



Title IX Procedures

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EMPORIA STATE UNIVERSITY TITLE IX PROCEDURES

Effective January 27, 2026

Emporia State University is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities which are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, the University has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of sex, including conduct that falls under Title IX. The University upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process.

RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF ESU TITLE IX POLICY

Initial Complaint/Notice

The following process will be used following the receipt of a report of Prohibited Conduct under the *Title IX Sexual Harassment, Discrimination, And Retaliation for Employees, Students, And Visitors* policy (“policy”).

- Following receipt of a report alleging a potential violation of this policy, the Title IX Coordinator will contact the Complainant to meet with the Title IX Coordinator for an initial intake and assessment meeting, and will provide the following:
- An invitation to meet to offer assistance and explain their rights, resources, and options under this policy;
- Access to this policy;
- Information regarding available campus and community resources for counseling, health care, mental health, or victim advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid and other available services may be provided;
- The availability of supportive measures regardless of whether a formal complaint is filed and/or any resolution is initiated;
- The options for resolution (no action, prevention, agreement, investigation) and how to initiate such resolution processes;
- The right to notify law enforcement as well as the right not to notify law enforcement;

- The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from Campus Safety or local law enforcement in preserving evidence;
- The right to an advisor of choice, if applicable, during the University proceedings under this policy including the initial meeting with the Title IX Coordinator;
- A statement that retaliation for filing a formal complaint, or for participating in any way in the procedures found in this policy, is prohibited; and
- Information on how to initiate the Investigation or Resolution-Based Agreement process.

Initial Intake & Assessment

The Initial Assessment process seeks to gather information about the nature and circumstances of the report to determine whether this policy applies to the report and, if so, which resolution process may be appropriate, as well as which section of the resolution procedures apply based on the conduct and the status of the parties. The Title IX Coordinator may also determine that the provision of supportive measures only is the appropriate response under the policy. The initial assessment is not a finding of fact or responsibility. If the individual bringing forward the report is not the actual Complainant, the Title IX Coordinator will limit communication to general information on policies and processes.

Should the complainant wish to file a formal complaint, the Title IX Coordinator will determine whether this policy applies and, if so, the appropriate process under this policy. The Title IX Coordinator will communicate this determination to the Complainant.

If the information provided does not suggest a potential violation of this policy, the Title IX Coordinator will provide the Complainant with written notice that the matter is being referred for handling under a different policy, and/or to another appropriate office for handling.

Supportive Measures

The University will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all parties or the University's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator shall make every effort to promptly offer supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the University will inform the Complainant, in writing, that they may

file a formal complaint with the University either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

The University will maintain the privacy of the supportive measures, provided that privacy does not impair the University's ability to provide the supportive measures. The University will act to ensure as minimal an academic impact on the parties as possible. The University will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referring to counseling, medical, and/or other healthcare services
- Referring to the Employee Assistance Program
- Assisting with visa and immigration
- Counseling for student financial aid
- Referring to community-based service providers
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student employees
- Preparing a safety plan
- Providing campus safety escorts
- Supporting no contact directives between the parties
- Providing academic support, extensions of deadlines, or other course/program-related adjustments
- Issuing a University No Trespass notice
- Issuing timely warnings
- Modification of class schedule, withdrawals, or leaves of absence
- Increasing security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Requests for Confidentiality or No Further Action

When a Complainant requests that the University not use their name as part of any resolution process, or that the University does not take any further action, the University will generally try to honor those requests. However, there are certain instances in which the University has a broader obligation to the community and may need to act against the wishes of the complainant. In such circumstances, the Title IX Coordinator will notify the complainant in writing of the need to take action. The factors the Title IX Coordinator will consider when determining whether to act against the wishes of a complainant include:

- The Complainant's request not to proceed with filing a formal complaint;
- The Complainant's reasonable safety concerns regarding filing a formal complaint;
- The risk that additional acts of Prohibited Conduct would occur if a formal complaint is not filed;

- The severity of the alleged Prohibited Conduct, including whether the prohibited conduct, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the Respondent is an employee of the University;
- The scope of the alleged prohibited conduct, including information suggesting a pattern, ongoing prohibited conduct, or prohibited conduct alleged to have impacted multiple individuals;
- The availability of evidence to assist a Hearing Officer in determining whether the prohibited conduct occurred;
- Whether the University could end the alleged sex discrimination and prevent its recurrence without filing a formal complaint; AND
- Whether the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other persons, or that the conduct as alleged prevents the University from ensuring equal access on the basis of sex to its education program or activity.

If a Complainant does not wish for their name to be shared with the Respondent, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the University proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the University to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The University may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the University's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the University proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Complainant may request that their Advisor receive information in addition to the Complainant throughout the process. The Advisor is not able to act in place of the Complainant.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the University to honor that request, the University will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action. Note that the University's ability to remedy and respond to notice may be limited if the Complainant does not want the University to proceed with an investigation and/or grievance process.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date.

