

# TITLE IX POLICY AGAINST GENDER-BASED DISCRIMINATION AND SEXUAL MISCONDUCT

Quinnipiac University is committed to providing an environment free from sexual misconduct including sexual harassment, sexual assault, non-consensual sexual activating, dating/domestic violence, and stalking. Consistent with its commitment to addressing sexual misconduct in all its forms, the university complies with Title IX of the Education Amendments of 1972, the Violence Against Women Act (VAWA), the Clery Act, and relevant Connecticut State Law. As such, Quinnipiac University is dedicated to fostering a healthy and safe environment in which members of the community can realize their full potential in an educational, working and living environment free from all forms of gender or sex discrimination and sexual misconduct.

The Title IX office can be found in Tator 142. View Title IX coordinator contact information (<https://catalog.qu.edu/university-policies/titleix-policy/#contact-info>).

Quinnipiac seeks to ensure that no student, faculty or staff member is excluded from participation in or denied the benefits of any university program or activity due to sexual harassment and sexual misconduct. This includes all university activities, including, without limitation, academic, athletic, campus life, residential life programs and all aspects of employment. Students, faculty or staff who believe they have been subjected to or witnessed gender-based misconduct are encouraged to report these incidents. As discussed below, all faculty, administration, athletic, human resources, public safety, residence hall directors, resident advisors (RAs) student affairs staff are considered responsible employees/mandated reporters and are required to immediately report any incidents they have information about that may violate Title IX and the University's Sexual Misconduct, Harassment, and Discrimination and Response Prevention Policy (p. 5). Responsible employees/mandated reporters cannot file anonymous reports and cannot withhold information, including the names and identities of involved individuals from the Title Coordinator and Title IX investigation staff. Additionally all staff regardless of role or position are encouraged to report. Upon receiving a report, the university will respond promptly, equitably, and thoroughly. In addition, the university will take steps to prevent the recurrence of the misconduct and correct its effects, if appropriate.

Specifically with respect to athletics, the university is committed to the equitable treatment of all student-athletes. This includes, but is not limited to, equitable allocation of athletic participation opportunities, scholarships, and benefits. The contact person in Athletics for Title IX inquiries is Sarah Fraser, deputy athletic director.

Prohibitions against discrimination and harassment may not encompass statements and materials that are germane to the classroom or academic course of study.

The University will take all steps to respond to and address reports of sexual misconduct including the imposition of interim measures designed to interrupt and end sexual harassment and potential risks of harm to all parties involved and the campus community. Interim measures include class reassignments, housing reassignments, no-contact-orders and other measures restore a party's ability to participate

in University programming. The University's Sexual Misconduct, Harassment, and Discrimination and Response Prevention Policy has been developed to reaffirm these principles and to provide recourse for impacted parties in a manner consistent with controlling legal mandates, equity, and fairness. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

Any Quinnipiac community member who has questions about the policy or the investigations and grievance procedures should contact the university's Title IX coordinator.

- Pregnant and Parenting Student Modifications (<https://catalog.qu.edu/university-policies/pregnant-parenting-policy/>)

## Notice of the Title IX Coordinator

The university's Title IX coordinator manages the university's compliance with Title IX, VAWA, and other laws applicable to sexual misconduct occurring in University programs. The Title IX Coordinator is a resource available to anyone seeking information or wishing to file a complaint. When a student, faculty or staff member, or other participant in the university's programs and activities feels that they have been subjected to discrimination on the basis of sex in any university program or activity, including without limitation being subjected to sexual harassment, they may contact the Title IX coordinator or utilize the Title IX grievance procedures to bring concerns forward for the purpose of obtaining a prompt and equitable resolution.

The University's Sexual Misconduct, Harassment, and Discrimination and Response Prevention Policy is intended to define university standards and to outline the investigation and grievance processes.

## Contact Info

The University Title IX Coordinator is:

Patricio Jimenez  
Title IX Coordinator  
275 Mount Carmel Avenue, CCE-180  
Hamden, CT 06518  
[patricio.jimenez@qu.edu](mailto:patricio.jimenez@qu.edu)  
203-582-7757

Deputy Title IX coordinators are designated and trained to address Title IX concerns and investigations.

Deputy Title IX Coordinator for faculty, staff and vendors:

Joanna Wayton  
Talent Acquisition & HR Projects Specialist  
513 Mount Carmel Avenue, MC-7, OF-HMN  
Hamden, CT 06518  
[joanna.wayton@qu.edu](mailto:joanna.wayton@qu.edu)  
203-582-7738

Deputy Title IX Coordinator for athletics:

Sarah Fraser

Deputy Director of Athletics

Recreation & Wellness Center 275C

275 Mount Carmel Avenue

Hamden, CT 06518

S (shanna.alexander@qu.edu)arah.Fraser@qu.edu  
(Sarah.Fraser@qu.edu)

203-582-8090

## Amendment of Title IX Policies and Procedures

Where appropriate and with prior notice where applicable, these policies and grievance procedures may be modified or amended by the university Title IX coordinator.

## Confidential Resources

On-campus resources are available that can provide confidentiality, sharing options and advice without any obligation to inform other university staff members unless requested. Such on-campus confidential resources include Counseling Services, Student Health Services and/or Religious Life and other designated resources. Additionally, community members can seek out assistance from an off-campus crisis center, which can maintain confidentiality. Faculty members and other university staff are *not* confidential resources and are required to contact the university Title IX coordinator or a deputy coordinator.

### Quinnipiac Confidential Resources for Students

- Counseling Services – 203-407-4020
- Student Health Services – 203-407-4050
- Religious Life – 203-582-8257
- Peter C. Hereld House for Jewish Life – 203-582-8206

### Off-Campus Confidential Resources

- Connecticut Sexual Assault Crisis Services 24-hour confidential hotline – 1-888-999-5545
- Women and Families Center/Meriden – 203-235-9297
- Women and Families Center/New Haven – 203-389-5010
- Rape Crisis Center of Milford – 203-878-1212
- Rape, Abuse and Incest National Network crisis hotline – 1-800-656-HOPE
- Rape, Abuse and Incest National Network online hotline – hotline.rainn.org/online (<https://hotline.rainn.org/online>)
- The Umbrella Center for Domestic Violence Services – 203-736-9944
- BHcare – 203-736-2601

Students who wish for the university to conduct a formal investigation into an allegation under Title IX must sign a formal complaint with the Title IX Office.

The university reserves the opportunity to undertake an investigation where appropriate, even in cases where the university received an anonymous report or where the alleged victim and/or complainant chooses not to cooperate or participate. When weighing a complainant's request for confidentiality, to end an investigation and/or to not seek disciplinary action, the university will consider factors which may include the following: a risk of future acts of sexual violence; whether the reported sexual violence was allegedly perpetrated with a weapon; the age of the student subjected to the sexual violence; and whether the university possesses other means to obtain relevant evidence.

The university has a duty to report data about various forms of sexual misconduct in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). No personally identifiable information is disclosed, but statistical information is disclosed as part of the university's annual Campus Security Policy & Campus Crime Statistics Report. The information to be shared includes the date, location (residence hall, public property, off campus, etc.) and specific crime category.

Whether the incident occurred on or off campus, community members are encouraged to report sexual assault and other incidents of harassment to local police. Quinnipiac's Department of Public Safety can assist community members who wish to make a report to police. Electing not to report an incident to the police will not impact the university's investigation or Title IX grievance process. If a complainant is a minor, according to Connecticut state law, the university will make a report to the appropriate law enforcement agency.

To contact a local police department, contact Public Safety for assistance, or call:

- Hamden Police Department – 203-230-4000
- North Haven Police Department – 203-239-5321 ext. 224
- New Haven Police Department – 203-781-8200
- Connecticut State Police, Troop I – 800-956-8818 or 203-393-4200

If a community member decides not to file a complaint with the university, the university encourages the community member to seek out the available medical and mental health resources listed above. Community members who wish to make a complaint at a later date may contact any of the staff mentioned above at any time. Please note that a delay in reporting could affect the university's ability to gather information that could be needed to determine whether a person is responsible for sexual misconduct or gender-based discrimination.

## Amnesty

Members of the university community may be reluctant to report incidents because of concerns that their own behavior may be a violation of university policies. The university will not pursue disciplinary action against students for disclosure of personal consumption of alcohol or other drugs where the disclosure is made in connection with a good faith report or investigation of sexual misconduct. The university may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

## Responsible Employees and Reporting

The university deems the Title IX coordinator, all faculty, administration, athletic, human resources, public safety, student affairs, and student paraprofessional staff (resident assistants & orientation leaders under contract) as “responsible employees” of the university. A responsible employee is **required** to report any incidents of sexual violence, harassment or discrimination promptly to the university Title IX coordinator. Prompt reporting of such incidents makes investigation of the incident more effective and enhances the ability of the university to respond.

Reports can be made directly to the Title IX Coordinator by email or using the university’s Title IX Report Form ([https://cm.maxient.com/reportingform.php?QuinnipiacUniv&layout\\_id=1](https://cm.maxient.com/reportingform.php?QuinnipiacUniv&layout_id=1)).

## Privacy and Confidentiality

The university will make every effort to maintain the privacy of those involved in Title IX complaints and related processes. Only people who have a legitimate need to know about the matter will be informed, and materials and information prepared or acquired under Title IX procedures will be shared only as required and/or necessary with investigators, witnesses and other relevant parties.

Disclosure of such information also may be made if the university’s Title IX coordinator determines that such disclosure is necessary to protect the health, safety or well-being of the community. While the university’s Title IX coordinator will take into account any requests made by a party for confidentiality or that a Title IX matter not be investigated, the university’s Title IX coordinator will take appropriate steps to respond to the matter consistent with requirements of Title IX and the university’s obligation to the greater Quinnipiac community.

The university does not require, allow, rely upon, or otherwise use questions or evidence that constitute information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

## Retaliation

The university will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of sexual harassment or sex discrimination.

Neither the university nor other person may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding or hearing related to this policy.

Intimidation, threats, coercion or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, may constitute retaliation. Similarly, a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by this policy or related policies, may constitute retaliation.

## Statement Regarding Complaint and Grievance Procedures

The complaint and grievance procedures contained herein have been developed to enable the university to receive, investigate and resolve complaints of sexual misconduct. These procedures are designed to provide a supportive process for individuals who report discrimination and to ensure a fair process for individuals who are accused of sexual misconduct. Any Quinnipiac students, faculty or staff members who believe that they have been subjected to discrimination based upon sex in any university program or activity, that the university has failed to meet its Title IX obligations regarding equity in athletics, or that they have been subjected to sexual misconduct may bring such concerns to the attention of the university’s Title IX coordinator to obtain a prompt and equitable resolution. The university will make every effort to complete this process within 90 days of receiving a complaint.

The U.S. Department of Education, Office for Civil Rights (OCR) is the federal agency charged with enforcing compliance with Title IX. Anyone has the right to contact them directly.

Information regarding OCR can be found at:

Office for Civil Rights, 400 Maryland Avenue, SW, Washington, D.C. 20202-1100

- Customer Service Hotline: 800-421-3481 (TDD: 18339)
- Facsimile: 202-245-8392
- Email: [ocr@ed.gov](mailto:ocr@ed.gov)
- Website: [ed.gov/ocr \(https://www2.ed.gov/about/offices/list/ocr/\)](https://www2.ed.gov/about/offices/list/ocr/)

## Formal Complaints

Upon receipt of a report related to this policy, the Title IX coordinator must promptly contact complainant to discuss the availability of supportive measures, consider complainant’s wishes with respect to supportive measures, inform complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to complainant the process for filing a formal complaint.

A formal complaint must be made in writing by the complainant or signed by the Title IX coordinator. The formal complaint must contain both an allegation of sexual harassment against a named respondent and a request that the university investigate the allegation of sexual harassment. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in an education program or activity of the university.

A formal complaint may be filed with the Title IX coordinator in person, by mail or by electronic mail.

The university may consolidate formal complaints where the allegations arise out of the same facts.

## Dismissal of a Formal Complaint

If the conduct alleged in a formal complaint would not constitute sexual harassment as defined under the federal law and reflected in this policy, the university must dismiss the formal complaint.

The university must also dismiss a formal complaint that did not occur within the scope of the university's programs or activities, including complaints brought by individuals who are not currently participating in or attempting to participate in university programs or activities and complaints alleging conduct that did not occur against a person in the United States.

Such a dismissal does not preclude the university from responding to the allegation under other applicable university policies.

The university may dismiss the formal complaint or any allegations if at any time during the investigation or hearing: a complainant notifies the Title IX coordinator in writing that complainant would like to withdraw the formal complaint or any allegations therein, the respondent is no longer enrolled at or employed by the institution, or specific circumstances prevent the university from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint, the university must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. Either party can appeal from the university's dismissal of a formal complaint or any allegations therein using the Appeals procedure in this policy.

## Informal Resolution

At any time prior to reaching a determination regarding responsibility, the university may suggest to the parties the possibility of facilitating an informal resolution process, such as mediation, to resolve the formal complaint without the need for a full investigation and adjudication. If it is determined that an informal resolution may be appropriate, the Title IX coordinator or designee will consult with the parties.

Prior to facilitating an informal resolution to a formal complaint, the Title IX coordinator must provide the parties with written notice disclosing the sexual harassment allegations, the requirements of an informal resolution process, and any consequences from participating in the informal resolution process. Upon receipt of this document, complainants and respondents have five days to determine whether they consent to participation in the informal resolution.

