POLICY STATEMENT
Consistent with the federal law known as Title IX and associated regulations and guidance, Butler University is committed to having an educational and working environment free from sex discrimination in any form, including sexual harassment, misconduct, and violence.

REASON FOR POLICY
This Policy, in compliance with legal obligations under Title IX and its associated regulations and guidance, defines prohibited conduct and outlines procedures for reviewing, investigating, and resolving complaints of sexual harassment, sexual assault, dating violence, domestic violence and stalking involving students and faculty and staff (collectively “Employees”).

No Division, Department, and/or College is permitted to develop and/or adopt procedures that contradict, modify, or supplement this Policy. Because this Policy is meant to satisfy compliance obligations, all decisions made under this Policy are final and are not subject to additional review, appeals, or governance under any other policy or procedure, including the faculty grievance process.

The person responsible for implementing this policy is the Title IX Coordinator. If circumstances require, this official may designate another person to implement the policy.

Maria Kanger
Title IX Coordinator
Atherton Union 200
4600 N. Sunset Avenue
Indianapolis, IN 46208
Phone: 317-940-6509
Email: titleix@butler.edu
Website: www.butler.edu/sexual-misconduct

POLICY APPROVAL
Board of Trustees
CONTACTS
Tammy Pressler
Deputy Title IX Coordinator
Jordan Hall 037
4600 N. Sunset Avenue
Indianapolis, IN 46208
Phone: 317-940-2056

Molly Sullivan
Associate Athletic Director
Deputy Title IX Coordinator
Hinkle Fieldhouse 3135
4600 N. Sunset Avenue
Indianapolis, IN 46208
Phone: 317-940-9630
SCOPE OF POLICY

A. To Whose Conduct Does the Policy Apply?
   1. Students
      a. Those enrolled in any courses in any format at the University, or
      b. Those having a continuing relationship with the University such as those who have gained admission, those eligible and/or applying for reenrollment and/or readmission, or those involved in an appeal or grievance process
   2. Employees
      a. All persons legally defined as employees of the University

B. Where and When Does This Policy Apply?
   1. This policy applies to prohibited conduct that satisfies both (a) and (b), below.
      a. The conduct occurs in one of the following contexts:
         i. On campus or other property owned or controlled by the University;
         ii. A University education program or activity; or
         1. “Education program or activity” includes locations, events, or circumstances in which the University exercises substantial control over both the Respondent and the context in which the alleged conduct occurs.
         iii. Any building owned or controlled by a student organization that is officially recognized by the University.
      b. The conduct is toward a person in the United States.
   2. Time for making a report
      a. There is no time limit on making a report to the University.
         i. The University does encourage all individuals to report violations of this Policy immediately.
         ii. Individuals should note that the University’s ability to effectively investigate alleged violations of this Policy may be limited as time passes.
         iii. Individuals should also note that the University does not have jurisdiction over those no longer affiliated with the University, even if they were affiliated at the time of the alleged incident.
      b. Making a report to the University does not necessarily result in an Administrative Investigation and Adjudication Process.
         i. Individuals who have experienced sexual misconduct may make a report to the University and communicate that they do not wish to move forward with the Administrative Investigation and Adjudication Process outlined in this policy. Please see REQUESTS FOR NO UNIVERSITY ACTION for additional information.
         ii. In order for an individual to submit a formal complaint, triggering the Administrative Investigation and Adjudication Process, that individual must be participating or attempting to participate in a University education program or activity at the time of submission.
      c. For information on making a report, please see REPORTING A VIOLATION TO THE UNIVERSITY and REPORTING TO LAW ENFORCEMENT.
PROHIBITED CONDUCT AND RELATED DEFINITIONS
Butler University prohibits all forms of sexual misconduct. Sexual Misconduct includes sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

Retaliation is also prohibited under this Policy. Please see below for additional information.

A. SEXUAL HARASSMENT
Sexual Harassment is conduct on the basis of sex that satisfies the conditions outlined in (1) and/or (2), below.

1. Quid Pro Quo: An employee conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct; or

2. Denial of Equal Access: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity.

“Unwelcome conduct” may include any unwelcome sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature, whether verbal, nonverbal, graphic, physical, electronic or otherwise.

B. SEXUAL ASSAULT
Sexual Assault is engaging in any of the following knowing or intentional acts without consent:

1. Touching of the buttocks, breasts, groin or genitals of another, whether clothed or unclothed for the purpose of sexual gratification,
2. Touching another with any of these body parts for the purpose of sexual gratification,
3. Making another person touch you or themselves with or on any of these body parts for the purpose of sexual gratification,
4. Penetration, no matter how slight, of the vagina or anus with any body part or object,
5. Any contact between the mouth of one person and the genitalia of another person, and/or
6. Sexual intercourse between persons related to each other within the degrees wherein marriage is prohibited by law.

C. CONSENT
Consent is voluntary words or actions mutually understood by each party to be agreement or permission to engage in a specific sexual act at a specific time.

1. Consent cannot be inferred from any of the following:
   a. Silence,
   b. Passivity,
   c. The absence of resistance,
   d. The existence of a current or prior relationship, and/or
   e. Consent given previously.