Emergency Removal

For sex discrimination and sex-based harassment, University retains the authority to remove a Respondent from University's program or activity on an emergency basis, where University (1) undertakes an individualized safety and risk analysis, (2) determines that an immediate and serious threat to the health or safety of a Complainant or any student, employee, or other individual arising from the allegations of sex discrimination justifies a removal, and (3) the University provides the Respondent with notice of and an opportunity to challenge the decision immediately following the removal.

The Respondent may challenge the decision immediately following the removal, by notifying the Title IX Coordinator in writing. The University will designate an impartial individual, not otherwise involved in the case, to consider the challenge to the removal and determine if the emergency removal was reasonable.

For all other Prohibited Conduct, the University may defer to its suspension policies for students and administrative leave for employees.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator, in conjunction with University threat assessment processes has discretion to implement or stay an emergency removal under this policy and to determine the conditions and duration. A violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily reassigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, and in consultation with other units, when necessary, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Administrative Leave

The University retains the authority to place an employee Respondent on administrative leave during a pending complaint process under this policy, with or without pay as appropriate. Administrative leave may be a supportive measure, emergency removal, or consistent with applicable law. Administrative leave implemented as a supportive measure or as emergency removal is subject to the procedural provisions above, including the right to challenge the decision to implement that measure.

Formal Complaint

A formal complaint is required in order to proceed with a resolution process under this policy except Support-Based Resolution. A formal complaint must be written, in paper form (hand delivered or by mail or shipping service) or electronically submitted and either signed or with another indication that it is being filed by the Complainant, the Complainant's parent or guardian if applicable, or by the Title IX Coordinator, and that alleges a violation of the policy as defined in the *Title IX Sexual Harassment, Discrimination, And Retaliation For Employees, Students, And Visitors* policy, by a covered person, within the University's program or activity, and requesting that the University investigate the allegations.

Where the Complainant is unable or unwilling to file a formal complaint, and there have been allegations of violations of this policy involving covered persons in the University's programs and activities, the Title IX Coordinator may file and sign a formal complaint. In that case, the Title IX Coordinator does not have the status of Complainant or party. A Complainant retains their rights even if they decline to participate, including but not limited to receiving notices,

the opportunity to review evidence and the right to receive the final investigation report. The Title IX Coordinator will use discretion in these matters.

A formal complaint cannot be filed anonymously because the Respondent must be notified who is making the accusation against them. A person does not, however, need to file a formal complaint to obtain supportive measures. For supportive measures, the Complainant's identity may remain confidential to the extent practicable to implement the supportive measure.

In certain cases, the identity of the Respondent may not be known by the person filing the formal complaint. They may still file the formal complaint and the University may be able to better identify the Respondent.

Dismissal Of Complaint(s)

Before dismissing a formal complaint, the University will make reasonable efforts to clarify the allegations with the Complainant.

The University must dismiss a formal complaint of Title IX Prohibited Conduct when:

- The conduct alleged in the formal complaint would not constitute Title IX Prohibited Conduct, as defined in this policy, even if proven; OR
- The conduct did not occur in the University's educational program or activity, or in the United States;

The University may dismiss a formal complaint or any allegation therein if, at any time during the investigation or hearing:

- The University is unable to identify the Respondent after taking reasonable steps to do so;
- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
- The Respondent is no longer enrolled in or employed by the University;
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein; OR
- At the time of filing a formal complaint, a Complainant is not participating in or attempting to participate in the education program or activity of the University.

Upon a required or optional dismissal, the University will promptly and simultaneously send written notice to the parties of the basis of the dismissal. If a dismissal of one or more allegations changes the appropriate decision-making process under these procedures, the Title IX Coordinator will include that information in the notification.

The University will notify the parties that a dismissal may be appealed on the basis outlined in the Appeals section.

When a formal complaint is dismissed, the University will, at a minimum:

- Offer supportive measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and,
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that prohibited conduct does not continue or recur within the University's education program or activity.

A Complainant who decides to withdraw a formal complaint or any portion of it may later request to reinstate it or refile it.

Consolidation Of Complaints

The University may consolidate reports under this policy as appropriate: for example, if there are multiple reports where the allegations of Prohibited Conduct arise out of the same facts or circumstances, or there are multiple reports with overlapping parties.

The University also reserves the right to use this policy to adjudicate other allegations and conduct charges as defined by policies outside of the scope of this policy in instances when the conduct is associated with an alleged issue of Prohibited Conduct under this policy. The Title IX Coordinator will address these consolidated reports in collaboration and coordination with other appropriate offices, such as Student Success and Human Resources. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this policy.

Referrals for Other Misconduct

The University has the discretion to refer reports of misconduct not covered by this policy for handling under any other applicable University policy or code. As part of any such referral for further handling, the University may use evidence already gathered through any process covered by this policy.

Right to an Advisor

The parties may each have one (1) Advisor of their choice present with them for all meetings and interviews within the complaint process if they so choose. The parties may select whoever they wish to serve as their Advisor.

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the University community.

While permissible, parties should be cautious that choosing Advisors who are also witnesses to the conduct that is the focus of the allegations creates the potential for conflicts of interest and bias. These potential conflicts and bias may be considered by the decision-maker(s).