The Title IX coordinator must obtain the parties' voluntary, written consent to the informal resolution process. Prior to agreeing to any resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. If a satisfactory resolution is reached through this informal process, the matter will be considered resolved. If these efforts are unsuccessful, the formal grievance process will continue. The Title IX Coordinator must approve any informal resolution.

Nothing in this section precludes a student from filing a complaint of retaliation for matters related to an informal resolution, nor does it preclude either party from filing complaints based on conduct that is alleged to occur following the university's facilitation of the informal resolution.

An informal resolution is not permitted to resolve allegations that an employee sexually harassed a student.

## Complaints Regarding Allegations of Gender Inequity in a University Program or Activity, Including Athletics

NOTE: Claims of sexual harassment are addressed separately. A separate grievance procedure is set forth for claims of sexual harassment and other related misconduct. See section on sexual harassment. (<https://catalog.qu.edu/university-policies/titleix-policy/#harassmentanddiscriminationtext>)

## Grievance Procedures for Formal (i.e., Written) Grievances

A formal grievance process is initiated when a complainant submits a written statement to the university Title IX coordinator alleging discrimination on the basis of sex in any university program or activity, including, without limitation, academic programs, athletics, campus life, residential life and all aspects of employment. In the statement, complainant is encouraged to request any relief sought from the university. Prompt submission of formal grievances is encouraged.

Complaints relating to other university programs and activities will be addressed by the Title IX coordinator:

Patricio Jimenez

Title IX Coordinator

275 Mount Carmel Avenue, CCE-180

Hamden, CT 06518

[patricio.jimenez@qu.edu](mailto:patricio.jimenez@qu.edu) ([patricio.jimenez@quinnipiac.edu](mailto:patricio.jimenez@quinnipiac.edu))

203-582-7757

The Title IX coordinator or designee will consider the written grievance and may dismiss the grievance without further process or review if it is determined that the allegations, even if true, would not constitute a violation of this policy.

If the grievance is not dismissed, the deputy coordinator will interview the individual who submitted the written statement. Depending on the circumstances, the Title IX coordinator or their designee also may interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the grievance.

While the time it may take to investigate and resolve a Title IX grievance will depend on a variety of factors, including the nature and scope of the allegations, the university will seek to resolve the grievance promptly.

## Appeals for Equity Grievances

If the Title IX coordinator or designee finds there was no violation of Title IX, the complainant may notify the university Title IX coordinator of an intent to appeal the decision within five business days of learning of the determination. The complainant must submit an appeal letter from their university email. The appeal letter should specify the grounds upon which the appeal is based and should include any supporting materials. The complainant must submit the appeal letter within five business days of receiving the initial decision. The Title IX coordinator has the discretion to extend these deadlines.

The accepted grounds for an appeal are:

- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

- Procedural irregularity that affected the outcome of the matter;
- The Title IX coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
- The sanction(s) assigned by the hearing officer did not adhere to the sanction guidelines stated in this policy.

Upon receipt of a request for appeal, the Title IX coordinator will designate a trained senior university staff member to serve as the appeal officer. If the appeal letter(s) does not bring forward sufficient grounds for appeal, the officer will deny the appeal and the matter will be closed.

If the appeal officer determines that the appeal should be considered, the appeal officer may:

- Affirm the deputy coordinator's decision. In this case, the initial decision is final; or
- Modify the deputy coordinator's decision and present a report with findings and recommendations to the provost or a designee. Upon receipt of the appeal officer's report and recommendations, the provost, or designee, will take appropriate action to ensure that any violation is remedied.

## Preservation of Physical Evidence

The university encourages all individuals to seek assistance from a medical provider, external law enforcement agencies, and/or the Department of Public Safety and Title IX Office immediately after an incident of sexual misconduct. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. For incidents occurring on University controlled property, including residence halls, please contact the Department of Public Safety as soon as possible so that efforts can be made to preserve any evidence. The university will assist any community member to get to a safe place and will assist with the provision of medical assistance, coordination with law enforcement, and information about the university's resources and complaint processes.

### Quinnipiac University Sexual Harassment, and Discrimination Response and Prevention Policy[1]

## I. Statement of Purpose

A. Statement of Nondiscrimination: Quinnipiac University (hereinafter, "the University") does not discriminate on the basis of sex and prohibits sex discrimination including harassment in any education program or activity that it operates. Discrimination on the basis of sex includes discrimination on the basis of gender, sex and gender stereotypes, and sex and gender characteristics, and any of the prohibited conduct defined in this Policy.

B. Statement of Purpose: The purpose of this Policy is to provide procedures and protocols for the investigation and adjudication (grievance procedures) of reported prohibited conduct and behavior within the University's education program and activities, including admissions and employment, and to create policies and procedures for the prevention of prohibited conduct.

## II. Jurisdiction and Scope

A. Effective Date: This effective date of this Policy is August 1, 2024. For alleged incidents prohibited conduct occurring prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident apply.

B. Existing Codes of Conduct: This Policy is a supplement to, and part of any existing University policies governing student, employee, staff, and faculty conduct and behavior. Where any such policies contain terms or provisions that are inconsistent with any term or provision of this Policy, the University deems this Policy to be controlling and applicable, except as set forth below. Where no such Policies exist, this Policy shall be controlling.

a. Bargaining Unit Employees: For employee and staff respondents who are members of a bargaining unit, the processes set forth in this Policy—and sanctions administered for violations of this policy—shall be applied and implemented in a manner consistent with applicable contractual provisions regarding discipline and termination, or as relevant to any interim action.

b. Faculty: This Policy is applicable to faculty. Where the Faculty Handbook contains terms or provisions that are inconsistent with any term or provision of this Policy, the University deems this Policy to be controlling and applicable. Where the Faculty Manual is silent as to any term or provision, this Policy shall be controlling.

C. Title IX Coordinator: The Title IX Coordinator shall be primarily responsible for implementation of the terms and provisions of this Policy including but not limited to:

1. Coordinating the University's Title IX compliance processes, protocols, training, and programs;
2. Conduct, or have oversight responsibility for, investigations of reports and complaints of prohibited conduct and any student or employee code of conduct violations related to or associated with reports and complaints of prohibited conduct as defined by this Policy.
3. Delegation to Designees: As appropriate, the Title IX Coordinator may delegate specific duties to one or more designees.

D. Individual Applicability: This Policy is applicable to all students, employees, staff members, and faculty of the university.

1. Dual status parties: When a respondent is both a student and an employee, the Title IX Coordinator or their designee shall make a fact specific inquiry to determine whether the requirements of this Policy apply to the respondent in their status as an employee or student. In making this determination, the Title IX Coordinator or their designee shall:
  - a. Consider whether the party's primary relationship with the university is to receive an education, and
  - b. Whether the alleged prohibited conduct occurred while the party was performing employment related work.
2. Where a student, employee, staff member, or faculty member (hereinafter, "affiliate") is alleged to have engaged in conduct or behavior prohibited by this Policy, and the individual impacted by the alleged behavior is not a University affiliate, the university may take disciplinary action against the affiliate pursuant to this Policy or the applicable code of conduct (e.g., student code of conduct, conduct policies applicable to employees) or other University policy where the Title IX Coordinator or their designee, or Chief of Public Safety, concludes that undertaking an investigation and, if applicable,

disciplinary action is in the University's substantial interest including, without limitation:

- a. Any action that constitutes a criminal offense as defined by the law of any state or federal law.
- b. Any situation in which it is determined that the affiliate poses a serious threat to the health or safety of any student, employee, staff member, or faculty member, or other individual.
- c. Any situation that significantly impinges upon the rights, property, or achievements of others.
- d. Any situation that breaches the peace and/or causes social disorder.
- e. Any situation that substantially interferes with the university's educational interests or mission.

**E. Jurisdiction:** Pursuant to Title IX of the Amendments to Civil Rights Act of 1972, this Policy applies to the University's education programs and activities defined as including locations, events, or circumstances in which the University exercises substantial control over both the respondent and the context in which the conduct occurred, circumstances where the University has disciplinary authority over the respondent, and to alleged misconduct occurring within any building owned or controlled by a University-recognized student organization.

1. *Off Campus Generally:* This Policy is applicable to the impacts of alleged prohibited behavior occurring off-campus where complainant and respondent are both affiliates of the University and under the jurisdiction of the Code of Student Conduct, the Human Resources Policy Manual, or other University policy. Additionally, this Policy is applicable to the impacts of alleged prohibited behavior occurring off-campus that if true would limit or deny a complainant's access to the University's education program or activities or where the alleged prohibited behavior impacts a substantial interest of the University. For purposes of this Policy, "off-campus" shall include behavior alleged to have occurred on-line and remotely via electronically facilitated medium or application. A substantial University interest includes without limitation:

- a. Any action that constitutes a criminal offense as defined by Connecticut, federal law, or the laws of the state where the prohibited behavior is alleged to have occurred. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
- b. Any situation in which it is determined pursuant to the protocols indicate below, that a respondent poses an immediate threat to the physical health or safety of any student, employee, or other individual.
- c. Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
- d. Any situation that substantially interferes with the University's educational interests or mission.

2. *United States:* This Policy applies to the University's education programs and activities where the alleged prohibited conduct occurred in an educational program or activity taking place in the United States including, without limitation, conduct that occurs in a building owned or

controlled by a student organization that is officially recognized by the University.

3. *Outside of the United States:* This Policy applies to the University's education programs and activities where some of the alleged prohibited conduct, including alleged creation of hostile environment, occurred outside of the University's programs or activities or outside of the United States, if the University has a means of control over the respondent and where the impacts of the alleged prohibited behavior would limit or deny a complainant's access to the University's education program or activities.

4. *Student Code of Conduct:* This Policy applies to the University's education programs and activities where the University would have jurisdiction over the respondent through the Student Code of Conduct regardless of where the alleged prohibited conduct occurred.

5. *Faculty and Staff Respondents:* This Policy applies to the University's education programs and activities where the University would have jurisdiction over the respondent pursuant to policies and procedures of the University's Human Resources Office and bargaining and labor agreements and employment contracts between the University and a respondent.

6. *Investigation Jurisdiction:* The University, through and by its Title IX Coordinator, in collaboration with any offices or departments within the University that the Title IX Coordinator deems appropriate and necessary, shall investigate reports and complaints of conduct and behavior prohibited by this Policy pursuant to the procedures set forth herein.

**F. Unknown and Unaffiliated Respondents:** If a respondent is unknown or is not affiliated with the University community, the Title IX Coordinator or their designee will offer to assist a complainant in identifying appropriate institutional and local resources and support options and will implement appropriate supportive measures and/or remedial actions (e.g., trespassing a person from campus). The Title IX Coordinator or their designee may also assist in contacting local or institutional law enforcement or external government agency if the individual would like to file a police or other report about alleged conduct and assist in contacting a court or external agency for the purpose of seeking a civil restraining order.

1. Upon being made aware of an incident of alleged prohibitive behavior involving an unknown or unaffiliated respondent, the Title IX Coordinator, their designee, the Department of Public Safety, and any University employee, staff member, or faculty member should make efforts to preserve any materials or information (e.g., security camera footage, reports, statements) in the possession of the University that may aid in assisting to establish the identity of the respondent.

2. When the respondent is enrolled in or employed by another institution, the Title IX Coordinator or their designee can assist the complainant in contacting the appropriate individual at that institution. Where another institution makes the University aware of allegations against a University student, staff, or faculty member made by an affiliate of another institution, the Title IX Coordinator or their designee may meet with such student and intervene in a manner consistent with the values and policies of the University.

**G. Cooperation and Assistance with Law Enforcement Agencies:** Where it is deemed to be in the interests of the safety of an individual University affiliate or the campus community, and a respondent is not affiliated with the University, the Title IX Coordinator or their designee and members

of the University's Department of Public Safety may assist external law enforcement agencies in the investigation of alleged prohibited conduct under this policy and share information with such agencies so long as it is consistent with the Family Educational Rights and Privacy Act (FERPA). Otherwise, criminal or civil process (e.g., subpoena) will be required to disclose to such agency any information protected by FERPA.

H. Restraining/Protective Order: Where it is deemed to be in the interests of the safety of an individual University affiliated complainant or the campus community, and a respondent is not affiliated with the University, the Title IX Coordinator or their designee and members of the University's Department of Public Safety may assist a complainant in obtaining a civil restraining/protective order.

I. Policy Modification: This Policy may be modified, amended, or supplemented by the Title IX Coordinator at any time as may be required by law or otherwise deemed necessary and in the University community's interests.

### III. Prohibited Conduct Definitions

A. Sex-based harassment: a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including:

1. *Quid pro quo harassment*. An employee, agent, or other person authorized by the University to provide an aid, benefit, or service under the University's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
2. *Hostile environment harassment*. Unwelcome sex-based conduct that, based on the totality of the circumstances, is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an educational program or activity offered by the University (*i.e.*, creates a hostile environment).
  - a. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
    - i. The degree to which the conduct affected the complainant's ability to access the university's education program or activity;
    - ii. The type, frequency, and duration of the conduct;
    - iii. The parties' ages, roles within the university's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
    - iv. The location of the conduct and the context in which the conduct occurred; and
    - v. Other sex-based harassment in the university's education program or activity.

