does not result in imprisonment and the University must conduct a Title IX investigation, even if a criminal investigation is ongoing.

If the University suspends its investigation during the criminal law evidence gathering stage, the University will notify the complainant (the person filing the complaint or the alleged victim) and the accused or the respondent as appropriate under the particular circumstances. The University, however, will continue to take all measures to investigate the incident during the criminal investigation without impeding the criminal investigation. This may include the University taking interim measures to assist and protect the safety of the complainant or alleged victim and the campus community and to prevent retaliation.

VI. Prohibited Conduct - Relationship Violence

Relationship Violence is defined as abusive behavior, including threats, verbal and/or emotional abuse, and/or physical assault, between persons in an intimate (i.e., a current or former spouse, current or former cohabitant, or anyone else protected under domestic or family violence law) and/or dating relationship (i.e., a romantic or intimate relationship). Examples of relationship violence include, but are not limited to, intimidation, threats, and/or physical harm. Preventing a partner from making contact with the partner’s family, friends, or peer group also falls within this definition. This includes behavior toward another person when the intimate/dating or sexual relationship has ended.

VII. Prohibited Conduct - Stalking

Stalking is conduct directed at a specific person that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress. The conduct may involve two or more acts in which a person directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person’s property. Stalking includes, but is not limited to, the intentional and repeated uninvited presence of the alleged perpetrator at another’s home, workplace, school, or any place that would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, or sexual assault.

VIII. Prohibited Conduct - Sexual Misconduct

Sexual misconduct includes:

A Nonconsensual Sexual Intercourse and Sexual Conduct

Nonconsensual sexual intercourse and sexual conduct is any sexual behavior including sexual intercourse or attempted intercourse without consent. This definition includes rape, attempted rape, molestation, and other cases where the victim is unable to refuse or effectively consent to sexual advances. The definition applies regardless of whether the alleged assailant is a stranger or an acquaintance. Examples include, but are not limited to, forced insertion, oral copulation, rape by foreign object, sodomy and unwanted touching of
an intimate part of another person for the purpose of sexual gratification. Sexual intercourse is defined as anal or vaginal penetration by a penis, tongue, finger or inanimate object.

Consent:

Consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in a specific sexual activity. *Silence alone, without actions evidencing permission, does not demonstrate consent.* While consent may be expressed by words or by actions, it is highly recommended that consent be expressed and obtained verbally. Non-verbal consent expressed through actions may lead to confusion and potential for misunderstandings, which can violate this policy.

It is the responsibility of the initiator of any sexual activity to obtain their partner’s consent.

Consent must be knowing and voluntary. To give consent, a person must be at least 17 years old. Consent cannot be obtained through “coercion” or from an individual whom the respondent knows or reasonably should know is “incapacitated”.

Coercion is the use of express or implied threats, intimidation, or physical force which places an individual in reasonable fear of immediate harm or physical injury.

An individual is considered to be incapacitated if, by reason of mental or physical condition, the individual is manifestly unable to make a knowing and deliberate choice to engage in sexual activity. Individuals who are under the influence of alcohol can be incapacitated. Individuals who are asleep, unresponsive or unconscious are incapacitated. Among the factors the University will use to assess whether someone is incapacitated are: inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance. The existence of any one of these factors will support a finding of incapacitation.

An individual’s use of alcohol or drugs does not diminish that individual’s responsibility to obtain consent if that individual is the one who initiates sexual activity.

*Consent to engage in sexual activity may be withdrawn by any person at any time. Once consent is withdrawn, the sexual activity must stop immediately. Consent is automatically withdrawn by a person who is no longer capable of giving consent.*

A current or previous consensual dating or sexual relationship does not imply consent or prevent finding someone responsible for the misconduct.

B Sexual Exploitation

Sexual exploitation is taking nonconsensual or abusive sexual advantage of another for one’s own advantage or benefit, or to benefit a person other than the one being exploited. Examples of sexual exploitation include, but are not limited to:
• Intentionally exposing a private or intimate part of one’s body in a lewd manner;
• Committing any other lewd act in a public place;
• Prostituting another student;
• Non-consensual video or audio recording of sexual activity;
• Exceeding the boundaries of explicit consent, such as allowing friends to hide in a closet to witness one’s consensual sexual activity;
• Texting or taking pictures of sexual activity without the consent of either or both parties engaged in the sexual activity and/or transmitting/sending the pictures or likeness via any electronic medium or social media;
• Texting, taking or transmitting/sending via social media, email or other electronic media of nude or sexually explicit pictures of another without their consent. (Note: in some instances, this could be the possession of pornography, which may be a criminal act.)
• Engaging in non-consensual voyeurism; and/or
• Knowingly transmitting a sexually transmitted disease/infection or HIV to another student.