The University may permit parties to have a support person upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties. The support person will not be permitted to serve as an Advisor and will not have any opportunity to speak during the investigation or adjudication process.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses if the party does not have an Advisor at the time of hearing. If the parties choose an Advisor from the pool available from the University, the Advisor will be trained by the University and be familiar with the University's resolution process.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing. However, if the complaint process progresses to a formal hearing, an Advisor is required to cross-examine the other party. If a party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any cross-examination.

Advisor's Role

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews.

Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The University will not guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the University is not obligated to provide an attorney.

Pre-interview Meetings

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and the University's policies and procedures.

Sharing information with the Advisor

The University is required to send investigative reports to both parties and their Advisors. The University expects that the parties may wish to have the University share documentation and evidence related to the allegations with their Advisors, including attorney Advisors, other than investigative reports. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

If a party chooses an attorney Advisor, the Title IX Coordinator, or designee, and decision-makers within this grievance process are not bound to attorney-attorney communications. All communications and documentation from the Title IX Coordinator, or designee, or decision-makers will be sent to the parties via their University assigned email.

Advisors are expected to maintain the privacy of the records shared with them by the party they are advising. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

Expectations of an Advisor

The University generally expects an Advisor to adjust their schedule to allow them to attend University meetings when planned but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay. The University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing. For parties who are entitled to union representation, the University will allow the unionized employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two Advisors. Witnesses are not permitted to have union representation or Advisors in grievance process interviews or meetings.

Assistance in Securing an Advisor

Respondents may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>)

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>)
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>)
- Time's Up Legal Defense Fund (<http://nwic.org/times-up-legal-defense-fund/>)

RESOLUTION OPTIONS

There are multiple ways to resolve a report of sexual harassment. Whenever possible, the University will utilize the resolution method chosen by the Complainant. During the resolution of a report, the Title IX Coordinator will determine whether to implement reasonable supportive measures designed to assist all parties (Complainants and Respondents) and community members in maintaining access to and participation in University programs, services and activities during the resolution of the report.

This policy includes support-based resolution, informal resolution, and two formal processes involving investigations: in the first, the Investigator makes the determination of whether a policy violation occurred, and in the second, the Investigator gathers facts and the University holds a live hearing where a hearing officer makes the determination.

Disabilities Accommodation in the Resolution Process

The University is committed to providing reasonable accommodation and support to qualified students, employees, or others with disabilities to ensure equal access to the resolution process at the University. Anyone needing such accommodation or support should contact the Director of Disability Services, who will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

Support-Based Resolution

A formal complaint is not required for a support-based resolution. A support-based resolution is an option for a complainant who does not wish the University to take any further steps to address their concern, and when the Title IX Coordinator determines that another form of resolution, or further action, is not required. Some types of support that may be

appropriate include: adjustments or changes to class schedules; moving from one residence hall room to another; adjusted deadlines for projects or assignments; adjustments to work schedule or arrangements; escorts to and around campus; or counseling.

A support-based resolution does not preclude later use of another form of resolution, for example if new information becomes available to the University and the Title IX Coordinator determines there is need for additional steps to be taken, or the Complainant later decides to pursue a formal complaint.

Informal Resolution

A formal complaint is required for an Informal Resolution. Informal Resolution is not available to resolve a student Complainant's allegation that an employee has engaged in Prohibited Conduct.

Informal Resolution is an alternative to the investigation and hearing procedures where the parties each voluntarily agree to resolve the formal complaint in a way that does not include any finding of responsibility. Informal Resolution is a voluntary, structured interaction between or among affected parties that balances support and accountability. If the University offers Informal Resolution to the parties, and they voluntarily consent to engage in that process, the Title IX Coordinator must still take other prompt and effective steps as needed to ensure that sexual harassment does not continue or recur within the education program or activity. Parties and the Title IX Coordinator may agree to pause or exit the investigation and hearing resolution procedures to explore Informal Resolution.

Any party may design the proposed agreement between the parties. The Title IX Coordinator must approve of the use of the Informal Resolution process and approve the final agreement between the parties. Informal Resolution may be initiated at any time prior to the release of the final determination. Informal Resolution does not result in a determination about whether the alleged Prohibited Conduct occurred. The Title IX Coordinator has the discretion to determine that Informal Resolution is not an appropriate way to address the reported conduct, and that the matter must instead be resolved through the hearing procedures.

Initiating the Informal Resolution Process

Prior to the initiation of Informal Resolution, the Title IX Coordinator will provide the parties written notice that includes:

- The specific allegation and the specific conduct that is alleged to have occurred;
- The requirements of the Informal Resolution process;
- Any consequences resulting from participating in the Informal Resolution process, including the records that will be maintained or could be shared, and whether the University could disclose such information for use in a future University resolution

process, including an investigation and resolution process arising from the same or different allegations, as may be appropriate.