#### 3. Specific Offenses

a. *Sexual Assault*: An offense classified and defined by 20 U.S.C. 1092(f)(6)(A)(v) (the Clery Act), "dating violence" as defined in 34 U.S.C. 1229(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 1229(a)(30), or Connecticut Law and committed, or attempted, without affirmative consent or where affirmative consent

cannot be given because of age, temporary incapacity, or permanent incapacity.

i. *Affirmative Consent*: "Affirmative consent" shall be defined as knowing, active, clear, mutual, and voluntary agreement by a person to engage in sexual activity with another person. Consent can be communicated by words or actions so long as those words or actions create clear, unequivocal, permission regarding a willingness to engage in sexual activity. It is the responsibility of the initiator to obtain clear and affirmative consent at each stage of a sexual encounter. The definition of affirmative consent does not vary based upon sex, sexual orientation, gender identity, or gender expression.

ii. Silence or lack of resistance does not constitute affirmative consent.

iii. Affirmative consent to one sexual activity or act does not constitute affirmative consent to subsequent sexual activity or acts.

iv. Past affirmative consent does not constitute ongoing affirmative consent.

v. Affirmative consent may be withdrawn at any time. If affirmative consent is withdrawn or can no longer be given, sexual activity must stop.

vi. Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," which elicits the response, "Okay, don't hit me, I'll do what you want."). Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

vii. Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

b. *Incapacity to Consent*: Affirmative consent cannot be given when an individual lacks the ability to knowingly choose to participate in sexual activity of any kind. A person cannot consent if, for any reason, they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious including due to alcohol or other drug consumption. Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing and informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual's state and totality of the circumstances. This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption or use of incapacitating substances (see below). Whether a Respondent knew or reasonably should have known the Complainant was incapacitated and incapable of providing

affirmative consent is an objective reasonable person standard that assumes that the reasonable person is both sober and exercising sound judgment. A Respondent violates this Policy if they engage in sexual activity with someone who is incapable of giving consent.

*i. Unconsciousness and Physical Helplessness:* Affirmative consent cannot be provided when a person is unconscious, including being asleep, or for any other reason is physically unable to resist sexual activity or contact of any kind or to communicate unwillingness to an act of sexual activity or contact.

*ii. Incapacitating Substance:* Affirmative consent cannot be given when a person is intoxicated as the result of consumption or use of alcohol, intoxicant, or any mind-altering substance, whether voluntary or owing to the influence of a drug or intoxicating substance administered to such person without their knowledge.

*iii. Incapacity by Reason of Age:* Persons who are below the age of consent as established by Connecticut law are incapable of giving affirmative consent under any circumstances.

*iv. Voluntary Intoxication of Respondent:* For purposes of any investigation and adjudication pursuant this Policy, the voluntary intoxication of Respondent shall be deemed to be irrelevant to the absence or presence of affirmative consent.

*c. Sexual Activity Without Affirmative Consent:* Committed or attempted sexual activity including, without limitation, vaginal sexual intercourse, anal sexual intercourse, oral sexual contact, the penetration of the anus or vagina with a foreign object including a body part, the penetration of the anus or vagina with a digit or digits, the touching of the penis, vagina, buttocks, or breasts, contact between a penis and the vagina, breasts, or buttocks whether over or under clothing, and kissing another person without affirmative consent.

*d. Non-Consensual Failure to Use a Condom:* If a sexual partner shares the clear expectation for the use of a condom, or to avoid internal ejaculation, and those expectations are not honored, the failure to use a condom, removing a condom, or internal ejaculation can be considered acts of sexual assault. This includes the nonconsensual removal, tampering with, or damaging of a condom during sexual intercourse or immediately before sexual intercourse.

*e. Dating Violence:* Violence or unlawful act committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the targeted individual; and

(B) where the existence of such relationship shall be determined based on a consideration of the following factors:

- (1) The length of the relationship;
- (2) The type of relationship; and
- (3) The frequency of interaction between the persons involved in the relationship.

*f. Domestic Violence:* Felony or misdemeanor crimes under Connecticut and Federal Law committed by a person who:

- i. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the State of Connecticut, or a person similarly situated to a spouse of the targeted individual;

- ii. Is cohabitating, or has cohabitated, with the victim as spouse or intimate partner;

- iii. Shares a child in common with the targeted individual; or

- iv. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the State of Connecticut.

*g. Stalking:* Engaging in a course of conduct (i.e. two or more instances) directed at a specific person that would cause a reasonable person, from both an objective and subjective perspective, to:

- i. Fear for the targeted person's safety or the safety of others; or
- ii. Suffer substantial emotional distress.

*h. Sexual Exploitation:* Any act or attempted act which violates the sexual, bodily, or personal privacy of another or takes unjust or abusive sexual advantage of another without affirmative consent for their own benefit or for the benefit of anyone other than the person being exploited including, without limitation: observing or surveilling another person while such person is nude, engaged in sexual activity, using bathroom facilities, undressing, or bathing or showering in a location where a person would have a reasonable expectation of privacy; recording, photographing, disseminating through electronic or other means, displaying, viewing, streaming, distributing (including through sale) intimate or sexual images, audio recordings, or sexual information without the affirmative consent of all parties involved; exposing one's genitals or inducing another to expose their own genitals without affirmative consent; engaging in sexual activity including masturbation in the presence of another person or persons without consent; creating a website, social media account, or otherwise posting images of, or information concerning, another person's purported sexual activity or interests whether any such images are generated or created using electronic means; publishing or disseminating a person's private and personal information, whether actual or fictitious; engaging in sex trafficking defined as the act of recruiting, transporting, harboring, or providing a person for the purpose of engaging in sexual acts or conduct with another person in exchange for something of value including as part of any social event, initiation, or other event associated with a student organization including those that are recognized by the University and those that are not; engaging in conduct that is beyond the boundaries of affirmative consent during a sexual interaction such as slapping, striking, hitting, strangulation, binding, restraining, biting, or hair pulling; or creating, disseminating, or possessing images or recordings of child sexual abuse material.

*i. Bullying or Endangerment on the Basis of Sex, Sex Stereotypes, Sex Characteristics, Pregnancy or Related Conditions, Sexual Orientation, and Gender Identity:* A course of conduct or a single instance of severe aggressive behavior, that is likely to intimidate a reasonable person (entailing both a subjective and objective perspective), or intentionally hurt, or control another person. Conducts which would constitute violations of this section include, without limitation: threatening or causing physical harm to another person; engaging in verbal, emotional, or psychological abuse; engaging in any conduct which threatens or endangers the health or safety of any person or damages their property.

## B. Other Prohibited Conduct

1. The Title IX Coordinator or their designee may address offensive conduct and/or harassment that (1) does not rise to the level of creating a hostile environment, or (2) that is of a generic nature and not based on a protected characteristic. Addressing such conduct

- will not result in the imposition of discipline under this Policy, but may be addressed by, without limitation, requiring an affiliate to attend an educational session, issuing a letter of guidance or warning, remedial action designed to deter escalation in behavior, and/or other mechanisms (e.g., issuing an NCO). Non-compliance with guidance, warnings, or completion of an education session shall be deemed to be a failure to comply with reasonable directions of a University official as provided for in the University's Student Code of Conduct and addressed accordingly.
2. *Regulation of Speech*: the University is committed to academic freedom and principles of free speech however, there may be circumstances and scenarios where the University, through this Policy may respond to on-and-off campus harassing comments, statements, and threats, whether actual or implied, which are intended to, or have the impact of, contributing to a hostile environment as defined herein, or causing a reasonable person to feel that their access to University educational programming and activities has been compromised. On and off-campus harassing speech by employees, whether online or in person, may be regulated by the University through this Policy only when such speech is made in an employee's official or work-related capacity. Employees and faculty should include conspicuous notice as part of any communications on private social media and websites (e.g. blogs, listservs) that any speech is made in their private capacity and is neither approved nor endorsed by the University.
  3. *Disparate Treatment Discrimination*: Any intentional differential treatment of a person or persons on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity that:
    - a. Excludes an individual from participation in;
    - b. Denies the individual benefits of; or
    - c. Otherwise adversely affects a term or condition of an individual's participation in a university program or activity.
  4. *Disparate Impact Discrimination*: Disparate impact occurs when policies or practices that are neutral and purportedly non-discriminatory in intent, result in or have the effect of disproportionately negatively impacting individuals based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity that:
    - a. Excludes an individual from participating in;
    - b. Denies the individual benefits of; or
    - c. Otherwise adversely effects a term or condition of an individual's participation in a university program or activity.
  5. *Retaliation*: "Retaliation" means intimidation, threats, coercion, or discrimination against any person by the University, a student, or an employee or other person authorized by the University to provide aid, benefit, or service under the University's education programs or activities, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part, including in an informal resolution process. Nothing in this definition or this part precludes the university from requiring an employee, faculty member, or other person authorized by the university to provide aid, benefit, or service under the university's education programs or activities to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this part.
  6. *Online Harassment and Misconduct*: This Policy should be interpreted to include online manifestations of an of the behaviors prohibited by this Policy when those behaviors occur in or have an impact on the University's education programs and activities, or when they involve the use of the University's networks, technology, or equipment.
  7. *Interference with or obstruction of an investigation or resolution process*: No student, employee, faculty member, or staff member, acting with an intent to avoid, evade, prevent, or obstruct compliance, in whole or in part, with any investigation conducted by the university pursuant to this Policy shall willfully withhold, misrepresent, remove from any place, conceal, cover up, destroy, mutilate, alter, or by other means falsify any documentary material<sup>[2]</sup> (<https://catalog.qu.edu/handbooks/graduate/university-policies/title-ix-policy-against-gender-based-discrimination-sexual-misconduct/#Ftn2>), answers to written interrogatories, or oral testimony, which is the subject of investigative in inquiry made by the Title IX Coordinator or their designee; or attempts to do so or solicits another to do so.
  8. *Interference with or obstruction with an investigation or resolution process – threats or coercion*: No student, employee, faculty member, or staff member, acting with an intent to avoid, evade, prevent, or obstruct compliance, in whole or in part, with any investigation conducted by the university pursuant to this Policy shall, by threats or force, or by any threatening letter or communication influence, obstruct, or impede or endeavor to influence, obstruct, or impede such investigation.
  9. *Intentional Interference with an Investigation or Resolution Process*: No student, employee, faculty member, or staff member shall:
    - a. Destroy or conceal evidence;
    - b. Engage in actual or attempted solicitation of knowingly false testimony or provide false testimony or evidence;
    - c. Intimidate or bribe a witness, respondent, or complainant.
  10. *Unauthorized Disclosure*:
    - a. Copying, distributing, or publicizing materials created or produced during an investigation or resolution process except as required by law or as expressly permitted by the Title IX Coordinator or their designee;
    - b. Publicly disclosing a party's personally identifiable information without authorization or consent.
  11. *Non-Fraternization*: Excluding where an exception to this policy is approved in writing by the Title IX Coordinator, Vice President of Human Resources, or General Counsel, no employee, faculty, or staff member shall pursue, engage in, or maintain a sexual or romantic relationship with any student.
  12. *Residential Advisor Non-Fraternization*: No residential advisor shall pursue, engage in, or maintain a sexual or romantic relationship with any resident for whom they have supervisory and service provision responsibilities.
  13. *Conflicts of Interests*: Excluding retail, restaurants, hospitality, and temporary accommodation businesses, no employee, faculty, or staff member shall pursue, engage in, or maintain any type of business, economic, financial relationship, partnership, or pecuniary entanglements of any kind with a student or students. Employees, staff members, and faculty who, as of August 1, 2025, own residential

rental properties where University students are tenants shall be exempt from this section however, as of August 1, 2024, employees, staff members, and faculty who purchase residential property for the purpose of renting to University students shall be subject to this section's prohibitions. Additionally:

- a. Excluding where an exception to this policy is approved in writing by the Title IX Coordinator, Vice President of Human Resources, or General Counsel, no employee, faculty, or staff member shall reside with a student or provide residential accommodations to a student.
  - b. When traveling with students pursuant to University educational programming or activities, including without limitation, athletic events and competitions, no employee, faculty, or staff member shall be alone with a student in any temporary accommodation of any type (e.g., hotel room).
  - c. No employee, faculty, or staff member shall use a likeness or image of a student to promote or advertise a business or service.
  - d. No employee, faculty, or staff member shall post likenesses of students to private social media accounts.
  - e. Excluding as may be necessary for emergency contacts and as may be reasonably related to educational or other purposes approved by the University, employees, faculty, and staff members shall refrain from asking students for personal contact information including, without limitation, phone numbers, email addresses, residential addresses, and social media account information for the purpose of engaging in private communication with a student. This provision shall not be applicable to any staff member designated as a campus security authority pursuant to the Clery Act, the Violence Against Women Act, and Title IX, including without limitation, confidential employees as defined herein, mental and emotional health counseling professionals, Public Safety Officers, Student Affairs personnel, and the Title IX Coordinator and their designees.
  - f. Excluding any staff member designated as a campus security authority pursuant to the Clery Act, the Violence Against Women Act, and Title IX, including without limitation, confidential employees as defined herein, mental and emotional health counseling professionals, Public Safety Officers, Student Affairs personnel, and the Title IX Coordinator and their designees, all employees, faculty, and staff members shall refrain from accessing student social media accounts. This section shall not apply to valid educational purposes.
14. *Misuse of University Electronic Data Devices:* No student, employee, staff, or faculty member shall use any University provided electronic data devices including, without limitation, computers, cell/mobile phones, tablets/iPad, to create, view, or store pornographic images or child sexual abuse material.
  15. *Alleged Collateral Misconduct:* Collateral misconduct is defined to include potential violations of other University policies not incorporated into this Policy including, without limitation, Student Codes of Conduct for undergraduate and graduate students, the Discrimination, Discriminatory Harassment, and Bias Motivated Acts Policy, and athletic team codes of conduct and behavior that are alleged to have occurred in conjunction with alleged violations of

this Policy, or that arise through the course of the investigation, for which it makes sense to provide one resolution for all charges. Thus, collateral allegations may be charged along with potential violations of this Policy, to be resolved jointly under the investigation and adjudication processes provided for herein. In such circumstances, the Title IX Coordinator, or their designee, may consult with University officials and administrators who typically respond to and have jurisdiction over such conduct (e.g., Public Safety, Student Conduct) to solicit their input as needed on what charges should be filed, but the exercise of collateral charges under these procedures is within the discretion of the Title IX Coordinator. In the event that all but Student Code of Conduct allegations of misconduct are dismissed, the Student Code of Conduct charges shall be resolved according to the Student Code of Conduct Procedures by the Title IX Coordinator or their designee. Similarly, alleged violations of no-contact-orders, informal resolution agreements, and sanctions or other post resolution directives to student parties shall be resolved according to the Student Code of Conduct Procedures by the Title IX Coordinator or their designee.