C Sexual Harassment

Sexual harassment is unwelcome sexual advances or requests for sexual favors and/or other verbal or physical conduct or communication of a sexual nature when:

• Submission to such conduct is made either explicitly or implicitly a term or condition of employment, or services, or academic status; or
• Submission to, or rejection of, such conduct by an individual used as a basis for employment, or services, or academic decisions affecting him or her; or
• Such conduct, whether verbal or physical, has the purpose or effect of interfering with the individual’s work or academic performance or of creating an intimidating, hostile or offensive employment, service or educational environment.

D Sexual Verbal Abuse

Sexual verbal abuse is language that is sexual in nature and unwanted on the part of another person. Examples include, but are not limited to, obscene telephone calls and use of written and/or oral communication that would be considered obscene.

IX. Confidentiality

This policy is intended to provide the University community with a positive working and learning environment that is free from sexual misconduct. Complaints of sexual misconduct will be investigated in a manner that is consistent with this goal. Although the University respects a complainant’s or alleged victim’s interest in keeping certain Title IX incidents confidential, the University may be unable to comply with the request for confidentiality. The University will keep the complaint and investigation confidential and will make every reasonable effort to handle inquiries, complaints, and related proceedings in a manner that protects the privacy of all parties. Each situation is resolved as discreetly as possible, with information shared only with those who
need to know. Because Title IX and the University prohibit retaliation, the University will take proper steps to prevent such retaliation and will take strong responsive action if such retaliation occurs.

In those instances where a complainant or alleged victim requests anonymity, the University will try to honor the request, if possible. However, the University must inform the complainant or alleged victim that anonymity may limit the University’s ability to fully and effectively investigate the complaint or take corrective action. In certain circumstances, the University may be able to address an individual’s concerns and stop problematic behavior without revealing to the accused the complainant’s or alleged victim’s identity and/or the individuals involved in the investigation. However, this is not possible in every matter, as some situations require the disclosure of the complainant's or alleged victim’s identity in order to fully investigate the matter and/or to enable the respondent to fully respond to the allegations against him or her.

In those instances where the complainant or alleged victim requests anonymity or refuses to participate in an investigation, the Title IX Coordinator will determine whether to proceed with an investigation based on concern for the safety or well-being of the broader University community. The University reserves the right to take appropriate action in such circumstances, even in cases when the complainant or alleged victim is reluctant to proceed. In making this evaluation, the University may consider the following:

- The seriousness of the alleged incident;
- The age of the alleged victim;
- Whether there have been other complaints or reports of policy violations against the accused individual;
- The rights of the accused individual to receive information about the accuser and the allegations if a proceeding with sanctions may result;
- The increased risk that the accused individual will commit additional acts of relationship violence or sexual misconduct, such as: (a) Whether there have been other relationship violence or sexual misconduct complaints about the same alleged perpetrator; (b) Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence; (c) Whether the alleged perpetrator threatened further relationship violence or sexual misconduct against the alleged victim or others; (d) Whether the relationship violence or sexual misconduct was committed by multiple perpetrators; and/or (e) Whether there have been threats to kill or harm the alleged victim;
- Whether the alleged policy violation was perpetrated with a weapon; and/or
- Whether the University possesses other means to obtain relevant evidence of the policy violation (e.g., security cameras or personnel, physical evidence)

X. Violations: Complaint Procedures

All reports describing conduct that is inconsistent with this policy will be promptly and equitably resolved in accordance with Title IX and other relevant laws and regulations.

All individuals are encouraged to promptly report conduct that may violate this policy to the University through its Title IX Coordinator. As discussed above, notice may be given at:
In addition, all individuals are encouraged to report conduct that may also violate criminal law to both the University and/or to local law enforcement. These processes are not mutually exclusive.

The University strongly encourages individuals affected by sex or gender-based discrimination, sexual harassment, relationship violence, stalking, and sexual misconduct to talk to someone about what happened and obtain support services. The University also needs to respond appropriately to complaints in order to provide a safe and effective learning environment.

The University can most effectively investigate and respond to alleged violations if the complaint is made as promptly as possible after the alleged violence or misconduct occurs. The University does not, however, limit the time frame for reporting. If the respondent is not a member of the University community at the time of the report, the University will still seek to meet its legal obligations by providing reasonably available support for a complainant or alleged victim, but its ability to investigate and/or take action may be limited. The University will, however, assist a complainant or alleged victim in identifying external reporting options.