- Notice that an agreement resulting from the Informal Resolution process is binding only on the parties and is not subject to appeal.
- Notice that once the agreement is finalized and signed by the parties, they cannot initiate or continue an investigation procedure arising from the same allegations.
- A statement indicating that the decision to participate in the Informal Resolution process does not presume that the conduct at issue has occurred.
- A statement that the Respondent is presumed not responsible for violating this policy, unless Respondent admits to violations of this policy;
- An explanation that all parties may be accompanied by an Advisor of their choice, who may be a parent, colleague, friend, or attorney;
- A statement that any party has the right to withdraw from the Informal Resolution process and initiate or resume resolution procedures at any time before agreeing to a resolution;
- The date and time of the initial meeting with staff or the Title IX Coordinator, with a minimum of three (3) days' notice;
- Information regarding supportive measures which are available equally to the parties; AND
- The potential terms that may be requested or offered in an Informal Resolution agreement.

Facilitating an Agreement

If all parties are willing to explore an Informal Resolution, the Title IX Coordinator will then meet separately with each party to discuss the Informal Resolution process and facilitate an agreement. If an agreement cannot be reached, either because the parties do not agree, determine they no longer wish to participate in the Informal Resolution process, or the Title IX Coordinator does not believe that the terms of the agreement or continuing the Informal Resolution process is appropriate, the Title IX Coordinator may decide that the reported conduct will instead be addressed through the investigation and hearing process. The Title IX Coordinator will inform the parties of such decision, in writing.

Informal Resolution processes are managed by facilitators who do not have a conflict of interest or bias in favor of or against Complainants or Respondents generally or regarding the specific parties in the matter. The Title IX Coordinator may serve as the facilitator, subject to these restrictions. The Investigator or Hearing Officer for the matter may not facilitate an Informal Resolution in that same matter.

Any party may craft or create the terms of their agreement and will be asked for their suggestions or ideas. Examples of agreements may include but are not limited to:

- an agreement that the Respondent will change classes or housing assignments;

- an agreement that the parties will not communicate or otherwise engage with one another;
 - an agreement that the parties will not contact one another;
 - completion of a training or educational project by the Respondent;
 - completion of a community service project by the Respondent;
 - an agreement to engage in a restorative justice process or facilitated dialogue;
- AND/OR
- discipline agreed upon by all parties.

In order to facilitate Informal Resolution, information shared by any party will not be used in any related resolution process of the same formal complaint under this policy. No evidence concerning the allegations obtained within the Informal Resolution process may be disseminated to any outside person, provided that any party to the Informal Resolution process may generally discuss the allegations under investigation with a parent, Advisor, or other source of emotional support, or with an advocacy organization. An admission of responsibility made during an Informal Resolution process, however, may not be incorporated into the investigation and adjudication proceeding.

Finalizing the Resolution Agreement

Once the final terms of the Resolution Agreement have been agreed upon by all parties, in writing, and approved by the Title IX Coordinator, the matter will be considered closed, and no further action will be taken. Once signed, no appeal is permitted. The Informal Resolution process is generally expected to be completed within thirty (30) business days and may be extended by the Title IX Coordinator as appropriate. All parties will be notified, in writing, of any extension and the reason for the extension.

Records of an Informal Resolution process can be shared with other offices as appropriate.

Any violations of the terms of the Resolution Agreement may result in disciplinary action.

Investigation Procedures

Notice of Investigation and Allegations

After a formal complaint has been signed, the University will provide a written Notice of Investigation and Allegations (“NOIA”) to both parties which will include:

- A meaningful summary of the allegations;
- The identity of the involved parties (if known);
- The misconduct being alleged;
- The date and location of the alleged incident(s) (if known);
- The specific policies implicated;

- A description of the applicable procedures;
- A statement of the potential sanctions/responsive actions that could result;
- A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination;
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period;
- A statement about the University's policy on retaliation;
- Information about the privacy of the process;
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor;
- A statement informing the parties that the University's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process;
- Details on how the party may request disability accommodations during the interview process;
- A link to the University's Title IX website;
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator, any conflict of interest that the parties may have towards the Investigator(s); AND
- An instruction to preserve any evidence that is directly related to the allegations.

If during the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not included in the initial written notice, the University must provide an updated written NOIA to the parties detailing the new allegations. Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Acceptance of Responsibility

If a Respondent accepts responsibility for all or part of the Prohibited Conduct alleged, the designated sanctioning officer will issue an appropriate sanction or responsive action as to those violation(s) and continue processing any remaining allegations of Prohibited Conduct, if any.

Assignment of the Investigator and/or Decisionmaker

The University will assign a trained Investigator and/or Decisionmaker to conduct an adequate, reliable, and impartial investigation and hearing, if applicable, in a reasonably prompt timeframe. The University reserves the right to utilize internal or external Investigators, Decisionmakers, or Hearing Officers.

All parties have the option to participate in the investigation and/or hearing, and each have the same rights during the resolution process including the right to an Advisor, to submit relevant witness names and evidence, and to review the evidence gathered by the Investigator prior to the Investigator providing the final report to the Decisionmaker. In cases where there is a hearing, all parties have the same rights at the hearing, including the right to review any evidence that will be considered by the Decisionmaker prior to the hearing.

The Investigator will establish deadlines for submission of names of relevant witnesses and submission of evidence and communicate those deadlines to the parties in writing.