## IV. Reports of Prohibited Conduct

- A. General: The Title IX Coordinator or their designee will be required to respond as provided for in this Policy when notified verbally or in writing of conduct that reasonably may constitute prohibited behavior.
- B. Statute of Limitations (Time Limits on Reporting): There is no time limitation on providing reports and complaints of prohibited conduct to the Title IX Coordinator. However, if the alleged respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be limited. Acting on complaints or reports significantly negatively impacted by the passage of time (including, but not limited to, the rescission or revision of Policy) is at the Title IX Coordinator's discretion who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate. Regardless of when the alleged conduct occurred, if there is reasonable cause to believe that if true, an ongoing hostile environment exists, or there is a risk of harm to any person or the campus community, the Title IX Coordinator may investigate to determine if such hostile environment or risk of harm persists and if a determination is made that such hostile environment or risk of harm persists, make recommendations for ending it.
- C. Responsible Employees and Reporting Requirements
  1. *Responsible Employee Reporting Requirements:* Excluding confidential employees as defined herein, any residential director, resident advisor, public safety officer, Title IX Coordinator, Title IX investigator, student conduct officer or investigator, staff member, employee, student employee, or faculty member of the University with either authority to institute corrective measures on behalf of the University or has responsibilities for administrative leadership, teaching, or advising shall notify the Title IX Coordinator in writing when such member has information about conduct that reasonably may constitute prohibited conduct including, without limitation, the names and identifying information about the persons who are the subject of the disclosure if known. Failure of a responsible employee, as described above in this section, to report an incident of discrimination, harassment, or retaliation of which they become aware shall be a violation of this Policy and can be subject to disciplinary action for failure to comply/failure to report. This also includes situations where an alleged harasser is a mandatory

reporter. Such individuals are obligated to report their own misconduct, and failure to do so is a chargeable offense under this Policy.

- a. Responsible reporters shall not submit anonymous reports.
- b. Responsible reporters shall not agree to requests to not report information about conduct that reasonably may constitute prohibited conduct including, without limitation, the names and identifying information about the persons who are the subject of the information if known.
- c. Any staff, faculty member, or employee who is not principally employed in a confidential capacity for the University shall not be precluded from mandatory reporting responsibilities notwithstanding that they may hold licensure, certification, or positions that would otherwise be deemed confidential outside of their University employment. See, §IV. (A)(3)(ii) below.
- d. If a responsible reporter is the person allegedly subjected to prohibited conduct, they shall not be bound by the requirements of the Policy as provided for above in §§ IV. (A) (1) (i – iii).

#### 2. *Additional Duties of Responsible Reporters:*

- a. Mandatory reporters shall provide the contact information of the Title IX Coordinator and information about how to make a complaint of sex discrimination to any person who provides information about conduct that may constitute prohibited conduct.
- b. Mandatory reporters shall cooperate with any investigation conducted by the Title IX Coordinator pursuant to a report made by such mandatory reporter in compliance with this Policy including, without limitation, providing testimony during both the investigation and adjudication phases if requested to do so.

3. *Confidential Employees:* Confidential employees are not required to notify the Title IX Coordinator in writing when such employee has been provided with information about conduct that reasonably may constitute prohibited conduct unless the individual the confidential employee is providing services to authorizes notice to the Title IX Coordinator. A confidential reporter must, however, explain to any person who informs the confidential employee of conduct that reasonably may constitute sex discrimination that she/he/they is a confidential reporter and that she/he/they is not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination, and also explain to the person reporting the conduct how to contact the Title IX Coordinator and how to make a complaint of sex discrimination, and that the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance procedures.

- a. Confidential employees are those whose communications in a professional context are defined as confidential and privileged by Connecticut and Federal law or an employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination—but the employee's confidential status is only with respect to information received while conducting the study.
- b. The employee's confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies as a University employee or staff member.

#### D. Party Designations:

1. *Respondent:* A person who is alleged to have violated this policy.
2. *Complainant:*
  - a. A student, employee, staff member, or faculty member who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or this part.
  - b. A student or employee who is alleged to have been subjected to conduct that constitute sex discrimination under Title IX or this part.
  - c. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination and who was participating or attempting to participate in the University's education program or activity at the time of the alleged sex discrimination, or
  - d. The University's Title IX Coordinator.

E. Report of Prohibited Conduct: A report that someone has engaged in conduct prohibited by this Policy. Such reports may be made by *any* person regardless of whether such person is a student, faculty member, staff member, or employee of the University. Any person, regardless of University affiliation, may initiate a report.

F. Anonymous Reports: Anonymous reports may be made and received. When such reports do not include information concerning the identities of complainant and respondent, the Title IX Coordinator or their designee shall make every effort to identify the complainant and respondent based on the information contained in the report. However, if the Title IX Coordinator or their designee is unable to ascertain the identity of either or both complainant and respondent, the Title IX Coordinator may close the case.

G. Complaint: Complaint shall mean an oral or written request to the Title IX Coordinator, responsible employee, or employee that objectively can be understood as a request to investigate and make a determination about alleged prohibited conduct.

H. Amnesty: To encourage reporting and participation in the process, the University offers parties and witnesses amnesty from minor policy violations, such as underage alcohol consumption or the use of illicit drugs, related to the incident. Granting amnesty is a discretionary decision made by the University, and amnesty does not apply to more serious allegations, including, without limitation, physical abuse/assault of another or illicit drug distribution.

I. Conflicts of Interest: To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, their designee, or other University involved in the assessment and investigation of a report or complaint, contact the Vice President of Inclusive Excellence or the Vice President of Human Resources. During investigations of prohibited conduct, the Title IX Coordinator and investigators may ask pointed questions, confront parties and witnesses with evidence and testimony that contradicts their accounts and generally be diligent and assertive in pursuit of witness testimony and evidence. Investigators may contact witnesses unaffiliated with the University over the objection of a party. Investigators may pursue and accept evidence in the possession of individuals unaffiliated with the University. Such behaviors shall not constitute a conflict of interest.

#### J. Initial Assessment

1. Report: A report provides notice to the University of an allegation or concern about sex discrimination, sex-based harassment, or retaliation and provides an opportunity for the Title IX Coordinator to provide information, resources, and supportive measures. Reporting carries no

obligation to initiate a complaint, and in most situations, the University is able to respect a complainant's request to not initiate a resolution process. However, there may be circumstances, such as pattern behavior, allegations of severe misconduct, or a compelling threat to health and/or safety, where the University may need to initiate a resolution process. If a complainant does not wish to file a complaint, the University will maintain the privacy of information to the extent possible. The complainant should not fear a loss of confidentiality by giving Notice that allows the University to discuss and/or provide supportive measures, in most circumstances.

2. *Complaint*: A complaint provides notice to the University that the complainant or the University through the Title IX Coordinator would like to initiate an investigation or other appropriate resolution procedures.

3. *Receipt of Report or Complaint*: Upon receipt of a report or complaint of prohibited conduct, the Title IX Coordinator or their designee shall initiate a prompt initial assessment to determine next steps including:

a. Sending a communication to the complainant advising complainant of their rights under this Policy.

b. Send a communication to the complainant requesting an intake meeting for the purposes of advising complainant of the options available for resolution of the report including filing a complaint, available supportive measures and coordinating such measures if requested or deemed necessary.

c. The University will attempt to honor the wishes of a complainant in determining whether to initiate a complaint and grievance procedures pursuant to this Policy. Where a complainant indicates that they do not wish to file a complaint, in the absence of a complaint, or the withdrawal of any or all of the allegations in a complaint, the Title IX Coordinator may initiate a complaint based on a fact-specific determination that a complaint should be made. To make this fact-specific determination, the Title IX Coordinator or their designee must take into consideration, without limitation, the following factors:

- i. The complainant's request not to proceed with the initiation of a complaint;
- ii. Reasonable concerns for the complainant's safety regarding initiation of a complaint;
- iii. The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- iv. The severity of the alleged discrimination, including whether the discrimination, if established, would require removal of respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- v. The age and relationship of the parties, including whether respondent is and employee of the University;
- vi. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- vii. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- viii. Whether the University could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures. When initiating a complaint, the Title IX Coordinator

does not become the complainant. The individual who is alleged to have experienced the alleged prohibited conduct will be designated as the complainant.

4. *Initial Assessment*: The Title IX Coordinator or their designee shall conduct an initial assessment which will include, without limitation, the following:

a. Assessing whether the reported conduct may reasonably constitute a violation of the Policy. If the conduct alleged, even if true, would not constitute prohibited conduct as defined in this policy, the Title IX Coordinator shall dismiss the report or complaint. Dismissal of the complaint or report does not preclude the Title IX Coordinator or their designee from addressing objectively concerning conduct that does not rise to the level of constituting prohibited conduct. Addressing such conduct will not result in the imposition of discipline under this Policy, but may be addressed by, without limitation, requiring a respondent to attend an educational session, issuing a letter of guidance or warning, remedial action designed to deter escalation in behavior, and/or other mechanisms (e.g., issuing an NCO). Non-compliance with guidance, warnings, or completion of an education session shall be deemed to be a failure to comply with reasonable directions of a university official as provided for in the university's Student Code of Conduct and addressed accordingly.

b. Determining whether the University has jurisdiction over the reported conduct as defined by this Policy. If the conduct is not within the University's jurisdiction, the report or complaint should be dismissed. Notwithstanding dismissal for purposes of this Policy, the matter may be referred to another process if applicable.

c. Determining whether supportive measures should be offered to complainant or respondent and coordinating such measures if requested or deemed necessary.

K. Dismissal: The Title IX Coordinator may dismiss a complaint where:

1. The Title IX Coordinator is unable to identify the respondent after taking reasonable steps to do so.
2. The University no longer enrolls or employs a respondent, and as a result of the passage of time, an investigation into the allegations of prohibited conduct is likely to be futile due to the unavailability of witnesses, evidence, and other materials. However, regardless of the passage of time, where a report concerning a respondent no longer enrolled or employed by the University alleges serious prohibited misconduct including, without limitation, sexual abuse or sexually violent prohibited conduct, the Title IX Coordinator may conduct an investigation and make appropriate recommendations to the President following investigation.
3. A complainant voluntarily withdraws any or all of the allegations in a complaint and the Title IX Coordinator declines to initiate a complaint.
4. Viewing the alleged prohibited behavior in the light most favorable to the complainant, based on available information, the Title IX Coordinator determines that even if true, the alleged conduct would not constitute behavior prohibited by this Policy. The Title IX Coordinator may, however, refer the matter to a University department or official with authority and jurisdiction over the alleged conduct. The Title IX Coordinator may dismiss a complaint

on this basis at any point in the initial assessment, investigation, grievance, or informal resolution process.

5. The circumstances of a complaint allege the same facts previously adjudicated pursuant to the Resolution Process provided for in this Policy.

**L. Notice of Dismissal:** Where a complaint is dismissed, the Title IX Coordinator shall provide written notice of the dismissal to the complainant and respondent and provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator shall also notify the respondent that the dismissal may be appealed.

**M. Appeal of Dismissal:** Either party may appeal a dismissal of their Complaint. All dismissal appeal requests must be filed within five business days of the notification of the dismissal. The appeal shall be made to the Title IX Coordinator who shall then assign the appeal to an appropriate, objective, disinterested University official. Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so. The Title IX Coordinator or their designee will provide notice of any appeal filed and determination of the appeal to the parties. Grounds for appeal of a dismissal determination are limited to:

1. Procedural irregularity that would alter the dismissal determination.
2. New evidence unavailable to the Title IX Coordinator that would alter the dismissal determination.
3. The Title IX Coordinator had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

**N. Supportive Interim Measures:** The University will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the University's education program or activity or provide support during the Grievance Procedures or during the informal resolution process. Supportive measures may vary depending on what the University deems to be reasonably available. These measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment. Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or the University's educational environment, or to provide support during the University's Grievance Procedures, or during the informal resolution process. *The University's ability (and obligation) to implement supportive measures is not limited to circumstances where there has been a formal investigation, information resolution process, or finding of prohibited conduct, and supportive measures can be continued beyond those processes. Section IV(J)(4) of this Policy allows for the implementation of supportive measures even with regard to reports that are not escalated to formal processes.* The University must not impose such measures for punitive or disciplinary reasons. The University may, as appropriate, modify or terminate supportive measures at the conclusion of the Grievance Procedures, or at the conclusion of the informal resolution process, or the University may continue them beyond

that point. The University will provide a complainant or respondent with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of the decision to provide, deny, modify, or terminate supportive measures applicable to them. The impartial employee must be someone other than the employee who made the challenged decision. The University must also provide a party with the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change materially. The University must not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity.