The University encourages students to report all incidents of relationship violence or sexual misconduct. Therefore, students who in good faith report violations of this policy will not be disciplined by the University for a violation of the University's drug and alcohol possession or consumption policies that may have occurred in connection with the reported incident.

XI. Mandatory Reporters - University Employees

All University employees, other than counselors, pastors, or advocates and those employees legally regarded as confidential sources must report violations, including sexual and gender-based harassment, assault and violence that they observe or learn about, immediately to the attention of the Title IX Coordinator. Failure to do so can result in discipline, up to immediate discharge.

The employee must report all relevant details about the alleged incident, including the name of the alleged victim, the accused, any witnesses, and any other relevant facts, including the date, time, and specific location of the incident. Complainants or alleged victims may request confidentiality or anonymity, including that their name is not shared with the respondent, that the respondent is not notified of the report, or that no investigation occurs. If the complainant or alleged victim wants to tell the employee what happened, but also wants to maintain confidentiality or anonymity, the employee should tell the complainant or alleged victim that the University will consider the request but cannot guarantee confidentiality or anonymity. The employee should advise the complainant

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2 Students who are not also employees do not have reporting obligations under this Policy. Nevertheless, students who have witnessed relationship violence or sexual misconduct are strongly encouraged to promptly report such information to the University.
or alleged victim that the incident will be disclosed only to those officials with a legitimate institutional interest in knowing the information. In reporting the incident to the Title IX Coordinator, the employee will inform the Coordinator of the complainant’s or alleged victim’s request for confidentiality or anonymity.

When an incident of relationship violence or sexual misconduct is disclosed to confidential sources, the University is unable to investigate or pursue disciplinary action against an alleged perpetrator without written permission from the complainant or alleged victim. This holds true when the alleged perpetrator is a student or employee and the incident has only been reported to the confidential sources. If the complainant or alleged victim also reports the incident of relationship violence or sexual misconduct directly to the University, law enforcement, a mandatory reporter, or a confidential reporter who has been given written permission, the incident will be addressed as described in this policy. Counselors and advocates who are able to maintain confidentiality of reports will still assist their clients in receiving support services, regardless of whether a report is made. At the client’s option, this will include coordinating with the University to provide any necessary interim measures.

A complainant or alleged victim who requests confidentiality always has the option to file a complaint with the University or law enforcement and have the incident fully investigated. Safety risks associated with the University contacting or interviewing the accused will be taken into consideration before that occurs. Consideration will be taken especially in cases where the complainant or alleged victim is fearful and does not want the accused contacted, or when the threats and abuse may escalate and put the alleged complainant or victim in increased danger due to the investigation process.

As discussed above, the University will attempt to balance a complainant’s or alleged victim’s request for anonymity or not to participate in an investigation with the University’s broader obligation to campus safety.

XII. Processing Complaints and Reports

All complaints are reviewed by the Title IX Coordinator. The University will process all complaints it receives, regardless of where the conduct that is the basis for the complaint occurred. The Title IX Coordinator may also determine that an investigation is warranted without a complaint if the University has sufficient notice that a violation may have occurred. The University is not prevented from investigating an alleged violation simply because the complainant or alleged victim either did not directly bring the complaint or does not want to participate in an investigation.

To the extent applicable, when a complaint is received, the University will provide a written explanation to the complainant or alleged victim and respondent summarizing their respective rights and options.

Even if an investigation is not warranted, the University will take prompt, responsive action to support a complainant or alleged victim and will take steps to eliminate, prevent, or address a hostile environment if one exists.
XIII. Investigation

The investigatory and appeal processes described below apply when the respondent is a Dillard student. Allegations of sex or gender discrimination against faculty and staff are handled in a manner consistent with the Faculty Handbook and Employee Handbook respectively.

An investigation will commence as soon as practical following receipt of a complaint by the Title IX Coordinator or after the Title IX Coordinator becomes aware of conduct necessitating an investigation, generally within two weeks. An investigator with appropriate training will be appointed by the Title IX Coordinator. In some cases the Title IX Coordinator may retain an outside investigator. Mediation will not be used to resolve complaints involving some charges of sexual misconduct, including sexual violence.

The complainant or alleged victim is not required to participate in the investigation. The complainant or alleged victim may decline to participate in the investigation, appear in a proceeding with the respondent present, or otherwise confront the respondent during the grievance process, including any meetings or appeals. Should the complainant or alleged victim choose not to participate in an investigation, the Title IX Coordinator will explain that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the respondent may be limited.