Conflict of Interest or Bias

After a Notice of Investigation and Allegations is issued to all parties, any party may object to the participation of the Title IX Coordinator or designated Investigator on the grounds of demonstrated bias or actual conflict of interest. All parties will have three (3) days from the date of the Notice of Investigation and Allegations to object to the selection of the Investigator or the Title IX Coordinator. Objections to the Title IX Coordinator are to be made, in writing, to the General Counsel. Objections to the appointment of the Investigator are to be made in writing to the Title IX Coordinator. All objections will be considered, and changes made as appropriate. If the objection is substantiated as to either the Title IX Coordinator or the Investigator, that individual shall be replaced. Any change will be communicated in writing.

Title IX Coordinator – [Report Conflict of Interest/Bias of the Investigator](#)

General Counsel - [Report Conflict of Interest/Bias of the Title IX Coordinator](#)

Timeline

In those cases that do not include a hearing, the University strives to complete the investigation process within ninety (90) days from the date of the Notice of Investigation and Allegations. In those cases that include a hearing, the University strives to complete the investigation process within sixty (60) days from the date of the Notice of Investigation and Allegations, and complete the hearing within sixty (60) days of the Notice of Hearing.

The timeline for any part of the resolution process may be extended for good cause by the Title IX Coordinator. All parties shall be notified, in writing, of any extension to the timeline that is granted, the reason for the extension, and the new anticipated date of conclusion of the investigation and/or hearing. Good cause reasons for extension may include ensuring availability of witnesses and other participants and ensuring participants have sufficient time to review materials.

The University shall not unreasonably deny a student party's request for an extension of a deadline related to a formal complaint during periods of examinations or school closures.

The Investigator and/or Title IX Coordinator shall provide the Parties with periodic status updates, in writing.

Burden and Standard of Review

The University has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. This burden does not rest with any party, and any party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from the University and does not indicate responsibility. The standard of proof used in any investigation and decision-making process is the preponderance of the evidence standard, which means more likely than not.

Written Notice of Meetings

The University will provide a party or witness whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate.

Evidence Gathering

Interviews

The Investigator will hold individual interviews with parties and witnesses and gather relevant and directly related documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via video conference. When a party meets with an Investigator, the Investigator will ask questions related to the allegations in the formal complaint and a party is given the opportunity speak to the allegations and related events. Parties may identify fact witnesses and provide evidence that is relevant or directly related to the allegations. This will include inculpatory evidence (that tends to show it more likely that someone committed a violation) and exculpatory evidence (that tends to show it less likely that someone committed a violation). The Investigator ultimately determines whom to interview to determine the facts relevant to the formal complaint.

Only the Investigator and the party or witness may attend each individual interview. A party's Advisor may attend these meetings, subject to the rules described in this policy. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of those proceedings.

Irrelevant Evidence

The following are not relevant, as per applicable federal law. This means this information will not be accessed or considered, except by The University to determine whether one of the exceptions listed below applies:

- Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- 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 its grievance procedures; and
- Evidence and questions about the Complainant's sexual predisposition or prior sexual behavior unless:
 - It is offered to prove that someone other than the Respondent committed the Prohibited Conduct alleged in the formal complaint, OR
 - They concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Investigation - Decision-making Process

In this process the Investigator is the Decisionmaker for Sex Discrimination, Sexual Exploitation, and Retaliation. There is no live hearing for this procedure.

Report and Evidence Review

At the conclusion of all fact-gathering, the investigator will provide each party and their Advisor, if any, the opportunity to review the preliminary investigation report (PIR) and all relevant and directly related evidence gathered. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation, to submit any additional relevant evidence, and the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence, or names of witnesses. Given the sensitive nature of the information provided, the University will facilitate this review in a secure manner. None of the parties nor their Advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any Advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties will have a minimum of five (5) days to inspect and review the evidence and submit a written response in writing to the Investigator. The University will provide access to copies of the parties' written responses to the Investigator to all parties and their Advisors, if any. The Title IX Coordinator shall have the discretion to extend the evidence review period based on the volume and nature of the evidence. At the conclusion of the evidence review,

when deemed appropriate by the Investigator, the Investigator shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence is gathered during this second fact-gathering period, the new evidence will be made available for review by the parties and their Advisors. The parties shall have five (5) business days to provide a response to the newly-gathered evidence. No new evidence will be accepted as part of any response, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The Investigator will consider the parties' written responses before finalizing the investigation report.

The parties may each submit a written impact statement prior to the conclusion of the resolution process. The impact statement is not evidence and will be reviewed only after a determination of responsibility is reached.

Completed Investigation Report

The Investigator shall evaluate the relevant evidence and make a factual determination regarding each allegation, and also determine whether a violation of the policy occurred. The Investigator may choose to place less or no weight upon statements by a party or witness who refused to respond to questions deemed relevant and not impermissible or declined to participate. The Investigator will not draw an inference about whether Prohibited Conduct occurred based solely on a party's or witness's refusal to respond to questions.