2. The party who initiates sexual activity is responsible for obtaining consent for that activity.
3. Consent can be withdrawn at any time by any party. Once consent is withdrawn, sexual activity must cease immediately.
4. There is no consent if any of the following are present:
   a. **Force**
      i. The use of physical force that would reasonably overcome an individual’s freedom to choose whether to participate in sexual activity.
   b. **Intimidation or Threat**
      i. Express or implied threat of immediate or future physical, emotional, reputational, financial, or other harm to an individual or others that would reasonably place an individual in fear and that is employed to compel someone to engage in sexual activity.
   c. **Coercion**
      i. Pressure to engage in sexual activity that would reasonably overcome an individual’s freedom to choose whether to participate in sexual activity
         1. Reasonableness will be evaluated based on the totality of known circumstances, including, but not limited to, duration, frequency, isolation, and intensity.
   d. **Incapacitation**
      i. An individual is incapacitated when they are unable to understand the who, what, when, where, why, and how of the situation due to the use of alcohol and/or other drugs, mental or physical disability, being asleep or unconscious, and/or age (as defined by Indiana state law).
         ii. There is no consent when:
            1. The individual who initiated the sexual activity knew of the other party’s incapacitation, or
            2. A reasonable person in the same situation would have known of the other party’s incapacitation.

D. **DATING VIOLENCE**
   Dating violence is violence or the threat of violence committed by an individual toward another with whom they have a current or previous relationship of a romantic or intimate nature.

   The existence of a romantic or intimate relationship will be determined based on the Complainant’s description of the relationship and the following factors:
   1. Length of the relationship,
   2. Type of relationship, and
   3. Frequency of interaction between the people involved in the relationship.

E. **DOMESTIC VIOLENCE**
   Domestic violence is violence or the threat of violence committed by an individual toward another who:
   1. Is a current or former spouse,
   2. Is or has cohabitated with the individual as an intimate partner,
   3. Has a child in common with the individual,
   4. Is similarly situated to a spouse of the individual under Indiana domestic or family violence laws, or
   5. Is an adult or youth who is protected from that individual’s acts under the domestic or family violence laws of Indiana.
F. **STALKING**
Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress.

1. **Course of Conduct** means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person’s property.

2. **Substantial emotional distress** means significant mental suffering or anguish.

G. **RETAIATION**

1. Retaliation is intimidation, threats, coercion, or discrimination:
   a. Toward any individual because that individual has made a report or formal complaint of prohibited conduct, participated in a process outlined by this Policy, or chosen not to participate in a process.
   b. For the purpose of interfering with any right or privilege secured by federal law or University policy.

2. Retaliation does not include:
   a. Vague criticisms, stray remarks, and petty slights that do not rise to the level of intimidation, threats, coercion, or discrimination;
   b. A good faith pursuit of civil, criminal, or other legal action, even in response to an initial report under this Policy; and/or
   c. The exercise of rights protected under the First Amendment.

3. Reports of retaliation may be consolidated into an ongoing Administrative Investigation and Adjudication Process at the discretion of the Title IX Coordinator.

**REPORTING SEXUAL MISCONDUCT**

A. **REPORTING SEXUAL MISCONDUCT TO THE UNIVERSITY**
Any person may report sexual misconduct to the University. The person making the report does not have to be the person alleged to have experienced the misconduct, nor are they required to be affiliated with the University.

Under this Policy, an individual reported to have experienced sexual misconduct is referred to as the **Complainant**. An individual alleged to have engaged in sexual misconduct is referred to as the **Respondent**.

1. **Submitting a Report of Sexual Misconduct**
   a. Reports may be made by to the Title IX Coordinator in person, or via online report, phone call, email, or postal mail.
   b. Reports may be made at any time. After business hours, reports can be submitted online, or through voicemail, email, or postal mail to the Title IX Coordinator.
   c. The online report form and contact information for the Title IX Coordinator can be found at [www.butler.edu/sexual-misconduct](http://www.butler.edu/sexual-misconduct).
   d. Reports may be submitted anonymously. Please note that the University’s ability to respond to anonymous reports may be limited.
e. Most University employees also have reporting obligations when they are made aware of an incident of sexual misconduct. See below for more information.

Making a report of sexual misconduct to the University does not necessarily result in an Administrative Investigation and Adjudication Process. When a report is made, Complainant will be offered the option of submitting a formal complaint, which would initiate the Administrative Investigation and Adjudication Process. Please see FORMAL RESOLUTION: THE UNIVERSITY ADMINISTRATIVE INVESTIGATION AND ADJUDICATION PROCESS, below.

B. EMPLOYEE REPORTING OBLIGATIONS
The University is committed to protecting the safety of Complainants and the campus community, and to ensuring that Complainants are made aware of their rights, options, and resources. Therefore, it is the University’s expectation that all employees, except those designated as confidential employees (defined below), report to the Title IX Coordinator when they become aware of sexual misconduct.

1. Employees with Reporting Obligations
   a. Employees with reporting obligations at Butler University include:
      i. Those who offer course instruction, whether in person or online,
         1. Includes full- and part-time faculty, adjuncts, and teaching assistants.
      ii. Advisors,
      iii. Athletics staff,
      iv. Student Affairs staff members, except those designated as confidential employees (see below), and
         1. Includes Resident Assistants within the University’s residential communities.
      v. Those who work in offices or areas that interface with students
   b. Privacy and Confidentiality
      i. Employees with reporting obligations may not promise confidentiality to a person who shares information related to an alleged incident of sexual misconduct. They must inform that person of their obligation to report to the Title IX Coordinator.
      ii. Employees with reporting obligations must keep information related to a report of sexual misconduct as private as possible, sharing only with those at the University who have a legitimate need to know. Failure to maintain this level of privacy could result in disciplinary action.