The investigation will be conducted in a private manner, except when information needs to be disclosed so that the University can effectively investigate the incident or take corrective action.

The University does not allow conflicts of interest, real or reasonably perceived, by those investigating or adjudicating allegations under this policy. A conflict of interest exists when an individual's knowledge of the matter or personal or professional relationships with the complainant, alleged victim, respondent, or witnesses would preclude the individual from being able to investigate or adjudicate the case fairly and impartially. Individuals who wish to challenge an investigator because of a conflict of interest may do so by filing a challenge with the Title IX Coordinator within five (5) business days of an investigator being appointed. The Title IX Coordinator retains sole discretion to determine whether a conflict exists and to otherwise take appropriate actions to address the issue in a prompt and equitable manner.

A Notice

Both the complainant or alleged victim and the respondent will be promptly notified when an investigation begins. The notice will be in writing and shall be given by the Title IX Coordinator. All notices provided to students will be sent to the individual's official University email account and students are presumed to regularly check their email accounts.

Unless reasonable extensions of time are needed, the University will notify both the complainant or alleged victim and respondent within ten (10) business days of receipt of the complaint or the time upon which the University otherwise becomes aware of conduct necessitating investigation.

The notice to both the complainant or alleged victim and the respondent shall include the policy violation(s) at issue, the conduct allegedly constituting the violation, and the date and location of the alleged incident. The complainant or alleged victim and respondent shall be notified of their
right to participate in an investigation and timelines for responding. The complainant or alleged victim and respondent shall be notified of the investigator’s identity and their ability to challenge the assignment of the investigator. The complainant or alleged victim and respondent shall be further advised that the investigation may proceed without the participation of either party.

B Investigatory Process

The complainant or alleged victim will have the opportunity to describe his or her allegations and present supporting witnesses or other evidence. The respondent will have the opportunity to present supporting witnesses or other evidence. The investigator will review evidence presented and may meet with additional witnesses identified by the complainant, alleged victim, the respondent, or third parties, as deemed appropriate in the sole discretion of the investigator.

The complainant’s, alleged victim’s, or respondent's character or reputation with respect to other sexual activity is never relevant and will not be considered as evidence. However, prior sexual history may be considered under the following limited circumstances:

- Where there was a prior or ongoing sexual relationship between the complainant and respondent and the respondent asserts that consent was sought and given, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties.
- To establish a pattern or practice of conduct similar in nature by the respondent.
- As noted in other sections of the policy, however, a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or prevent a finding of sexual misconduct.

In addition, other conduct by either party, under limited circumstances, may be relevant to establish intent, motive, absence of mistake, to explain an injury or physical finding, or another ground deemed probative by the investigator.

All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information throughout the investigation process. The investigator may interview the parties on more than one occasion, if necessary.

C Investigation Meetings

Both parties will be provided timely notice of any meeting at which their presence is requested or required. Such meetings can provide both parties with an opportunity to be heard and present their account of the events in-person. The complainant or alleged victim has the right not to appear in the same room or otherwise confront the respondent during the investigation process, including hearings or appeals. The parties are not permitted to personally cross-examine each other during the investigation process, including any hearings or appeals. However, either party may submit written questions to the investigator to be asked of the other party or witness. The investigator has the sole discretion to determine whether the questions are relevant and whether to direct the question to the other party or witness. Either party may submit questions at any time during the
investigation up to the deadline for the review of the preliminary investigation report. The opportunity to ask questions may not be used to harass or intimidate the other party or witness.

Throughout the investigation and any subsequent appeals, both the complainant or alleged victim and the respondent shall have the right to have an advisor of their choice present at any meeting. Any person who serves as an advisor should be available for meetings. Limits on the role of an advisor shall be applied equally to both the complainant or alleged victim and respondent.

The advisor is a silent and non-participating presence who is there solely to observe and provide support during the process. The University has the right at all times to determine what constitutes appropriate behavior on the part of an advisor as well as the right to request that an advisor leave a meeting in the event the investigator determines that the advisor is not acting appropriately. The advisor is encouraged to join the complainant or alleged victim or respondent during the initial meeting with the Title IX Coordinator for an orientation of the University's policies and procedures, privacy protections and expected participation/decorum. The advisor may not be a fact witness or otherwise have any conflicting role in the process.

D Interim Measures

The University may provide reasonable interim accommodations or remedies to support a complainant or alleged victim or respondent and to ensure a safe and nondiscriminatory environment pending investigation through final resolution of a complaint, including appeals. Interim measures is not disciplinary in nature and should not be construed as a determination by the University that the respondent violated this policy. The University will notify both parties, in writing, that interim measures are available during the University's investigation through final resolution of a complaint, including appeals. Such written notice shall state that interim measures may be requested at any time during the process by contacting the Title IX Coordinator to make such a request and shall include the means for contacting the Title IX Coordinator.