The Investigator shall prepare a completed investigation report (CIR) which shall include:

- A description of the allegations of Prohibited Conduct;
- Information about the policies and procedures used to evaluate the allegations;
- A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, and methods used to gather other evidence;
- An evaluation of the relevant and not otherwise impermissible evidence and the rationale for that evaluation;
- Findings of fact for each allegation, with rationale; AND
- Conclusions regarding which section of this policy or other University policy, if any, the Respondent has or has not violated, with rationale.

The CIR shall be provided to the Title IX Coordinator. If there is a finding of violation, the CIR will be provided to the appropriate Decision-maker for decision regarding disciplinary sanctions as follows:

- If the Respondent is a student, it will be referred to the Dean of Students for disciplinary sanctions decision, in accordance with University's student disciplinary procedures. Prior to issuing a disciplinary sanction, the Dean of Students will consult

with the Investigator regarding the finding of violation. If the violation has a nexus to Respondent's appointment as student-employee, the disciplinary sanctions decision will be made in consultation with the Chief Human Resources Officer and/or the Vice President of Academic Affairs and Provost. Any disciplinary sanction imposed will be included in the CIR. If the disciplinary sanction is suspension or expulsion, the Respondent can request to resolve this matter via a hearing procedure. The hearing will be held in accordance with the hearing procedures outlined in this policy.

- If the Respondent is faculty, it will be referred to the Vice President of Academic Affairs and Provost for disciplinary sanctions decision, in accordance with the University's policies for discipline and termination of faculty; or
- If the Respondent is staff, it will be referred to the Chief Human Resources Officer for disciplinary sanctions decision, in accordance with the University's policies for discipline and termination of staff.

The Title IX Coordinator shall then provide the parties and their advisors, if any, with a written Notice of Outcome and the CIR. The Notice of Outcome shall include:

- A statement of, and rationale for, any disciplinary sanctions the University imposed on the Respondent;
- A statement as to whether remedies will be provided to the Complaint
- For the Complainant, a description of any remedies that apply to the complainant;
- The University's procedures and the permitted reasons for the parties to appeal, including identifying the Appeals Officer; AND
- How to challenge participation by the Appeals Officer for bias or conflict of interest, which the Title IX Coordinator will resolve in their sole discretion.

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Investigation and Live Hearing Process

This investigation and live hearing process applies to the following Prohibited Conduct: Sexual Assault, Dating Violence, Domestic Violence, Stalking, and/or Sexual Harassment.

In this process the Investigator creates a fact-gathering investigation report, and findings of fact and determinations are made by the Hearing Officer after a live hearing.

Report and Evidence Review

At the conclusion of all fact-gathering, the Investigator will provide each party and their Advisor, if any, the opportunity to review the relevant and directly related evidence gathered.

Prior to the conclusion of the investigation, provide the parties a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the University does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten (10) business days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).

The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses.

The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period.

The Investigator(s) will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.

Conclusion of Investigation, Notice of Hearing

Once the investigation report is final, the report together with all attachments shall be provided to each party and to their Advisor, if any, in a secure manner (e.g., by providing digital copies of the materials through a protected, "read-only" web portal). Each party shall have ten (10) days to provide a response. The response, if any, shall be provided to the Hearing Officer.

Following conclusion of the investigation, each party shall be provided with a Notice of Hearing, which shall include information regarding the date of the hearing, the identity of the Hearing Officer, the process to be used at the hearing, deadlines for submission of evidence, names of witnesses, or questions to be reviewed by the Hearing Officer to ensure they are relevant to the allegations. The hearing shall be scheduled no less than ten (10) business days from the date of the Notice of Hearing.

Within three (3) business days of receipt of the Notice of Hearing, either party may object to the Hearing Officer on the basis of a demonstrated bias or actual conflict of interest. Any objection is to be in writing and sent to the Title IX Coordinator. Should the Title IX

Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator shall remove the Hearing Officer and appoint another.

Hearing Procedures

The purpose of a hearing is for a Hearing Officer to determine whether the conduct occurred as alleged, and if so, whether that conduct violates this policy. The University expects that all individuals who participate in the hearing process do so truthfully and that all who have a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias. Hearings may be conducted in person or via videoconferencing. The Title IX Coordinator may determine that the hearing will continue in the absence of any party or any witness.

The University will appoint a Hearing Officer (also known as the Decisionmaker), who will determine whether a violation of the University policy has occurred. The Hearing Officer shall have the authority to determine the relevance of evidence submitted, and of questions asked, to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing. The Hearing Officer shall not draw an inference about the determination regarding responsibility based solely on a party's absence from the hearing or refusal to answer questions posed.

Each hearing shall be recorded by the University, and this recording will be considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place. The recording is the property of the University but shall be available for listening until the conclusion of the appeals process to Complainant, Respondent, their respective Advisors, Hearing Officer, and Appeal Officer by contacting the Title IX Coordinator.

Prior to the Hearing

The parties and the Hearing Officer all have the right to call witnesses. Witnesses participating in the hearing must have information relevant to the allegations. Parties who wish to call witnesses must submit the name of the witness at least five (5) business days in advance of the hearing to the Hearing Officer.