#### **O. Emergency Suspension and Other Interim Actions**

1. The University can act to remove a student, staff member employee or faculty respondent accused of violating this policy from its educational program or limit access to an educational program and activities and programing including, without limitation:

- a. Subjecting respondent to an immediate interim suspension.
- b. Temporarily removing respondent from University housing or transferring respondent to another housing assignment.
- c. Temporarily restricting a respondent's access to specified buildings and locations.
- d. Temporarily limiting respondent's access to campus for class attendance only.
- e. If available and without placing an undue burden on the University, restricting a respondent to remote learning.
- f. Temporarily imposing a curfew on respondent.
- g. Issuing a no-contact order (NCO) temporarily restraining respondent's contact and communication with complainant or potential witnesses.
- h. Modifying or altering respondent's class schedule or assignment.
- i. Any interim or temporary measure designed to maintain public order, maintain public safety, and reduce any potential threat to the campus community as a whole or individual members thereof including complainant and respondent.

#### **2. Individualized Safety and Violence Risk Assessment and Analysis:**

With the exception of issuing an NCO, prior to subjecting a respondent to interim suspension or otherwise temporarily removing a respondent partially from any of the University's educational programs or activities, the Title IX Coordinator or their designee, in conjunction with any appropriate University department (e.g., Public Safety, CARE Team) shall complete an individualized safety and threat assessment and analysis using any available sources of information including, without limitation, records maintained by the University, interviews of individuals who may have information relevant to the assessing threat and safety risk and analysis, information from social media accounts, and law enforcement records. Information and evidence obtained pursuant to an individualized safety and threat assessment may be excluded from any subsequent investigation report and hearing where such information is not relevant to the specific allegations, which is determined by the Title IX Coordinator or their designee to be prejudicial to respondent or complainant, or

which may be protected by law as privileged and disclosed solely for the purpose of assessing safety and threat.

3. Presumption of Innocence: The implementation of a temporary or interim measure pursuant to this Policy is not a finding of responsibility or wrongdoing and shall not be used as a factor in determining responsibility nor referenced in a hearing officer's decision.

P. Placing and Employee, Staff Member, or Faculty Member on Leave:

When the respondent is an employee, student employee, staff member, or faculty member accused of misconduct in the course of their employment, existing provisions for interim action based on the respondent's membership in a union/bargaining unit are applicable. Where not prohibited by a bargaining agreement, the factors taken into consideration when deciding whether to place an accused employee, staff member, or faculty member on leave are the same as those provided for in §IV (M.) above.

Q. Initiating a Complaint: The following people have a right to make a formal complaint of sex-based discrimination or harassment, requesting that the University investigate and make a determination about alleged sex-based harassment under Title IX:

1. A complainant, which includes a student or employee of the University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX, or a person other than a student or employee of the University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX, or a person other than a student or employee of the University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the University's education program or activity; or
2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
3. The University's Title IX Coordinator.

R. Cross Complaints: The Title IX Coordinator is obligated to ensure that the resolution process is not abused for retaliatory purposes. Although the University permits the filing of cross-complaints, the Title IX Coordinator will assess whether the allegations in the cross-complaint are made in good faith. When cross complaints are not made in good faith, they will not be permitted and will be dismissed. Additionally, cross complaints determined to have been filed in bad faith will be considered potentially retaliatory and may constitute a violation of the Policy. In determining whether a cross complaint is made in bad faith, the Title IX Coordinator or their designee shall take into consideration, without limitation, the timing of the cross-complaint and the allegations in the cross-complaint. Cross complaints determined to have been made in good faith will be processed using the resolution process provided for in this Policy. If the Title IX Coordinator determines that it would be efficient to consolidate complaints and cross-complaints for investigation and resolution, the Title IX Coordinator may do so. The Title IX Coordinator shall provide notice of consolidation to the parties.

1. Cross Complaints – Reports of Dating Violence and Domestic Violence: When reports or complaints of domestic violence or dating violence are made by two or more opposing persons, in determining whether a cross complaint is made in good faith as provided for above, the Title IX Coordinator or their designee shall evaluate each report or complaint separately to determine which individual is the dominant aggressor.

2. Dominant Aggressor: When reports or complaints of domestic violence or dating violence are made by two or more opposing persons, "dominant aggressor" is defined as the person whom, after application of a dominant aggressor analysis (as provided for below) by the Title IX Coordinator or their designee, is determined to be the person who poses the most serious ongoing threat. This determination does not preclude the University from taking action against the person determined not to be the dominant aggressor where other prohibited conduct under this or other University policies is alleged.

3. Dominant Aggressor Analysis: Application of the dominant aggressor analysis by the Title IX Coordinator or their designee shall evaluate each complaint separately and shall take into consideration, without limitation, the following factors:

- a. Whether one person acted in defense of self or a third person,
- b. The relative degree of any injury and whether any injury is consistent with defense of self or third person,
- c. Any threats creating fear of physical injury,
- d. Any history of dating or domestic violence between such persons where such history can be obtained.
- e. The incident location and the rights of the persons involved to be there.
- f. Whether any person resisted reasonable attempts to deescalate the situation.

S. Consolidation of Complaints: The University may consolidate complaints of prohibited conduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances.

T. Withdrawal or Resignation prior to Complaint Resolution:

1. Students: Should a student respondent opt not to participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. If a student respondent withdraws from the University, the resolution process may continue, or the Title IX Coordinator may exercise their discretion to dismiss the complaint. If the complaint is dismissed, the University will continue to offer and provide reasonable supportive or remedial measures deemed necessary to address safety and/or remedy any ongoing effects of the prohibited conduct.

- a. When a student withdraws or leaves while the process is pending, the student may not return to the University in any capacity until the Complaint is resolved and any sanctions imposed are satisfied. If the student indicates they will not return, taking into consideration the seriousness of the allegations and the interests of the safety of the complainant and campus community, the Title IX Coordinator has the discretion to dismiss the Complaint. The Office of the Registrar will be notified, accordingly, and a notation will be placed in the student's file that they withdrew from the University with allegations pending and are not eligible for academic admission.
- b. If a student respondent takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue during the leave. If found in violation, that student is not permitted to return to the University unless and until all sanctions, if any, have been satisfied.
- c. Regardless of whether the complaint is dismissed or pursued to completion of the resolution process, the University will continue to address and remedy any systemic issues or concerns that may

have contributed to the alleged violation(s), and any ongoing effects of the alleged prohibited conduct.

2. **Employees:** Should an employee, staff member, or faculty respondent opt not to participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. If an employee respondent leaves their employment with the University with unresolved allegations pending, the resolution process may continue, or, taking into consideration the seriousness of the allegations and the interests of the safety of the complainant and campus community, the Title IX Coordinator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, the University may still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged sex discrimination, sex-based harassment, and/or retaliation. When an employee resigns and the Complaint is dismissed, the employee may not return to the University in any capacity. The Office of Human Resources will be notified, accordingly, and a note will be placed in the employee's file that they resigned with allegations pending and are not eligible for academic admission or rehire with the University.

U. **Acceptance of Responsibility:** At any point during the investigation, a respondent may elect to accept responsibility for some or all of the policy violations at issue. Where there is an acceptance of responsibility as to some but not all of the charges, the investigation will continue to conclusion. Where there is an acceptance of responsibility as to all of the potential policy violations, the investigator will complete an investigation report of all information gathered to date and refer the matter for sanctioning as described below.

V. **Advisors:** The University will provide the parties with the same opportunities to be accompanied by an advisor of their choice (retained attorney, friend, mentor, family member, or any other individual a party chooses) to all meetings all meetings, interviews, and hearings within the investigation and resolution process including the hearing.

1. The University cannot 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 to advise that party during the investigation process. However, in order to ensure equity during the hearing process, the University reserves the right to provide an attorney to act as an advisor during a hearing to a party when the other party has retained an attorney.

2. A party may elect to change advisors during the process and is not obligated to use the same advisor throughout. Parties are expected to provide the Title IX Coordinator with timely notification if they change advisors. If a party changes advisors, consent to share information with the previous advisor is assumed to be terminated, and a release for the new advisor must be submitted.

3. The University may permit a party to be accompanied by an emotional support person in addition to an advisor when attending meetings, interviews, and the hearing.

4. Advisors should help the parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

5. The parties are expected to ask and respond to questions on their own behalf throughout the investigation and resolution process. Although the advisor generally may not speak on behalf

of their advisee, the advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their advisors should ask for breaks to allow for private consultation.

6. The advisor may not communicate directly with the Title IX Coordinator unless the advisee is copied on any such communications.

7. While the University respects the right of the parties to select their advisors and reasonably attempt to accommodate the schedules of advisors, the University will move forward with an investigation and resolution process and will not stay or pause an investigation where an advisor is unreasonably unavailable or engaging in dilatory tactics and behavior.

8. Advisors shall not engage in disruptive behavior during interviews, meetings, and hearings. Advisors shall not badger, berate, demean, threaten, or coerce parties and witnesses and otherwise behave in an obstreperous manner. Advisors shall not withhold evidence or testimony until a hearing or otherwise engage in unscrupulous conduct and sharp practices.

9. Any advisor who oversteps their role as defined by the Policy, who shares information or evidence in a manner inconsistent with the Policy, or who refuses to comply with the University's established rules of decorum will be warned. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the meeting/interview/hearing may be ended, or other appropriate measures implemented, including the University requiring the party to use a different advisor or providing a different University-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the advisor's non-compliance and future role.

## V. Informal Resolution Process

A. Informal Resolution is a facilitated alternative dispute resolution process that may be employed to resolve a complaint and is based upon terms and conditions of resolution agreed to by complainant and respondent to resolve a complaint.

B. Before initiation of an informal resolution process, the University must provide to the parties notice that explains: (i) the allegations; (ii) the requirements of the informal resolution process; (iii) that, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the University's grievance procedures; (iv) that the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations; (v) the potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and (vi) what information the University will maintain and whether and how the University could disclose such information for use in Grievance Procedures.

C. Informal resolution is available only once a complaint and notice of investigation have been filed, prior to a determination of responsibility. All parties and the Title IX Coordinator must voluntarily consent to the process in writing. Informal resolution is not available in cases in which an employee or faculty member is alleged to have engaged in alleged prohibited conduct against a

student or the alleged prohibited conduct involves serious physical violence or sexual assault, or non-consensual sexual activity with an incapacitated complainant. Informal resolution is not available in any case where the Title IX Coordinator concludes that informal resolution would be inappropriate.

D. To initiate an informal resolution, a complainant or respondent may make such a request in writing to the Title IX Coordinator at any time prior to a final determination. The Title IX Coordinator will then notify the other party of the request for an informal resolution. If the non-requesting party declines informal resolution, the matter will continue through the Grievance Procedures. If all parties and the Title IX Coordinator consent to attempt an informal resolution, the Title IX Coordinator will obtain voluntary, written confirmation that all parties wish to resolve the matter through informal resolution before proceeding.

E. All parties will be required to return signed copies of the written consent to the informal resolution process to the Title IX Coordinator. The Title IX Coordinator or their designee will then facilitate the informal resolution process by requesting that the parties submit, in writing, proposals for resolution. If possible, and dependent upon such factors as, without limitation, available personnel resources and staffing, the facilitator for the informal resolution process should not be the same person as the investigator or the decisionmaker used in the Grievance Procedures. Any person designated by the University to facilitate an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The Title IX Coordinator or their designee shall then facilitate ongoing negotiations between the parties remotely through electronic communications between each party and the Title IX Coordinator or their designee. *At no time shall any party direct a communication directly to another party for the purpose of proposing terms and conditions.* The Title IX Coordinator or their designee may reject any proposal they deem inappropriate. The Title IX Coordinator or their designee may require specific terms or conditions deemed necessary to end the alleged prohibited conduct or that are deemed necessary to maintain the safety of an individual party or the campus community. If an agreement is reached, all parties and the Title IX Coordinator will be required to sign a binding agreement containing the agreed upon terms and conditions.

F. If a resolution is reached between the parties in an informal resolution, the matter will be considered closed, and the parties would be precluded from filing another complaint arising from the same conduct or set of facts. Prior to reaching a resolution, any party can withdraw from the informal resolution process and resume the Grievance Procedures process. The University strives to complete an informal resolution within thirty (30) days of the parties' written agreement to participate in the process. The Title IX Coordinator or their designee may at any time terminate an informal resolution negotiation if they believe that a party is not negotiating in good faith or is being dilatory in responding to proposals.

G. Any statements made during an informal resolution process, records and communications created or maintained as part of an informal resolution process will not be used or considered in a subsequent investigation or hearing involving the same conduct or facts but may be used in determining sanctions of any subsequent or separate instances of misconduct by the same respondent(s).