2. Confidential Employees
   a. Those employees whose professional licenses or codes of conduct require confidentiality do not have an obligation to report when they are made aware of sexual misconduct under the following circumstances:
      i. They are acting in the role for which their license and/or code of conduct requires confidentiality,
         1. e.g., A licensed counselor providing counseling in an individual or group setting would be considered confidential. A licensed counselor engaging in community outreach or teaching a course would not be considered confidential, and would have an obligation to report.
ii. The person who discloses sexual misconduct is aware that the employee is acting within that role, and
iii. There is a reasonable expectation of privacy in the conversation.

b. The University also has the ability to designate certain employees as confidential.

c. Confidential employees at Butler University are:
   i. Counselors at Counseling and Consultation Services,
   ii. Health Services staff members,
   iii. Ordained clergy providing pastoral care in the Center for Faith and Vocation, and
   iv. The Sexual Assault Response and Prevention Specialist, when acting in their advocacy role.

   1. Note: this staff member does have an obligation to provide certain statistical information to the University for federal reporting purposes, pursuant to the Clery Act. They will not disclose Complainant’s identity to either law enforcement or the University without Complainant’s consent.

C. REPORTING TO LAW ENFORCEMENT

A Complainant also has the option of making a criminal report to the appropriate law enforcement agency.

1. Where to Report
   a. Incidents alleged to have occurred on campus should be reported to the Butler University Police Department (BUPD).
   b. Incidents alleged to have occurred off campus should be reported to the appropriate local law enforcement agency.

2. The Relationship between the Criminal Process and the University Process
   a. Complainant has the right to pursue both the University’s Administrative Investigation and Adjudication Process and the criminal process simultaneously. Complainant may also choose to pursue either the Administrative Investigation and Adjudication Process or the criminal process exclusively.
      i. Complainant’s decision regarding pursuit of the criminal process does not impact the Administrative Investigation and Adjudication Process.
   b. The Administrative Investigation and Adjudication Process is distinct from the criminal process.
      i. Any investigation conducted by the University will be conducted independently and separately from any investigation conducted by law enforcement.
      ii. The University may undertake a short delay to allow evidence collection when criminal charges on the basis of the same behaviors that invoke this Process are being investigated.
      iii. Actions that take place in the criminal process, including placing, reducing, or dismissing charges, and/or plea agreements, will not determine the resolution of the University process.
         1. This information may be considered in the course of the Administrative Investigation and Adjudication Process, if determined to be relevant.
D. IMMUNITY
The University seeks to remove any barriers to participating in the Administrative Investigation and Adjudication Process, and therefore provides limited immunity with regard to certain policy violations.

1. Any student, whether a party or a witness, who makes a report or participates in the investigation and adjudication process under this Policy will generally be offered immunity from being disciplined for policy violations related to the personal ingestion of alcohol or other drugs, provided that any such violations did not and do not place the health and safety of any person at risk. The University may encourage educational or therapeutic remedies for those individuals.

2. This limited immunity does not protect any student organization from discipline if information is learned through the course of an investigation under this Policy pertaining to unregistered parties or other violations.

UNIVERSITY RESPONSE TO REPORTS OF SEXUAL MISCONDUCT

A. INITIAL RESPONSE

1. Outreach to the Complainant
a. Upon receipt of a report, the Title IX Coordinator will reach out promptly to Complainant, sharing information about Complainant’s rights, options, and resources, and extending an invitation to meet. Complainant is not required to meet with the Title IX Coordinator or to respond to the outreach.
b. Both on- and off-campus resources are available to Complainant, regardless of whether the conduct alleged falls under the jurisdiction of this Policy or whether they choose to move forward with a formal complaint, as defined below.
c. The Title IX Coordinator can assist with connecting Complainant to those resources if Complainant wishes.
d. If this Policy applies to the alleged conduct, Complainant will be provided the opportunity to share their wishes regarding resolution of the report.
   i. Complainant may choose to submit a formal complaint, initiating the Administrative Investigation and Adjudication Process, or request that the University take no action. Once a formal complaint is filed, there is also the option to resolve the matter informally, with the consent of all parties, provided the matter does not involve a student Complainant and employee Respondent. Processes related to each option are outlined below.
   ii. Complainant’s choice not to respond to or meet with the Title IX Coordinator will be treated as a request for no University action.

2. Outreach to the Respondent
a. If the process moves forward with a formal complaint, each party will receive a Notice of Allegations, described below.
b. The Title IX Coordinator will also request a meeting with Respondent. In this meeting, the Title IX Coordinator will explain the process and make Respondent aware of their rights and the resources available to them.
B. SUPPORTIVE MEASURES

Supportive measures are non-disciplinary, non-punitive individualized services that are free of charge or fee and confidential. Supportive measures may not unreasonably burden the other party.

1. Availability of Supportive Measures
   a. Supportive measures will be offered as appropriate and reasonably available to both Complainant and Respondent.
      i. Supportive measures are available to Complainants regardless of whether they choose to file a formal complaint.
      ii. Supportive measures are available to both Complainants and Respondents during the Administrative Investigation and Adjudication Process.