The Title IX Coordinator determines the appropriateness of any interim measure based on all available information. The Title IX Coordinator will meet with a complainant or alleged victim or respondent to address any concerns about interim measures. Examples of interim protective measures include, but are not limited to: access to counseling or mental health services, an order of no contact, residence hall relocation, adjustment of course schedules or work-study employment, a leave of absence, transportation arrangements, or reassignment to a different supervisor or position.

The University will attempt to ensure, where possible and as supported by available information, that such interim measures minimize the burden and adverse effects on the complainant or alleged victim and the respondent.

The University will maintain the privacy of any interim measures provided to the extent practicable and will promptly address any violation of the interim measures. Interim measures may be kept in place until the end of any review or appeal process or may be extended permanently as appropriate.

Violations of interim measures, such as university no-contact orders and access restrictions, should be reported to the Title IX Coordinator. Students may face disciplinary action up to and including expulsion for such violations.
E Preponderance of Evidence

At all stages in the process, persons participating in a hearing or any appeal will investigate and make findings on the merits of an alleged violation using a preponderance of the evidence standard. Preponderance of the evidence means that the greater weight of the evidence favors either the finding of a violation or the finding of a non-violation. This standard is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence presented.

F Investigation Outcomes

At the conclusion of the investigation, the investigator will prepare a report that summarizes all of the information gathered as part of the investigation, including all of the relevant exculpatory and inculpatory evidence. No conclusions will be reached regarding whether a violation may have occurred. This report will be sent to the Title IX Coordinator. The Title IX Coordinator will review the report to ensure that a thorough and equitable investigation was conducted. If the Title IX Coordinator concludes that additional witnesses should be interviewed, additional evidence should be considered, or has questions regarding the report, the Title IX Coordinator can request the investigator address any and all deficiencies or questions identified.

If the allegations are deemed by the Title IX Coordinator to be a possible violation of the Title IX Policy, they will be handled in a manner consistent with Section 6 of the Code of Conduct beginning with subsection “C. Notice.” That procedure will be followed with the following exceptions:

(a) the Title IX Coordinator will serve as the designee for the Dean of Students and, among other things, will be responsible for appointing a hearing officer in the event an administrative hearing is conducted;

(b) formal hearings are conducted unless both the respondent and complainant or alleged victim voluntarily request an administrative hearing;

(c) hearings will be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct a hearing process that protects the safety of victims and promotes accountability;

(d) both the respondent and the complainant or alleged victim will receive notice and will be provided the opportunity to participate in a pre-hearing conference;

(e) members of a Sanction Hearing Panel or a Formal Hearing Panel will be selected from the pool of Title IX trained faculty and staff. No students will serve on any hearing that involves a possible violation of the Title IX Policy.

G Potential Remedial Actions and Disciplinary Sanctions

If a violation has occurred, the University will determine the appropriate, enforceable sanction. The sanction will be reasonably calculated to stop the violation and prevent its recurrence.
When a violation is found, possible disciplinary actions may include, but are not limited to, written warnings, loss of privileges, mandatory training or counseling, probation, suspension, exclusion, and expulsion. The University's response is based on several factors, including the severity of the conduct and any prior policy violations, and aims to prevent problems from recurring and remedy any discriminatory effects on a complainant, alleged victim, or others.

In addition, the University may take steps to address the effects of the conduct on victims and others, including, but not limited to, counseling and support resources, academic and housing assistance, change in work situations, leaves of absence, and training or other preventative measures.

H Notice of Outcomes

The complainant or alleged victim and the respondent will be notified in writing, at the same time, of the outcome, including whether the policy was violated, any individual remedies offered or provided to the complainant or alleged victim, any sanctions imposed on the respondent, and other steps that have been taken to eliminate a hostile environment and/or to prevent recurrence.

When required by law, the University will also provide the complainant or alleged victim with notification of all disciplinary sanctions imposed on the respondent. Notification of findings and sanctions will be provided to the complainant or alleged victim and the respondent in separate correspondence from the Title IX Coordinator and the appropriate office imposing corrective action.

XIV. Appeals

The complainant or alleged victim or respondent may appeal a decision. Both parties may participate equally in the appeal process even if the party did not file the appeal himself or herself. Appeals are otherwise handled in a manner consistent with Section 8 of the Student Code of Conduct.