## VI. Grievance Process

A. Notice of Investigation: The Title IX Coordinator (or designee) will provide written notice of a Complaint to all known parties. This initial notice, and any supplemental notices, will be provided to the intended recipient in advance of any interview or meeting with investigators to allow the party sufficient time to prepare a response. The Title IX Coordinator may issue supplemental or amended notice of investigation as may be necessary based on information and evidence discovered through investigation. The written notice will include:

1. a link to, or copy of, these procedures;
2. details regarding the identities of the parties, date, time and location, and nature of the reported conduct;
3. the potential policy violations;
4. the name of the investigator;
5. A notice of the parties' right to object to the investigator on the basis of conflict of interest or bias;
6. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Grievance Procedures process;
7. The parties' rights to be accompanied by an advisor of their choice throughout the process (see section on *Advisors* above);
8. the importance of preserving any potentially relevant evidence;
9. information about the parties' rights and responsibilities;
10. That retaliation is prohibited;
11. That there is a prohibition against making false statements during the process; and
12. If the investigation reveals the existence of additional potential policy violations, the University will issue a supplemental notice of investigation.

### B. The Investigation Process:

1. The University's Grievance Procedures will meet the following minimum standards:

- i. Treat complainants and respondents equitably;
- ii. Require that any person designated as a Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;
- iii. Include a presumption that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the Grievance Procedures;
- iv. Establish reasonably prompt time frames for the major stages of the Grievance Procedures, including a process that allows for the reasonable extension of time frames on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay;
- v. Take reasonable steps to protect the privacy of the parties and witnesses during the pendency of the Grievance Procedures, provided that the steps do not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses, consult with their family members, confidential resources, or advisors, or otherwise prepare for or participate in the Grievance Procedures.

2. The burden to conduct an investigation is on the University, not the parties. The investigation process shall be conducted in a manner consistent with principles of due process and equity and involves an objective evaluation of all available relevant and not otherwise impermissible evidence, including evidence that supports that the respondent engaged in a Policy violation and evidence that supports that the respondent did not engage in a Policy violation. Credibility determinations may not be based solely on an individual's status or participation as a complainant, respondent, or witness. All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to receive a written investigation report that accurately summarizes this evidence. The investigation must gather sufficient information and evidence to determine whether conduct prohibited by this Policy occurred. The investigator shall conduct as thorough and comprehensive an investigation as possible under the circumstances employing investigative techniques deemed necessary to obtain relevant inculpatory and exculpatory information and evidence. The investigator is not prohibited from interviewing witnesses not affiliated with the University and obtaining evidence from such witnesses. The investigator may consider information publicly available from social media or other online sources. The complainant, respondent, or witness should bring online information to the attention of the investigator. In general, the investigator has the discretion to determine the relevance and probative value of information proffered or received. Evidence is relevant if it makes a material fact more or less probable than it would be without the evidence. The investigator may visit relevant sites or locations and record observations through written, photographic, or other means. In some cases, the investigator may consult medical, forensic, technological, or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation. While the investigator shall maintain a professional demeanor at all times when interacting with parties and witnesses, investigators are not meant to act as passive receivers of information, evidence, and party and witness accounts, and may ask probative questions of parties and witnesses. Investigators should actively attempt to identify and obtain evidence and are permitted to challenge parties' and witness' accounts when those accounts are inconsistent with other evidence and witness statements gathered by the investigator, or which are patently not credible. Additionally, investigators are allowed to inquire about the authenticity and provenance of evidence submitted or obtained.

3. *Interview Recording:* It is standard practice for investigators to create record of all interviews pertaining to the Grievance Procedures (other than Informal Resolution meetings). The parties may review copies of their own interviews, upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings. All interviews are recorded. The recording and/or transcript of those meetings will be provided to the parties for their review, after which the parties may pose additional questions to each other during a hearing. Subsequent meetings or interviews are also recorded and/or transcribed and shared with the parties.

4. *Parties and Witnesses may not Redact Evidence:* For parties or witnesses wishing to submit evidence to the investigator, they must submit all known evidence in existence and in their possession prior to completion of investigation report. Such evidence shall be complete and unredacted. If a party or witness fails or refuses to provide known evidence in their possession during the investigation, they may be precluded from offering it at a later hearing. In addition, if a witness chooses not to participate in an investigation interview, they may be precluded from testifying at a later hearing. Although parties and witnesses can refuse to

participate in an investigation and hearing, or provide curated statements, a decisionmaker (e.g., hearing officer, finder of fact) has the authority to place less or no weight upon statements by a party or witness who refuses to answer relevant questions. The investigator cannot draw an inference about whether the alleged prohibited conduct occurred based solely on a refusal to answer questions, however, the refusal to answer questions can negatively impact credibility.

5. *Party and Witness Participation:* The parties shall be permitted to provide names of potential fact witnesses to the investigator. Witnesses are individuals who may have information relevant to the incident, including individuals who may have observed the acts in question, may be able to provide contextual information, or may have other information related to the incident, the disclosure, or related matters. Qualified witnesses may also be offered an opportunity to provide subject matter expert information. The investigator may ask parties to explain or describe the information that they believe a proffered witness will provide. The names of witnesses and recordings of witness interviews will be made available to the parties and their advisors when all evidence is made available to the parties for their review prior to submission of the final investigation report.

6. *Material Witnesses:* In cases involving allegations of serious misconduct, where the Title IX Coordinator or their designee determines that there is a likelihood that a student witness possesses information that has strong probative value that other witnesses do not possess, and the Title IX Coordinator or their designee has made reasonable attempts to interview the witness without success, the Title IX Coordinator may direct that a hold be placed on any such student witness' account until such time as the student witness attends a meeting with the Title IX Coordinator or their designee.

7. *Prohibited Evidence:* The investigator shall not seek disclosure of evidence, records, or testimony that is protected by legally recognized privilege unless the party seeking introduction of such evidence knowingly and voluntarily waives such privilege in writing and acknowledging, in writing that such party understands that the information will be shared with the other party. Even where there has been a waiver, the investigator may redact information that is prejudicial, has no probative value, and is irrelevant to the allegations being investigated. Additionally:

- i. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment, is prohibited and should be precluded.
- ii. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged prohibited conduct or preclude determination that prohibited conduct was engaged in by the respondent.
- iii. Previous disciplinary action of any kind involving the respondent may not be considered unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the sanction stage of the process and is not shared until then.

iv. Character evidence is irrelevant.

**C. Party and Witness Interview Recording:** It is standard practice for investigators to create a record of all interviews pertaining to the Resolution Process. The parties may review copies of their own interviews upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings. All interviews are recorded, and all involved persons should be made aware of the audio and/or video recording. Prior to appearing at a hearing, a witness may request that they be allowed to review the recording of their interview with an investigator.

**D. Parties' Access to Information:** Prior to the completion of the investigation report, the investigator will make information gathered in the investigation available for review by the parties and their advisors. The parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised during the Grievance Procedures, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. The investigator will make available to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format, and the parties will have ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

In the written submission, the parties may offer additional comment or feedback on the facts gathered, clarify information previously shared, suggest additional witnesses, suggest additional lines of questioning or inquiry, or identify any other relevant information or evidence to assure the thoroughness, sufficiency and reliability of the investigation. Ad hominem and demeaning or derogatory remarks and statements shall not be permitted as part of comment and feedback and will be redacted. The investigator will review the written submissions from the parties, make the written submissions available to the parties, and conduct additional investigation if necessary.

**E. Investigation Report:** The investigator will produce a written investigation report that fairly summarizes the relevant information and facts gathered during the investigation and may include direct observations and reasonable inferences drawn from the facts and discussion of any consistencies or inconsistencies between the various sources of information.

1. The investigator has the discretion to determine the relevance of any witness or other evidence and shall exclude information in preparing the investigation report if the information is irrelevant, immaterial, or more prejudicial than informative. The investigator shall exclude statements of personal opinion by witnesses and statements as to general reputation for any character trait, including honesty.
2. Evidence pertaining to the mental health of either party is not relevant to the determination of responsibility.
3. The investigation report will be a fair and thorough summary of all relevant information gathered that is both inculpatory and exculpatory. The investigator will make the investigative report available to the parties and their advisors, in an electronic format, at least five (5) calendar days before submitting the file for a hearing. The complainant and respondent are provided the opportunity, in writing, to offer any additional comment or feedback with respect to the investigation report within that five (5) calendar day window. Ad hominem and demeaning or derogatory remarks and statements shall not be permitted as part of comment and feedback and will be

redacted. Once the parties' comments—if any—are received, or after the five (5) calendar day window has elapsed (whichever happens sooner), the investigator will make the parties' responses available to the parties.

**F. Investigation Completion:** The investigator will engage in reasonable efforts to submit a final investigation report within one hundred (100) calendar days of the date the notice of investigation is provided to the parties. This time may be extended based on factors including, without limitation, the availability of parties, advisors, and witnesses, a request by a party to interview additional witnesses after a review of the evidence, and the need to evaluate new evidence offered by any party or witness prior to completion of the investigation report. The investigator will apprise the parties and their advisors of any delay beyond one hundred (100) days for submission of the final report and otherwise update the parties as to the progress of the investigation periodically throughout the investigation process. The University shall not decline to conduct an investigation or end an existing investigation under this Policy when there is a parallel criminal investigation, however, the Title IX Coordinator may consider any reasonable request for a brief pause in the University's investigation upon receipt of a request to do so by an external law enforcement agency including a criminal prosecutor.

## VII. Hearing after Investigation

**A. Notice of Hearing:** Upon receipt of an investigation report, the Title IX Coordinator will decide what policy violations, if any, the alleged conduct could constitute, if substantiated, and schedule a hearing. This is not a determination of responsibility, nor does it involve a determination about the credibility of the information gathered; those decisions are reserved for the decision-maker. Rather, this evaluation accepts all facts as presented by the complainant as true in order to determine the potential policy violations that will be the subject of the hearing.

**B.** The Title IX Coordinator or their designee will issue a written Notice of Hearing to the complainant and respondent simultaneously. The Notice of Hearing will include: the date, time and location of the hearing; the name of the officer; how to challenge participation by the hearing officer on the basis of conflict of interest or bias; the right to have an advisor present at the hearing and conduct questioning on the party's behalf; that the University will provide an advisor, without fee or charge, to conduct cross-examination on behalf of the party at the hearing if the party does not have an advisor present for the hearing; how to request that witnesses be present at the hearing; and, information about the hearing format. Notice will be emailed at least ten (10) calendar days prior to the hearing to the parties' University email address or in any other manner reasonably designed to give notice to the parties. If some or all of the allegations in the complaint have been dismissed, the parties will receive written information about how to appeal the dismissal of the complaint.

**C.** The University will reschedule a hearing one time per party based on legitimate scheduling conflicts or emergency circumstances, as decided by the University. Absent extraordinary circumstances, any rescheduled hearing will take place no later than 20 business days within the date of the original hearing.

**D. Hearing Format:** Hearings will be conducted virtually with technology that enables the hearing officer and parties to simultaneously see and hear the party and witnesses speaking.

1. **Hearing Officer:** Hearing officers may be faculty or staff at the University who are attorneys or have sufficient legal training (as determined by the Title IX Coordinator) or an external attorney with

experience in adjudicating higher educational sexual misconduct matters. Any individual serving as a hearing officer will be free from conflicts of interest and bias for or against either party. The hearing officer may consult with or be advised by the Title IX Coordinator or General Counsel, however, the hearing officer retains full discretion and decision-making authority.

2. *Hearing Procedure:* Hearings will generally consist of the following steps, allowing the parties equal opportunities at each stage: (a) introductions; (b) review of procedural rules; (c) presentation of information and testimony by the parties and their witnesses; (d) the advisor for each party will ask the other party and any witnesses all relevant questions and follow-up questions, including those assessing credibility; and (e) closing remarks.

3. *Witnesses:* All parties and witnesses will be invited to speak at the hearing. The parties must submit a list of witnesses they believe have relevant information to the Title IX Coordinator at least three business days prior to the hearing. The Title IX Coordinator will review the parties' requested witnesses and may consider any other witnesses regardless of whether a party submits a witness list. The hearing officer has discretion to determine which witnesses are relevant and may decline to hear from witnesses where they conclude that the information is not necessary for a decision. Witnesses will only be permitted inside the virtual/remote hearing location during their own testimony. Hearing officers have discretion to pose questions to parties and witnesses during the hearing. If a party includes on their list of witnesses a witness who was not interviewed by the investigator, the party must explain why such witness was not presented earlier, and, if accepted by the hearing officer, such witness must be interviewed by the investigator prior to testifying and the record of the witness' interview made available to the parties, their advisors, and the hearing officer at least 24 hours prior to the witness' hearing testimony. Any such witness who declines to be interviewed by the investigator shall be precluded from offering testimony during the hearing.

4. *New Evidence:* If, at any time after a hearing is scheduled or commenced, a party seeks to introduce evidence that was not made available to the investigator during the course of the investigation and, during the course of the investigation, the party seeking to introduce such evidence reasonably had access to such evidence, the hearing officer may preclude it. If such evidence was not reasonably available during the course of the investigation, or, notwithstanding its availability during the investigation, the hearing officer determines that the evidence is material to a fact issue or credibility, the evidence will be made available to the investigator who will be provided a reasonable opportunity to authenticate and establish the provenance of the evidence. This process may include interviewing the party who is seeking to admit the evidence and any person who may have provided such evidence to the party seeking to admit it. The investigator will then prepare a supplement to the investigation report detailing any information about the evidence including a recording of any new interview conducted. This supplementary material will be made available to the parties, their advisors, and the hearing officer prior to the close of the hearing.