2. Types of Supportive Measures
   a. Supportive measures may include:
      i. Academic adjustments
         1. May include:
            a. Requesting flexibility regarding deadlines or class attendance
            b. Changing course schedules
      ii. Campus escorts
      iii. On-campus housing adjustments
         1. Altering the on-campus housing situation of a student or employee
      iv. On-campus work adjustments
         1. May include:
            a. Altering work schedule(s)
            b. Arranging for a different workspace
      v. Residential Community Ban
         1. A directive prohibiting a party from being present on the property of a particular on-campus residential community.
   vi. University Administrative No Contact Orders
      1. Unless otherwise stated in writing, a person who is issued an Administrative No Contact Order by the University may not have contact with specific individuals for a period of time, either directly, indirectly, or through third parties.
         a. “Third parties” include friends, family, attorneys, and other individuals acting on behalf of a person who has been issued a No Contact Order.
         b. “Contact” includes but is not limited to email, social media, direct messaging, text messaging, phone calls, voicemail, or face-to-face contact.
            i. Unintentional contact is not considered a violation of the Administrative No Contact Order
      2. Individuals are encouraged to report violations of Administrative No Contact Orders promptly to the Title IX Coordinator. Alleged violations of the Administrative No Contact Order may result in disciplinary action.
      3. Administrative No Contact Orders are separate and distinct from court actions, such as Protective Orders and Restraining Orders. Questions about these should be directed to local law enforcement. The Sexual Assault Response and Prevention Specialist can also assist students with exploring options regarding these court actions.
vii. Other supportive measures as needed
   1. Including adjustments to dining arrangements, co-curricular involvement, etc.
   3. The Title IX Coordinator or designee will coordinate the provision of supportive measures.

C. EMERGENCY REMOVAL
The University may institute the emergency removal of Respondent when, after conducting an individualized safety and risk analysis, it determines that there is an immediate threat to the physical health or safety of any other individual arising from allegations of sexual misconduct. There need not be a formal complaint in order for an emergency removal to take place.

If the University institutes an emergency removal, the individual’s ability to be present on University property and participate in University-related activities will be limited. When a report indicates that emergency removal may be warranted, the Title IX Coordinator will refer reports to the appropriate decisional authority for consideration. The appropriate decisional authority is determined by the status of Respondent, as described below.

1. Emergency Removal of Students
   a. The Vice President for Student Affairs (VPSA) or designee has the sole discretion to institute emergency removal of a student and to determine the conditions of such removal.
   b. Notice of emergency removal will be provided to the student in writing. Upon receipt of notice, the student will be expected to comply with the terms of the removal immediately.
   c. The student may petition the VPSA or designee for reinstatement immediately and within five (5) business days of receiving notice of the emergency removal. This petition must be made in writing and must articulate why the student does not pose an immediate threat to the physical health or safety of any other individual. The VPSA or designee may choose to uphold the emergency removal, modify its terms, or lift it entirely.
   d. Failure to comply with the terms of an emergency removal may result in disciplinary action.

2. Emergency Removal of Staff
   a. The Associate Vice President of Human Resources (AVP HR) or designee has the sole discretion to institute emergency removal of a staff member and to determine the terms of such removal.
   b. Notice of emergency removal will be provided to the staff member in writing. Upon receipt of such notice, the staff member will be expected to comply with the terms of the removal immediately.
   c. The staff member may petition the AVP HR or designee for reinstatement immediately and within five (5) business days of receiving notice of the emergency removal. This petition must be made in writing and must articulate why the staff member does not pose an immediate threat to the physical health or safety of any other individual. The AVP HR or designee may choose to uphold the emergency removal, modify its terms, or lift it entirely.
   d. Failure to comply with the terms of an emergency removal may result in disciplinary action.
3. **Emergency Removal of Faculty**  
   a. The Provost or designee has the sole discretion to institute emergency removal of a faculty member and to determine the terms of such removal.
   b. Notice of emergency removal will be provided to the faculty member in writing. Upon receipt of such notice, the faculty member will be expected to comply with the terms of the removal immediately.
   c. The faculty member may petition the Provost or designee for reinstatement immediately and within five (5) business days of receiving notice of the emergency removal. This petition must be made in writing and must articulate why the faculty member does not pose an immediate threat to the physical health or safety of any other individual. The Provost or designee may choose to uphold the emergency removal, modify its terms, or lift it entirely.
   d. Failure to comply with the terms of an emergency removal may result in disciplinary action.

D. **REQUESTS FOR NO UNIVERSITY ACTION**  
   A Complainant may request that the University take no action in response to a report of sexual misconduct.
   1. **Evaluating a Request for No University Action**  
      a. The University will generally work to honor Complainant’s wishes but will evaluate such requests on a case-by-case basis.
      b. In some cases, the University may not be able to honor Complainant’s request due to its obligation to provide a safe, non-discriminatory environment for all in the University community.
      c. The University will decide whether to honor Complainant’s wishes based on the following factors:
         i. The seriousness of the alleged conduct,
         ii. Complainant’s age,
         iii. Information indicating a pattern of behavior by Respondent,
         iv. Aggravating circumstances such as the use of a weapon, force, threats, intimidation, multiple assailants, etc., and/or
         v. Other risks to the University community.
      d. Complainant will be notified of the University’s decision.
         i. Should the University determine that it is necessary to move forward with an Administrative Investigation and Adjudication Process, Complainant may, but is not required to, participate in the process. Complainant will be provided with all notifications, information, and updates throughout the process.

E. **FORMAL RESOLUTION: THE ADMINISTRATIVE INVESTIGATION AND ADJUDICATION PROCESS**  
   1. **Initiation of the Administrative Investigation and Adjudication Process**  
      a. An Administrative Investigation and Adjudication Process is initiated by a formal complaint.
         i. A formal complaint is a document filed by Complainant or signed by the Title IX Coordinator alleging that Respondent engaged in sexual or relationship misconduct and requesting an investigation into the allegation(s).
      b. **Formal complaints filed by Complainant**
         i. In order to file a formal complaint, Complainant must be participating or attempting to participate in a University education program or activity.
ii. Complainant may file a formal complaint with the Title IX Coordinator in person, by postal mail or email, or through the online reporting system.

iii. The complaint must be physically or electronically signed by Complainant or otherwise indicate that Complainant is the person filing the formal complaint.