Only witnesses who participated in the investigation will be permitted to participate in the hearing, unless the witness was otherwise unknown or not known to have relevant information during the course of the investigation. If the witness did not participate in the investigation, the party must also provide the reason the witness was not interviewed by the Investigator, and what information the witness has that is relevant to the allegations. The Hearing Officer will then determine whether the witness has relevant information and if there is sufficient justification for permitting the witness to participate. The Hearing Officer may instead send the case back to the Investigator to interview the newly proffered witness prior to the hearing taking place.

A list of witnesses approved by the Hearing Officer will be provided to the parties at least three (3) business days prior to the hearing.

Three (3) business days prior to the hearing, each party shall submit to the Hearing Officer a preliminary list of questions they wish to pose to the other party, or to a witness. If the Hearing Officer determines that any questions are not relevant, the Hearing Officer shall exclude the question and explain the reason for the exclusion of the question at the hearing. Questions that are unclear or harassing of the party or witness being questioned will not be permitted.

Advisor

Each party is entitled to be accompanied by one (1) Advisor at the hearing. The role of the Advisor is to assist the party with understanding and navigating the proceedings, and at the direction of the Hearing Officer, pose questions developed by their advisee to the other party or witnesses. The Advisor may not advocate for, respond for, or otherwise speak on behalf of, a party during the hearing.

An Advisor of the University's choosing shall be provided for any party who does not have an advisor for the hearing.

Hearing Participation Guidelines

The Hearing Officer shall have the authority to maintain order and decorum at the hearing, including responding to disruptive or harassing conduct, and when necessary to adjourn the hearing or exclude the disruptive person. In the event the Hearing Officer removes an Advisor, the Hearing Officer will have the discretion to appoint another advisor for the remainder of the hearing. The Hearing Officer also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions. The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing.

Statements, Questioning and Presentation of Evidence

During the hearing, each party will be permitted to provide an introductory statement. Following introductory statements, the Hearing Officer will call parties and witnesses for questioning. The order of questioning shall be determined by the Hearing Officer. The Hearing Officer will pose questions to the parties and witnesses and provide each party an opportunity to pose questions to the other party or witnesses through their advisor. If the Hearing Officer determines that any questions are not relevant to the allegations, or seek otherwise impermissible evidence, the Hearing Officer shall not permit a response to the question and explain the reason for the exclusion of the question at the hearing. Questions that are unclear or harassing of the party or witness being questioned will not be permitted.

Following the questioning of parties and witnesses, each party will be permitted to provide a closing statement. An Advisor is not permitted to provide a closing statement on behalf of their party.

Hearing Officer's Report

Following the hearing, the Hearing Officer shall prepare a determination report. All findings shall be made by a preponderance of the evidence, meaning more likely than not. To the extent credibility determinations need to be made, such determinations shall not be based on a person's status as Complainant, Respondent, or witness.

The determination report will include:

- A description of the Prohibited Conduct alleged;
- A reference to the policies and procedures used to evaluate the allegations;
- Description of all procedural steps taken to date;
- The Hearing Officer's evaluation of the relevant evidence along with the finding of facts;
- Determinations for each allegation, with the rationale;
- Sanction determination (if applicable)
- Whether remedies will be provided; AND
- The procedures for an appeal, including how to challenge participation by the Appeal Officer for bias or conflict of interest, which the Title IX Coordinator will resolve in their sole discretion.

The Hearing Officer's report shall be provided to the Title IX Coordinator. If the Hearing Officer determines that there is no finding of responsibility, the Title IX Coordinator shall communicate the findings to each party, and their Advisor should the party wish their Advisor to receive it, a written Notice of Outcome along with a copy of the Hearing Officer's report, to the parties, together with procedures for an appeal.

If there is a finding of responsibility, the Title IX Coordinator shall contact the appropriate sanctioning officer who will determine the sanction and then notify the Title IX Coordinator of the sanctioning determination. The Title IX Coordinator will then provide each party, and their Advisor should the party wish their Advisor to receive it, a written Notice of Outcome regarding the Hearing Officer's decision, including the Hearing Officer's report. The Title IX Coordinator will also provide written communication to the Complainant regarding any appropriate remedies.

Past findings of responsibility relating to this policy or any other University policy are admissible in the sanctioning stage only.

Appeals

Dismissals of formal complaints and determinations made in investigation and hearing procedures may be appealed in writing by either party consistent with this Policy. Appeals will be sent to the Title IX Coordinator, who will then send the appeal to the Appeals Officer assigned to conduct a written review of the appeal(s) and to make a final determination. Appeals must be in writing and filed within ten (10) days following the issuance of the outcome letter.

When an appeal is filed, the other party shall be notified and provided with a copy of the filed appeal promptly, and have five (5) business days to respond to the appeal in writing. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal.

Within three (3) business days of an Appeal Officer being assigned, either party may provide written objection to the Appeal Officer on the basis of an actual bias or conflict of interest. Any objection is to be sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator will appoint another Appeal Officer.