5. *Failure to Appear and Refusal to Answer Questions:* If a party or witness declines to attend a hearing, or attends but declines to submit to questioning by the other party's advisor, the hearing officer may rely on recorded statements of the non-appearing party

or witness to the investigator in reaching a determination regarding responsibility, after assessing the relevance of each statement and weighing the reliability of each statement against the fact that the statement was not further tested through questioning at the hearing.

a. Although parties and witnesses can refuse to participate in a hearing, or provide curated statements, the hearing officer has the authority to place less or no weight upon statements by a party or witness who refuses to answer relevant questions.

b. The hearing officer cannot draw an inference about whether the alleged prohibited conduct occurred based solely on a refusal to answer questions or failure to appear, however, the refusal to answer questions or failure to appear can negatively impact credibility.

c. If, despite being notified of the date, time, and location of the hearing, either party is not in attendance, the hearing may proceed, factual findings may be resolved, and applicable sanctions may be imposed. Neither party is required to participate in the hearing in order for the hearing to proceed. A hearing officer or panel may consider prior findings of responsibility, if relevant, as pattern evidence for sanctioning purposes.

E. Questioning: Each party or their advisor may ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally if the party has an advisor. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The hearing officer may pose questions to parties and witnesses. If a party does not have an advisor present at the live hearing, the University will provide without fee or charge to that party, an advisor of the University's choice, who may be an attorney, but is not required to be provided that the any such advisor has sufficient training to provide competent and effective questioning, to conduct cross-examination on behalf of that party.

F. Attendance at a hearing is limited to the hearing officer; the hearing officer's advisor; the Title IX Coordinator or a designee; the parties and their advisors; Public Safety representatives, if appropriate; witnesses (for their own testimony only); and anyone else the hearing officer deems necessary to administer the hearing. The parties must provide the names of their advisors to the at least three (3) business days prior to the hearing.

G. Acceptance of Responsibility: At any point during the hearing, a respondent may elect to accept responsibility for some or all of the policy violations at issue. Where there is an acceptance of responsibility as to some but not all of the charges, the hearing will continue to conclusion. Where there is an acceptance of responsibility as to all of the potential policy violations, the hearing officer shall ensure that such acceptance of responsibility is placed on the record once they are satisfied that such acceptance of responsibility is knowingly and voluntarily being made, and the respondent is waiving their right to a hearing, will refer the matter for sanctioning as described below.

H. The hearing will be recorded. Recordings will not include deliberations. Either party may request access to a written transcript of the recording at no cost to the party. Printed transcripts may be redacted by Community

Standards prior to being provided to the requesting party in accordance with applicable privacy laws.

I. **Impact Statements:** Prior to a determination, the hearing officer will provide the parties with an opportunity to submit written impact and/or mitigation statements. The hearing officer will provide these statements to the Title IX Coordinator who will review these statements upon receipt to determine whether there are any immediate needs, issues, or concerns, but will otherwise hold them until after the hearing officer has made determinations on the allegations. If there are any findings of a Policy violation, the Title IX Coordinator will provide any impact statement to the Vice President of Human Resources (or their designee), who will review them prior to determining sanctions. They will also be exchanged between the parties at that time. Where a finding(s) of responsibility is made, the hearing officer shall determine the appropriate sanction(s).

J. **Hearing Officer's Decision:** Based on an objective review of all relevant evidence, the hearing officer will decide whether the respondent engaged in Prohibited Conduct by using a preponderance of the evidence or "more likely than not" standard of evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

K. **Notice of Outcome:** Within 20 business days of a hearing, the hearing officer will simultaneously issue to the Title IX Coordinator, the parties or, in the case of employee, staff, or faculty respondents, to the Vice President of Human Resources (or their designee), a written decision regarding responsibility.

The written decision will include the following elements: (1) identification of the allegations potentially constituting prohibited conduct; (2) 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, site visits, methods used to gather other evidence, and hearings held; (3) findings of fact supporting the determination; (4) conclusions regarding the application of this Policy to the facts; and (5) a statement of, and rationale for, the result as to each alleged policy violation.

If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for re-opening a resolution process at any time, and/or referring that information to another process for resolution.

L. **Appeals:** Within five business days of receipt of the hearing officer's decision, either party may submit, in writing, a request for appeal of the hearing officer's determination. In cases wherein the respondent is a student, an appeal by either party will be submitted to the Title IX Coordinator. In cases wherein the respondent is an employee, staff member, or faculty member, an appeal by either party will be submitted to the Title IX Coordinator, who may provide the Vice President of Human Resources (or their designee) with a copy of the appeal. All other parties and their advisors, the Title IX Coordinator, and, when appropriate, the investigator(s) and/or the hearing officer will be provided a copy of the request for appeal with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. The Title IX Coordinator (or their designee) will forward all responses, if any, to all parties for review and comment.

1. **Basis for Appeal:** Any appeal must state one of the following bases for appeal and must provide a clear explanation and information of how the basis for appeal is applicable to their case. If the request for appeal does not provide information that meets the grounds in this Policy, the request will be denied, and the parties and their advisors will be simultaneously notified in writing of the denial and the rationale. Grounds for appeal are as follows:

- a. Procedural irregularity that would alter the outcome.
- b. New evidence that would change the outcome and that was not reasonably available at the time of the investigation.
- c. Conflict of interest or bias of the Title IX Coordinator, investigator or hearing officer.

2. Any sanctions imposed as a result of the determination are stayed (i.e., not implemented) during the appeal process, however, emergency suspensions, leaves, no-contact-orders, and supportive measures may be maintained or reinstated until the appeal determination is made.

3. **Appeal Determination Process:** Appellate review is limited to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds.

The appellate decision maker will deliberate as soon as is practicable.

An appeal is not an opportunity for the appellate decision maker to substitute their judgment for that of the hearing officer merely because they disagree with the finding and/or sanction(s). The appellate decision-maker may consult with the Title IX Coordinator or the Vice President of Human Resources (or their designee) regarding questions and issues of procedure or rationale, for clarification, if needed. The appellate decision maker will maintain documentation of all such consultation. If one of the bases for appeal is new evidence that would change the outcome and that was not reasonably available at the time of investigation, and the appellate decision-maker concludes that the such evidence exists, the appellate decision-maker will return the case to the hearing officer so that the hearing may be re-opened and the parties and the hearing officer be afforded an opportunity to ask questions concerning the new evidence.

4. **Appeal Outcome:** Within 30 business days of receipt of an appeal, the appellate officer will issue to the Title IX Coordinator a written decision. The Title IX Coordinator will then provide a copy of the decision to the parties and their advisors, if any. An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original investigator(s) and/or hearing officer with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original investigator(s) and/or hearing officer, the appellate decision-maker may order a new investigation and/or a new determination. A Notice of Appeal Outcome letter will be sent to all parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result which the University is permitted to share according to federal or state law, and the rationale supporting the essential findings to the extent the University is permitted to share under federal or state law. Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding, or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures. If a remand results in a new determination that is different from the appealed determination, that new determination can be appealed, once, on any of the five available appeal grounds.

## VIII. Sanctions

A. **Factors for Consideration in Sanctioning:** Factors considered by the decision-maker when determining sanctions and responsive actions may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s).
- The Respondent's disciplinary history.
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation.
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation.
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community.
- The impact on the Parties.
- Any other information deemed relevant by the decision-maker.

Sanctions will be implemented as soon as it is feasible once a determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested. The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by external authorities.

**B. Student Sanctions:** Students found responsible for committing Policy violations will likely receive a sanction ranging from a warning, such as a written reprimand, to expulsion, depending upon the severity of the incident and any previous violations of the Student Code of Conduct or this Policy.

**C. Employee Sanctions:** Sanctions for an employee who has been found to commit a violation of this Policy will be administered in accordance with the Faculty Handbook, Employee Handbook, and/or collective bargaining agreement as applicable. Subject to applicable policy, sanctions for employees found responsible for committing Policy violations will likely receive a sanction ranging from a warning, such as a written reprimand, to termination, depending upon the severity of the incident and any previous violations of this or other University policies.

**D. Transcript Notations and Human Resources Record Notation:** Where a student is found responsible for violating this Policy, the University by the Title IX Coordinator or General Counsel reserves the right to direct the Registrar to enter a notation on the student's transcript that the student was found responsible for a violation of the University Code of Conduct. Where an employee, staff member, or faculty member is found responsible for a violation of this Policy, the Office of Human Resources shall include in a notation in the individual's employment record/file that they were found responsible for a violation of this policy.

**E. Imposition of Sanctions where Respondent has Transferred, Graduated, or Resigned:** Where a student has graduated, transferred, or voluntarily separated from the University during the pendency of formal process, if there is a finding of responsibility for a violation of this Policy occurring while the student was affiliated with the University, the University may impose sanctions and withhold release of the student's transcript, diploma, and other records until such time as the student successfully completes the sanction. Where an employee, staff member, or faculty member who has voluntarily separated from the University is found responsible for violation of this Policy for acts occurring while affiliated with the University, The University may ban such person from campus and place them on a "do not hire" list.

**F. Violation of Sanctions or Interim Supportive Measures:** In the event that a student is alleged to have violated a sanction, interim supportive measure, or term and condition of an informal resolution agreement, the resolution of such allegations shall be resolved in accordance with the Student Code of Conduct - Conduct Procedures (<https://>

[catalog.qu.edu/handbooks/undergraduate/student-conduct-community-standards/student-conduct-process/conduct-procedures/](https://catalog.qu.edu/handbooks/undergraduate/student-conduct-community-standards/student-conduct-process/conduct-procedures/)) by the Title IX Coordinator or their designee.

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[1] Last Modified February 17, 2024

[2] For purposes of this Policy, "documentary material" includes, without limitation, any form of electronic evidence, record, recording, communication, or hard copy document.

## Introduction

Quinnipiac University welcomes and values students of all genders. The purpose of this guide is to provide trans-identifying and transitioning students with information and resources that promote an inclusive campus experience.

Content in the guide focuses on student and campus-related student experiences and resources. Some of the information may also be useful to alumni, staff and faculty.

Trans-identifying and transitioning faculty and staff are welcome to seek supplemental information from the Title IX Office or from the Office of Human Resources.

## Discrimination and Harassment

### Title IX Policy Against Gender-Based Discrimination and Sexual Misconduct

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in educational programs and activities that receive federal financial assistance. To ensure compliance with Title IX and other federal and state laws, Quinnipiac University has developed policies that prohibit discrimination and misconduct on the basis of gender, such as sexual misconduct, sexual violence, sexual harassment, intimate partner violence, stalking and any other gender-based harassment or misconduct.

Quinnipiac University is committed to providing an environment free from all forms of gender or sex discrimination and sexual misconduct.

Members of the university community, guests and visitors have a right to be free from sexual harassment, violence and of gender-based discrimination and harassment. The policy is intended to define community standards and to outline the investigation and grievance process when those standards are violated.

These policies apply regardless of the complainant's or respondent's sexual orientation, sex, gender identity or expression, age, race, nationality, religion or ability. Harassment or discrimination based upon an individual's sexual orientation may be considered gender-based and be subject to the policy. Also, prohibitions against discrimination and harassment do not extend to statements or written materials that are germane to the classroom or academic course of study.

### Reporting Harassment or Discrimination Based on Sexual Orientation, Gender Expression, or Gender Identity

Students who believe they have experienced or witnessed an incident of discrimination or harassment should immediately contact the Title IX Coordinator.

**Title IX Coordinator, Patricio Jimenez, 203-582-7757**

There are many additional people on campus who are trained and ready to help. You can reach out to the following individuals for assistance, or if you have questions about Quinnipiac's policies:

- Vice President for Inclusive Excellence, John Armendariz, 203-582-8964
- Vice President and Dean of Students, Monique Drucker, 203-582-8723
- Dean for Graduate Student Affairs, Gina Frank, 203-582-3542
- Associate Dean of Students, School of Law, Kathy Kuhar, 203-582-3220
- Associate Dean of Students, Netter School of Medicine, Steve Paik, 203-582-7751

For details on informal and formal complaints, please see the Title IX Policy Against Gender-Based Discrimination and Sexual Misconduct (<https://catalog.qu.edu/university-policies/titleix-policy/#titleixtext>).

**Campus Resources****Gender-Inclusive Bathrooms**

Gender-inclusive restrooms are available to people of all genders. These restrooms can benefit many different people, including parents and children, and people with disabilities who may require the accompaniment of an attendant of a different gender. At QU, our gender-inclusive restrooms are single-use lockable rooms with a toilet and sink, designed for use by one individual at a time, regardless of gender. Gender-inclusive restrooms are an inclusive space for students, faculty, staff and community members of all genders.

People at Quinnipiac are encouraged to use the restroom that corresponds to their gender identity.

The following is a list of gender-inclusive, single-stall restrooms on campus:

- There are many all-gender bathrooms available in the new South Quad.
- MNH-148
- MNH-297
- SLE-309C
- LA-211
- ABLN-106
- AC-124B
- Rocky Top Student Center, York Hill Campus – 4th floor
- FOB, two stalls in basement
- Echlin, 2nd floor (on the Honors end of the hallway)
- South end of Mount Carmel Dining Hall
- CAS3, downstairs
- CCE, first floor
- Student Affairs Center lobby

**Confidential Resources**

On-campus resources are available that can provide confidentiality, sharing options and advice without any obligation to inform other university staff members unless requested. Such on-campus confidential resources include counseling services, student health services (SHS) and/or religious life and other designated resources.

**Student Health Services**

SHS has two clinic locations: one on the Mount Carmel Campus and one on the York Hill Campus. They are staffed by registered nurses, physician assistants, nurse practitioners, and a supervising physician. You can schedule an appointment by logging in with your QU login to the student health services website (<https://www.qu.edu/student-life/health-and-wellness/student-health-services/>). SHS can be reached by phone at 203-407-4050.