c. Formal complaints signed by the Title IX Coordinator
   i. Should Complainant decide not to file a formal complaint, the Title IX Coordinator may choose to sign a formal complaint.
   ii. The Title IX Coordinator may sign a formal complaint when it is determined that moving forward with an Administrative Investigation and Adjudication Process is necessary to fulfill the University’s obligation to provide a safe, non-discriminatory environment for all in the University community. Please see Evaluating a Request for No University Action, above, for a list of factors considered in making this determination.
   iii. In signing a formal complaint, the Title IX Coordinator is acting on behalf of the University, not Complainant. The Title IX Coordinator does not become a party to a matter as a result of signing a formal complaint.
   iv. Signing a formal complaint is not a determination of responsibility or judgment of the facts alleged; rather, it is a determination that a report of sexual misconduct warrants resolution through the Administrative Investigation and Adjudication Process.
   v. Complainant will be notified that the Title IX Coordinator has signed a formal complaint.
      1. Complainant may, but is not required to, participate in the process.
      2. Complainant will be provided with all notifications, information, and updates throughout the process.

d. Notice of Allegations
   i. After a formal complaint is filed by Complainant or signed by the Title IX Coordinator, the Title IX Coordinator will provide a written notice of allegations to each party.

2. Dismissal of a Formal Complaint
   a. A formal complaint will be dismissed under the following circumstances:
      i. The conduct alleged, even if proven to have taken place, would not satisfy one or more of the definitions of prohibited conduct under this Policy;
      ii. The conduct occurred outside of the University’s education program or activity;
      iii. The alleged conduct was not committed against a person in the United States; and/or
      iv. Complainant was not participating or attempting to participate in the institution’s program or activity at the time of filing the formal complaint.
   b. A formal complaint may be dismissed under the following circumstances:
      i. Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint as a whole or any of the allegations contained therein;
      ii. Respondent is no longer enrolled at or employed by the University; and/or
      iii. Circumstances prevent the University from gathering information sufficient to reach a determination of outcome regarding the formal complaint or the allegations therein.
c. Each party has the opportunity to appeal the decision to dismiss a formal complaint. Please see Appeals, below, for information on the appellate process.

d. A formal complaint that is dismissed under the Sexual Misconduct Policy may be referred to a process under the Non-Discrimination Policy, should that Policy apply. Please refer to that Policy for information on jurisdiction and process.

3. **Consolidation of Investigation**
   a. The Title IX Coordinator has the discretion to consolidate multiple reports into one investigation if the reports arise out of the same facts or circumstances.

4. **Appointment of Investigator**
   a. The Title IX Coordinator will appoint an investigator to conduct a thorough, impartial, and equitable investigation of the report.
      i. The investigator may be internal or external to the University and must be appropriately trained to conduct investigations of sexual misconduct.
   b. Once an investigator has been appointed, the Title IX Coordinator will notify each party in writing.
   c. Complainant and Respondent each have the opportunity to challenge the appointment of the investigator for a lack of impartiality or a conflict of interest.
      i. This challenge must be submitted to the Title IX Coordinator in writing within three (3) business days of notice of the appointment and must include a justification.
      ii. The Title IX Coordinator will evaluate the challenge and determine whether it would be appropriate to appoint an alternate investigator within five (5) business days.
      iii. Each party will be notified when a challenge is submitted and of the outcome of the challenge.

5. **Advisors**
   a. Complainant and Respondent may each select an advisor of their choice.
      i. This advisor may be internal or external to the University. The advisor may, but is not required to be, an attorney.
   b. Advisors are permitted to be present in all phases of the Administrative Investigation and Adjudication Process.
      i. During the investigation phase of the process, the advisor may not participate in the process directly.
         1. The advisor may whisper or write notes to their advisee, but they may not interrupt, speak on behalf of their advisee, or otherwise interfere with the process.
         2. If an advisor violates these parameters, the University may further limit the advisor’s participation in the process.
      ii. During the adjudication phase of this process, the advisor will question the other party (or parties), witnesses, and investigator on behalf of their advisee.
         No party may directly question another party, witnesses, or the investigator.
         1. Outside of this questioning, advisors may not otherwise participate in a hearing on behalf of their advisee.
2. The advisor will be expected to abide by the rules of decorum for the hearing, including the parameters for questioning, which will be provided to all advisors and parties at least ten (10) business days prior to the hearing.

3. If an advisor violates these directives, they may be asked to leave the hearing. If a party’s advisor is removed from a hearing, the University will provide the party with an advisor for the purpose of conducting questioning on behalf of that party.

4. If any party does not have an advisor for the adjudication phase of this process, the University will provide them with an advisor for the purpose of conducting questioning on behalf of that party.

c. The advisor will be provided with all materials that are provided to the parties, including all evidence directly related to the allegations and the Preliminary and Final Investigation Reports.
   i. A party may request that some or all of these materials not be provided to their advisor. Such requests will be honored. It will then be left to the discretion of the party to share materials with their advisor as they see fit.

6. **Investigation Timeline**
   a. The University aims to complete all investigations within a reasonable time period.
   b. With regard to the information-gathering phase of the investigation, this reasonable time period will be sixty (60) business days.
   c. Parties and their respective advisors will be provided a Preliminary Investigation Report within ten (10) business days of the conclusion of the information-gathering phase of the investigation.
   d. Parties will have ten (10) business days to submit a response to a Preliminary Investigation Report.
   e. The investigator will submit a Final Investigation Report to the Title IX Coordinator within five (5) business days of the conclusion of the 10-day review and response period.
   f. Parties and their respective advisors will each be provided a copy of the Final Investigation Report at least ten (10) business days prior to the hearing.
      i. Each party will have the opportunity to submit a response to the Final Report within these ten (10) business days.
   g. This timeline may be modified as necessary by the investigator, in consultation with the Title IX Coordinator.
      i. Delays may occur when the University is closed, during academic breaks or for other good reason. The parties will be notified of any delay in or modification to the timeline.