Appeals may be filed only on the following three grounds:

1. Procedural Error: A procedural error occurred that would change the outcome. A description of the error and its impact on the outcome of the case must be included in the written appeal;
2. New Evidence: New evidence or information has arisen that was not available or known to the party during the investigation or hearing, that would change the outcome. Information that was known to the party during the resolution process but which they chose not to present is not considered new information. The new evidence, an explanation as to why the evidence was not previously available or known, and an explanation of its potential impact on the investigation findings must be included in the written appeal; OR
3. Actual Conflict of Interest or Demonstrated Bias: The Title IX Coordinator, Investigator, or others with a role in the process with an actual conflict of interest or demonstrated bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that would change the outcome. Any evidence supporting the alleged conflict of interest or demonstrated bias must be included in the written appeal.

No other grounds for appeal are permitted.

The appeal must be submitted in writing, within ten (10) business days of the notice of determination or dismissal being sent by the University, and must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Promptly upon receipt of an appeal, the Appeal Officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the Appeal Officer determines that the appeal is not timely, or that it fails to invoke a permitted grounds for appeal, the Appeal Officer will dismiss the appeal and provide written notice of the same to the parties.

If the Appeal Officer confirms that the appeal is timely and invokes at least one permitted grounds for appeal, the Appeal Officer, or a University Official acting on their behalf, will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within ten (10) business days. The Appeal Officer shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the Appeal Officer will promptly decide the appeal and transmit a written decision to the parties that explains the outcome of the appeal and the rationale.

The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the Appeal Officer has resolved all appeals, either by dismissal or by transmittal of a written decision.

No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, the University strives to issue the Appeal Officer's written decision within fifteen (15) business days of an appeal being filed or the opposition statement being received, whichever is later.

The Appeal Officer will make a determination regarding the appeal and communicate that decision, along with a rationale for the decision to the Title IX Coordinator who will communicate the Appeal Officer's decision to the parties. The decision of the Appeals Officer is final.

SANCTIONS

Student Respondents

Sanctions against a student will be imposed by the decision-maker(s) within ten (10) business days upon receipt of the hearing's determination. If the violation has a nexus to Respondent's appointment as a student-employee, the discipline decision will be made in consultation with the senior Human Resources officer and/or Vice President of Academic Affairs and Provost. Student disciplinary actions may include one or more of the sanctions listed below:

- Written warning;
- Disciplinary probation;
- Withholding of official transcript and/or degree;
- Bar against readmission, bar against enrollment, withdrawal from the University or from a period of enrollment, and/or drop from one or more classes;
- Restitution or reimbursement for damage to or misappropriation of University, Kansas Board of Regents, or State of Kansas property;
- Suspension of rights and privileges, including, but not limited to, participation in athletic or extracurricular activities and residing in or entering University housing;
- Deferred suspension;
- Suspension from the University for a specified period of time;
- Expulsion (permanent separation from the University); OR
- Other sanctions as deemed appropriate under the circumstances.

Employee Respondents

Sanctions against University employees will be handled under the University's employment policies governing discipline and dismissal of faculty and staff, respectively. Sanctions against University affiliates will be handled by the human resources staff in consultation with the affected college, school, or unit. The Vice President of Academic Affairs and Provost will determine sanctions for faculty within ten (10) business days upon receipt of the hearing's determination. In consultation with the University's legal counsel, the senior Human Resources officer will determine sanctions for staff within ten (10) business days upon receipt of the hearing's determination. Sanctions may include, but are not limited to:

- Mandated training;
- Written reprimands or corrective action;
- Imposition of conditions on teaching, supervising, or other official duties;
- Financial penalty;
- Unpaid time off;
- Suspension with or without pay;
- Demotion;
- Reassignment of duties;
- Other professional sanctions; OR

- Termination.

The University will consider termination for faculty or staff, the presumptively appropriate discipline for a finding of responsibility, for the following Prohibited Conduct: (1) Sexual Assault, (2) Interpersonal Violence (3) Stalking, and (4) Sexual Harassment. This presumption may be rebutted or confirmed, in the disciplinary authority's discretion, by one or more mitigating or aggravating factors in order to reach a just and appropriate resolution in each case.

Mitigating factors include, but are not limited to:

- The expressed requests of the affected individual; AND
- The absence of previous disciplinary history of the Respondent.

Aggravating factors include, but are not limited to:

- The nature and severity of conduct, including the use of force or a weapon;
- The level of ongoing threat to the physical safety and security of the Complainant or other members of the University community;
- The need to remedy and address the impact or effects of the conduct on the Complainant;
- The impact or implications of the conduct on the community or the University, including other members of an affected academic or departmental unit;
- Whether the Respondent engaged in any acts of retaliation for the report of the incident;
- Prior misconduct by the Respondent, including the Respondent's relevant prior discipline or criminal history (if available); AND
- Refusal to acknowledge culpability or accept responsibility for clear violation of the Policy.

Sanctions will be communicated to the parties, as appropriate, in writing by the Vice President of Academic Affairs and Provost and/or the individual in charge of Human Resources, or their designee. In all cases involving violations of this Policy, the file will be archived by the Title IX Office.