All SHS staff members receive education and training regarding gender identity and gender expression. The highest priority of the staff is meeting the emergent health needs of the student population and providing ongoing health education opportunities as an integral part of the college experience. If your health or medical needs require ongoing treatment, student health services staff can provide referrals to providers in the area that are aware and affirming of the needs of transgender and non-binary patients. Transportation to off-campus appointments is also available at no cost if scheduled when the health center is open. Call the health center at 203-407-4050 to schedule a ride to an off-campus appointment.

Appointments are also available with a registered dietitian, who can address nutritional concerns, and a wellness educator, who is trained in sexuality education and can provide resources. Call the health center at 203-407-4050 to make appointments with these staff members.

Additional information can be found on the Student Health Services website on MyQ (<https://myq.quinnipiac.edu/Student%20Life/Student%20Health%20Services/Pages/default.aspx>).

**Counseling Services**

The university counseling service also provides free confidential counseling for students who would like to talk to a mental health clinician. An appointment can be requested by completing the counseling intake form (<https://forms.quinnipiac.edu/CounselingIntake/Form.html>).

A confidential mental health clinician can be reached for crisis counseling over the phone at any time by dialing 203-407-4020, and following the menu.

**Office of Religious Life and the Peter C. Herald House for Jewish Life**

Students who prefer to seek confidential spiritual counseling can call the executive director of university religious life at 203-582-8257.

Students interested in speaking to the university rabbi may call 203-582-8206.

**Non-Confidential Resources****Office of Inclusive Excellence**

The Office of Inclusive Excellence, which can be reached at 203-582-8922, promotes inclusion and diversity through engaged learning for students, faculty and staff at Quinnipiac University. The department offers mentorship and support for underrepresented students, including students who are part of the LGBTQ+ community.

**Title IX**

The Title IX coordinator responds to allegations of discrimination pursuant to university procedures in a manner that is prompt, thorough and equitable. The Title IX coordinator is a resource to students, faculty and staff and can answer questions about university policies, procedures and practices.

The Title IX coordinator can be reached by phone at 203-582-7757 or by email at [patricio.jimenez@qu.edu](mailto:patricio.jimenez@qu.edu)

### Public Safety

Public Safety provides coverage on all three campuses 24 hours a day, seven days a week and can be reached at [public.safety@qu.edu](mailto:public.safety@qu.edu) ([public.safety@quinnipiac.edu](mailto:public.safety@quinnipiac.edu)) or 203-582-6200. Public Safety officers can respond to all emergencies and are available to serve as walking escorts 24 hours a day.

### Off-Campus Resources

- New Haven Pride Center (<http://www.newhavenpridecenter.org/>)
- Anchor Health Initiative (<https://anchorhealthct.org/>) (Hamden health clinic with a mission to serve the LGBTQ+ community)
- Hartford Gay and Lesbian Health Collective (<https://www.hglhc.org/>)
- Triangle Community Center (<http://www.ctpridecenter.org/>)
- OutCT (<http://outct.org/>) (New London)
- Connecticut TransAdvocacy Coalition (<https://www.facebook.com/TransAdvocacy/>)
- Planned Parenthood of Southern New England (<https://www.plannedparenthood.org/planned-parenthood-southern-new-england>) has a New Haven location and provides a range of sexual health services for the LGBTQ+ community.

## Student Organizations

### The Gender and Sexuality Alliance

Gender and Sexuality Alliance (GSA) serves as a safe haven for all students who identify as members of the LGBTQ+ community, as well as allied supporters who want to get involved. In addition to providing a nurturing environment, GSA strives to educate students on issues facing the LGBTQ+ community currently and historically. Visit the GSA website (<https://qu.campuslabs.com/engage/organization/gsa>) for more information.

### Athletics

Quinnipiac seeks to ensure that no student, faculty or staff member is excluded from participation in or denied the benefits of any university program or activity on the basis of sex, gender, gender identity, or gender expression. The prohibition on discrimination applies to all university activities including athletics and recreational sports.

### NCAA Sports

For more information about inclusion in NCAA sports, please visit the NCAA's website for Inclusion of Transgender Student Athletes Handbook. You can also contact the deputy director of athletics, Sarah Fraser, at 203-582-8090.

### Intramural Sports

A participant's affirmed gender identity will be respected when there are gender-specific rules or player ratio requirements for co-rec divisions. Transgender individuals may play on the team that best matches their gender identity. Quinnipiac recognizes that, for many, coming to know one's gender identity is not something that happens in an instant; it is a complex process that can occur over an extended period of time. Participants are encouraged to communicate their gender identity with the campus official who is responsible for approving the team entry on intramural leagues. The campus official who approves the team entry on IM Leagues should verify that the gender indicated on the form is based on the participant's self-identification and expressed gender identity, rather than on the sex indicated in official school records.

### Club Sports

In keeping with the university's policy of non-discrimination and non-retaliation on the basis of gender identity and gender expression, the Quinnipiac Sport Club program supports and values an individual's right to access and utilize recreation facilities, restrooms, locker rooms, programs and services in accordance with an individual's gender identity and gender expression. Participation in club sports may have policies related to player eligibility that are stipulated by the national governing body of each sport. While the program does not have control over governing body policies, we support and advocate for the inclusion of all players, regardless of gender identity and gender expression.

### Residential Life

Incoming students who have a gender or gender-identity related concern regarding university housing can speak with the associate director of residential life about housing options. The conversation will include a discussion about type of room, bathroom facilities and roommate matching options, after which a housing assignment will be made. A student may opt out of any accommodations offered prior to the start of the semester with no financial penalties. The associate director of residential life will be in touch, via email, with any students whose gender recorded on the new student housing questionnaire does not match the legal sex recorded in the university's data collection system. Students who would like to initiate this conversation in an alternative way, have questions about this housing process or who would like to learn more about the housing options available for students who identify as non-conforming or transgender should contact the associate director of residential life at 203-582-8736. All residential life staff members receive education and training regarding diversity and inclusion, including gender identity and gender expression.

### Fraternity and Sorority Life

Quinnipiac welcomes students to join a fraternity or sorority that best reflects their gender identity. For information, students can contact the director of campus life for fraternity and sorority life, Avery Moses, at 203-582-7309.

## Updating Records Pertaining to Names and Gender Markers

### Notifying the Registrar's Office of a Legal Name Change Student Employee – Human Resources

University students who also are employed and paid through university payroll must follow the same guidelines as all other employees for a name change.

A student employee must complete the change of name form request and submit official documentation. For the purposes of payroll, the name reflected on a person's Social Security card must match the paychecks issued.

### Current Student – Registrar

Active students wishing to request a name change must do so through the Office of the Registrar. A current student would submit the name change request in writing (signature is required) along with a copy of one of the following:

1. A marriage license
2. New Social Security card
3. New driver's license (or other form of government-issued ID)
4. New passport
5. Or other legal documentation confirming legal name change

**Prospective Student – Admission**

Prospective students requesting a name change should provide a written request to their specific Admissions Office (undergraduate, graduate, School of Law or School of Medicine).

The request should be made in writing (with signature) and one of the following should be submitted with the request:

1. A marriage license
2. New Social Security card
3. New driver's license (or other form of government-issued ID)
4. New passport
5. Or other legal documentation confirming legal name change

**Preferred Name Policy for Students**

Quinnipiac University recognizes that some students prefer to identify themselves by a first name and/or middle name other than their legal name. Under Quinnipiac's preferred name policy, any student may choose to identify a preferred first name in addition to the legal name. Quinnipiac's policy covers preferred first names. Surnames can be changed only with a legal name change.

Preferred names can be updated by the student using their self-service portal.

The student's preferred name will be used where possible in the course of university business and education. The legal name will be used only when it is required for business, legal and external reporting purposes. In some cases, in order to promote the use of the student's preferred name while ensuring accurate and legitimate reporting and utilization of education records, the student's preferred name will be utilized alongside the student's legal name. For detail, see the lists below.

**Preferred names will be used immediately** in public or semi-public systems where names are visible to other students, instructors, faculty, campus officials, and the general public. Specific examples are:

- University ID card (if the student chooses to obtain a new QCard)
- Blackboard (official class rosters not on Blackboard will display the legal name as well)
- Self-Service (Proxys will also see the preferred name), including rosters, grading sheet, and student schedules.

To update your email address display name to your preferred name (preferredfirstname.lastname@qu.edu), a helpdesk request will need to be submitted.

Students who wish that their preferred first name be printed on their diploma should consult the Diploma Name Policy (<https://catalog.qu.edu/university-policies/diploma-name/>). Any request for a change of diploma name will also be used for commencement program and for how name will be read at commencement ceremony.

**Both preferred names and legal names will be used** in confidential administrative systems (non-public) used by staff, instructors, faculty and campus officials. These administrative systems require authentication and authorization for user access. The inclusion of both names in these confidential systems promotes use of the student's preferred name, while at the same time ensuring accurate and legitimate reporting and utilization of education records.

**Legal names only will be used** when required for business, legal and external reporting purposes. Specific examples include, but are not limited to:

- Student conduct records
- Counseling and health records
- Immigration documentation
- Paychecks
- One Stop (formerly the Bursar's office) documentation
- Financial aid documentation
- Federal requests for information
- Enrollment verifications
- Transcripts
- Academic certifications and degree verifications
- Admissions correspondence
- Athletics rosters
- Department of Public Safety systems and documentation

34 C.F.R. § 106.45(b)(10) requires Quinnipiac University to publish any materials used for training Title IX coordinators, investigators, decision-makers and persons who facilitate informal resolutions on the university's website. In compliance with the law, the university has made available all training materials for public review.

- Title IX - Training for Title IX (pre-workshop) ([https://www.qu.edu/globalassets/global/media/qu/documents/about/policies/title-ix/quinnipiac-title-ix\\_investigator-training-preworkshop-feb2023.pdf](https://www.qu.edu/globalassets/global/media/qu/documents/about/policies/title-ix/quinnipiac-title-ix_investigator-training-preworkshop-feb2023.pdf))
- Title IX - Training for Title IX Team Members ([https://www.qu.edu/globalassets/global/media/qu/documents/about/policies/title-ix/quinnipiac-title-ix\\_investigator-training-feb2023.pdf](https://www.qu.edu/globalassets/global/media/qu/documents/about/policies/title-ix/quinnipiac-title-ix_investigator-training-feb2023.pdf))
- Title IX Training for Appeal Officers ([https://www.qu.edu/globalassets/global/media/qu/documents/about/policies/title-ix/quinnipiac-title-ix\\_training-for-appeal-officers.pdf](https://www.qu.edu/globalassets/global/media/qu/documents/about/policies/title-ix/quinnipiac-title-ix_training-for-appeal-officers.pdf))
- Title IX Rights (<https://www.qu.edu/globalassets/global/media/qu/documents/about/policies/title-ix/quinnipiac-title-ix-rights-handout.pdf>)
- Preliminary Review ([https://www.qu.edu/globalassets/global/media/qu/documents/about/policies/title-ix/quinnipiac-title-ix\\_preliminary-review.pdf](https://www.qu.edu/globalassets/global/media/qu/documents/about/policies/title-ix/quinnipiac-title-ix_preliminary-review.pdf))
- Conduct Grievance Procedures for Allegations of Discrimination Under Discrimination, Harassment and Bias-Motivated Acts and Behavior Policy ([https://www.qu.edu/globalassets/global/media/qu/documents/about/policies/title-ix/quinnipiac-title-ix\\_t9-conduct-process.pdf](https://www.qu.edu/globalassets/global/media/qu/documents/about/policies/title-ix/quinnipiac-title-ix_t9-conduct-process.pdf))
- Policy Analysis for Allegations of Dating or Domestic Violence ([https://www.qu.edu/globalassets/global/media/qu/documents/about/policies/title-ix/quinnipiac-title-ix\\_dating-and-domestic-violence.pdf](https://www.qu.edu/globalassets/global/media/qu/documents/about/policies/title-ix/quinnipiac-title-ix_dating-and-domestic-violence.pdf))
- Policy Analysis for Allegations of Sexual Assault ([https://www.qu.edu/globalassets/global/media/qu/documents/about/policies/title-ix/quinnipiac-title-ix\\_sexual-assault.pdf](https://www.qu.edu/globalassets/global/media/qu/documents/about/policies/title-ix/quinnipiac-title-ix_sexual-assault.pdf))
- Policy Analysis for Allegations of Sexual Harassment ([https://www.qu.edu/globalassets/global/media/qu/documents/about/policies/title-ix/quinnipiac-title-ix\\_sexual-harassment-hostile-environment.pdf](https://www.qu.edu/globalassets/global/media/qu/documents/about/policies/title-ix/quinnipiac-title-ix_sexual-harassment-hostile-environment.pdf))
- Policy Analysis for Allegations of Stalking ([https://www.qu.edu/globalassets/global/media/qu/documents/about/policies/title-ix/quinnipiac-title-ix\\_stalking.pdf](https://www.qu.edu/globalassets/global/media/qu/documents/about/policies/title-ix/quinnipiac-title-ix_stalking.pdf))

- 2022-2023 Additional Training:
  - \*ATIXA Title IX Coordinator One: Foundations
  - \*ATIXA Title IX Coordinator Five: Bias & Cultural Competencies
  - \*ATIXA NPRiMer: Preparing for the 2023 Title IX Regulations