7. **Investigation**
   a. The burden of gathering information sufficient to make a determination of responsibility rests with the University.
   b. Respondent will be presumed not responsible.
      i. This means that the University will not treat Respondent as though they are responsible prior to a finding of responsibility.
ii. This does not mean that any party or participant will be viewed as credible or not credible simply based on their status as Complainant, Respondent, or witness.

iii. The determination of responsibility will be made by the decision-maker(s) at the conclusion of the adjudication phase of this process, outlined below.

c. Complainant and Respondent will each be provided the opportunity to meet with and provide information to the investigator separately.
   i. Should a party choose not to provide information to the investigator, the investigation will proceed without the benefit of their participation.

d. Each party will also be afforded the opportunity to:
   i. Identify witnesses who have information directly related to the allegation(s),
      1. The investigator will make a good faith effort to contact and interview each witness.
      2. The University cannot compel a witness’ participation in this process.
      3. Should a witness choose not to respond to outreach or provide the investigator with information, the investigation will proceed without the benefit of their participation.
   ii. Provide documentation directly related to the allegation(s) and
   iii. Submit questions for the other party to be asked by the investigator.
      1. The investigator will make a good faith effort to pose these questions to the other party.
      2. Neither party will be required to answer questions submitted by the other party.

e. The investigator has discretion to meet with any additional witnesses and review any additional documentation they determine to be necessary to gather information sufficient to make a determination of responsibility.
   i. This includes, but is not limited to:
      1. Consultation with experts,
      2. Site visits,
      3. Interviews of law enforcement officers, and
      4. Review of police reports and related documentation.

f. All witnesses and parties are expected to provide true and accurate information. Should a witness or party willfully provide false information, they may be subject to disciplinary action.

g. Information about the Complainant’s sexual predisposition and/or prior sexual behavior is not relevant, except in the limited circumstances described below.
   i. “Prior sexual behavior” encompasses all sexual behavior by Complainant prior to the conclusion of this process.
   ii. This information is only considered relevant in the limited circumstances where it is offered to prove:
      1. Consent, based on the prior sexual history between the parties, or
         a. In that circumstance, sexual history between the parties may be considered only with regard to patterns of communicating and obtaining consent. Consent will not be assumed based solely on evidence of any prior or subsequent sexual history.
      2. Someone other than the Respondent engaged in the conduct alleged by the Complainant.
8. Investigation Reports
   a. Upon completion of the information-gathering phase of the investigation, the investigator will prepare a Preliminary Investigation Report, summarizing the relevant information that has been gathered. The report may include the following:
      i. Summaries of the investigator’s meetings with Complainant, Respondent, and witnesses,
      ii. Descriptions of the documentation submitted by the parties and/or obtained by the investigator,
      iii. Definitions of prohibited conduct and related terms under this Policy that the investigator has determined to be relevant to the case
      iv. Identification of material facts in dispute and material facts not in dispute,
      v. Analysis of submitted information, and
      vi. An appendix containing raw materials gathered in the investigation (e.g., incident reports, documentation submitted by the parties, etc.).
   b. The report will also include any information directly related to the allegation(s) that the investigator has determined not to be relevant and a log of information submitted that the investigator has determined not to be directly related to the allegations.
   c. Preliminary Report Review
      i. Complainant, Respondent, and their respective advisors will each be provided with the Preliminary Investigation Report.
         1. If a party has requested that the Preliminary Report and/or accompanying materials not be provided to their advisor, this request will be honored. It will then be left to the discretion of the party to share the Preliminary Report and/or accompanying materials with their advisor as they see fit.
      ii. Each party will have the opportunity to submit a response to the Report within ten (10) business days. Advisors may not submit a response.
         1. This response can include a challenge to the investigator’s determination that information submitted is:
            a. Not directly related to the allegation(s), and/or
            b. Directly related to the allegation(s), but not relevant.
   d. After this 10-day period has concluded, the investigator will prepare a Final Investigation Report. The report may include the following:
      i. Summaries of the investigator’s meetings with Complainant, Respondent, and witnesses,
      ii. Descriptions of the documentation submitted by the parties and/or obtained by the investigator,
      iii. Parties’ responses to the Preliminary Report,
      iv. Definitions of prohibited conduct and related terms under this Policy that the investigator has determined to be relevant to the case,
      v. Identification of material facts in dispute and material facts not in dispute,
      vi. Analysis of submitted information, and
      vii. An appendix containing raw materials gathered in the investigation (e.g., incident reports, documentation submitted by the parties, etc.).
viii. The report will also include any information directly related to the allegation(s) that the investigator has determined not to be relevant and a log of information submitted that the investigator has determined not to be directly related to the allegations.

e. The investigator will submit the Final Investigation Report to the Title IX Coordinator within five (5) business days of the conclusion of the 10-day review and response period.

f. Final Report Review
   i. Complainant, Respondent, and their respective advisors will each be provided with the Final Investigation Report at least ten (10) business days prior to the hearing.
      1. If a party has requested that the Final Report and/or accompanying materials not be provided to their advisor, this request will be honored. It will then be left to the discretion of the party to share the Final Report and/or accompanying materials with their advisor as they see fit.
   ii. Each party will have the opportunity to submit a response to the Report within this time period. Advisors may not submit a response.
      1. This response may include a challenge to the investigator’s determination that information gathered in the course of the investigation is not relevant.

9. Referral to Hearing
   a. Upon receipt of the Final Investigation Report, the Title IX Coordinator will refer the matter to a live hearing before a decision-maker for a determination of responsibility.
      i. The decision-maker may be internal or external to the University and may be one person or a panel of people.
      ii. The decision-maker must be appropriately trained to adjudicate sexual misconduct matters.
      iii. If the matter is referred to a panel of people, one panel member will be designated as the hearing panel chair.
         1. The chair will guide the hearing and make determinations regarding relevance of questions posed by advisors.
         2. The chair’s vote regarding determination of responsibility carries no greater weight than the other panel members’ votes.
   b. The parties may each select one advisor of their choice to be present at the hearing, under the parameters listed above in E(4).
      i. In scheduling the hearing, the Title IX Coordinator will accommodate the parties’ and advisors’ schedules to the extent reasonable. Should the availability of an advisor cause an unreasonable delay in this process, a party may need to select a different advisor.
      ii. If a party does not select an advisor to be present at the hearing, the University will provide an advisor for the purpose of conducting questioning on behalf of that party.
   c. The Title IX Coordinator will send notice of the date, time, and location of the hearing, as well as the name(s) of the decision-maker(s) to the parties at least fourteen (14) business days prior to the hearing date.
d. Each party will have the opportunity to challenge the appointment of the decision-maker(s) for a lack of impartiality or a conflict of interest.
   i. This challenge must be submitted to the Title IX Coordinator in writing within three (3) business days of notice of the appointment and must include a justification.
   ii. The Title IX Coordinator will evaluate the challenge and determine whether it would be appropriate to appoint an alternate decision-maker(s) within two (2) business days. Each party will be notified when a challenge is submitted and will be advised of the outcome of the challenge.

e. Hearings will take place in person, to the extent practicable. Should circumstances require the hearing to take place remotely, the Title IX Coordinator will make the necessary arrangements.

f. Any party may request not to be present in the same room as the other party during the hearing at least five (5) business days prior to the hearing.
   i. This request will be honored.
   ii. The Title IX Coordinator will be responsible for making such arrangements.

g. Complainant, Respondent, and their respective advisors will each be provided a copy of the Final Investigation Report at least ten (10) business days prior to the hearing.
   i. Each party will have the opportunity to submit a response to the Report within these ten (10) business days. Each party will also have the opportunity to review the other party’s response.

h. The decision-maker will have the ability to review the Final Investigation Report for at least ten (10) business days prior to the hearing, upon resolution of any challenges to the appointment of the decision-maker.
   i. The decision-maker will also be provided with any written response to the Report submitted by the parties.

i. Should a party challenge the investigator’s decision that information gathered in the course of the investigation is not relevant, the decision-maker will make a determination regarding relevance prior to the hearing.
   i. If the matter has been referred to a panel of people, the panel chair will make this decision.

j. The Title IX Coordinator will invite all witnesses who were identified in the course of the investigation and met with the investigator to participate in the hearing.
   i. The University does not have the power to compel any person, other than the investigator, to participate.
   ii. Should a witness choose not to participate in the hearing, the hearing panel cannot consider any statements made by the witness when making a determination of responsibility.

k. The investigator will be made available to answer questions of the panel and the parties.
   i. The investigator will submit themself to questioning by the parties in all circumstances.

10. Hearing Procedure
   a. The hearing is closed to the public.
   b. The hearing will be recorded. The decision-maker’s deliberations following the hearing will not be recorded.
i. Only the University is permitted to record the hearing. Recording of the hearing by parties or participants is prohibited.

ii. The recording of the hearing will become part of the file on the case and will be available for review by the parties.

c. Respondent will be presumed not responsible.

i. This means that the University will not treat Respondent as though they are responsible prior to a finding of responsibility.

ii. This does not mean that any party or participant will be viewed as credible or not credible simply based on their status as Complainant, Respondent, or witness.

iii. The determination of responsibility will be made by the decision-maker in closed deliberations following the hearing.

d. Complainant and Respondent each will have the opportunity to share information with the decision-maker.

i. Should Complainant and/or Respondent choose not to attend the hearing, the hearing will proceed without the benefit of their participation.

ii. If a party chooses not to attend the hearing, the decision-maker may not consider any statement made by that party when making a determination of responsibility.

e. Questioning of Parties and Witnesses

i. The decision-maker may question the parties, witnesses, and investigator directly.

ii. Each party’s advisor may question the other party, witnesses, and investigator on behalf of their advisee.

1. If a party does not have an advisor for the adjudication phase of this process, the University will provide that party with an advisor for the purpose of questioning the other party, witnesses, and investigator on the party’s behalf.

iii. After an advisor poses a question to a party, witness, or investigator, the decision-maker (in cases involving a panel, the hearing panel chair) will determine whether the question is relevant.

1. The party, witness, or investigator need not answer a question unless and until the chair determines it to be relevant.

2. The decision-maker will explain why the question is or is not relevant.

3. Information about the Complainant’s sexual predisposition and/or prior sexual behavior is not relevant, except in the limited circumstances described below.

   a. “Prior sexual behavior” encompasses all sexual behavior by Complainant prior to the conclusion of this process.

   b. This information is only considered relevant in the limited circumstances where it is offered to prove:

      i. Consent, based on the prior sexual history between the parties, or

      1. In that circumstance, sexual history between the parties may be considered only with regard to patterns of communicating and obtaining consent. Consent will not be assumed based solely on evidence of any prior or subsequent
sexual history.
   ii. Someone other than the Respondent engaged in the
       conduct alleged by the Complainant.
4. Questions that are duplicative (i.e., have been asked and answered) may
   be deemed irrelevant and excluded.
5. The decision of the decision-maker is final. No objections to the
   determination of relevance will be permitted during the hearing.
6. Parties may raise objections to the decision-maker’s determination(s) of
   relevance on appeal.
iv. Should a party or witness choose not to submit themself to questioning by a
   party, the decision-maker may not consider any statement made by that
   witness or party when determining responsibility.
   1. “Submission to questioning” means that the party or witness must
      answer all questions deemed to be relevant by the decision-maker.
      a. If a party or witness chooses to answer some, but not all, of the
         relevant questions posed by a party, then the decision-maker may
         not consider any statement made by that witness or party when
         determining responsibility.
   2. “Any statement made by that witness or party” includes:
      a. Statements made to the investigator,
      b. Statements contained in submitted documents, and
      c. Statements made to another party or witness.
   3. “Any statement made by that witness or party” does not include alleged
      statements made by Respondent that constitute the Policy violation(s) at
      issue.
   4. Adverse action which is intended to dissuade a party or witness from
      subjecting themself to questioning is prohibited and could result in
      disciplinary action.
      a. Actions of a party’s advisor will be treated as the actions of the
         party.
      b. This does not include legitimate legal advice provided to any party
         by their advisor.
   5. If a party chooses not to attend the hearing, an advisor may still conduct
      questioning on their behalf, so that the decision-maker may consider
      statements by parties and witnesses who choose to attend and submit
      themselves to questioning.
      a. The decision-maker still may not consider any statements of the
         party who chooses not to attend.
      b. If an absent party does not have an advisor, the University will
         provide that party with an advisor for the purpose of questioning
         the other party and witnesses on the party’s behalf.
   v. Advisors will be expected to abide by the rules of decorum for the hearing,
      including parameters for questioning, which will be provided to all advisors and
      parties at least ten (10) business days prior to the hearing.
      1. If an advisor violates these directives, they may be asked to leave the
         hearing. If a party’s advisor is removed from a hearing, the University will
         provide the party with an advisor for the purpose of questioning the
         other party and witnesses.
f. All witnesses and parties are expected to provide true and accurate information. Should a witness or party willfully provide false information, they may be subject to disciplinary action.

g. At the conclusion of the hearing, the decision-maker will enter into closed deliberations. The parties, their advisors, witnesses, and the investigator are not permitted to be present during these deliberations.

11. Determination of Outcome
   a. Determination of Responsibility
      i. In closed deliberations, the decision-maker will make a determination of responsibility using the \textit{preponderance of the information (more likely than not) standard}.
      ii. If the matter is heard by a hearing panel, the determination of responsibility need not be unanimous. It will be determined by a majority vote of the panel.
   b. Assignment of Sanctions and/or Remedies
      i. If Respondent is found responsible, the decision-maker will assign appropriate sanctions.
      ii. Factors considered when assigning sanctions include but are not limited to:
         1. Aggravating and mitigating circumstances,
         2. Respondent’s conduct history, and
         3. The need for the sanctions to:
            a. Bring an end to the misconduct,
            b. Prevent the future recurrence of the misconduct, and/or
            c. Ensure the safety of the campus community.
      iii. If Respondent is found responsible, the decision-maker will also assign remedies for the Complainant as needed to restore or preserve the Complainant’s equal access to the University’s education programs and activities.
         1. These remedies may include continuation of supportive measures previously provided.
      iv. Respondent’s failure to complete sanctions (including educational outcomes) by the date specified may result in further disciplinary action.

12. Sanctions: Students
   a. Standing Sanctions
      i. The following sanctions impact a student’s standing with the University. When a student is found responsible for violating this Policy, one of these standing sanctions must be assigned:
         1. \textbf{Warning Letter:} A formal statement that the behavior was unacceptable and a warning that further infractions of any University policy, procedure, or directive will result in more severe sanctions or remedial actions.
         2. \textbf{Probation:} A written reprimand providing for more severe conduct sanctions in the event that the student or organization is found in violation of any University policy, procedure, or directive within a specified period of time. Probation may also impact a student’s ability to participate in certain co-curricular activities, leadership opportunities, or other University programs.
3. **Suspension**: Termination of student status for a definite period of time, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their time at the University. This sanction will not be noted on the student’s official transcript.

4. **Dismissal**: Permanent termination of student status, revocation of rights to be on campus for any reason or to attend University-sponsored events. This sanction will be noted on the student’s official transcript.

5. **Withholding Diploma**: The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities.

ii. Only one standing sanction may be assigned in a case.
   1. Standing sanctions are assigned progressively. If a student has been assigned a standing sanction previously, the standing sanction for any subsequent violation(s) of this Policy must be greater, absent mitigating circumstances.

b. **Educational Outcomes**
   i. For every standing sanction except dismissal, educational outcomes may be assigned. These outcomes may include, but are not limited to:
      1. Restitution,
      2. Assessment by a University-approved licensed psychologist, physician or healthcare provider, and/or
      3. Exclusion from co-curricular activities

13. **Sanctions: Employees**
    a. When an employee is found responsible for violating this Policy, one of the following sanctions must be assigned:
       i. **Warning Letter**: A warning is a formal method of informing an employee of a violation of University rules, guidelines, and/or policies. Additional violations will initiate the progressive disciplinary process.
       ii. **Demotion**: A reduction in rank or status.
       iii. **Suspension with pay**: Temporary removal of an employee from performing their work duties.
       iv. **Suspension without pay**: Temporary removal of an employee from performing their work duties and from receiving pay.
       v. **Termination**: If the nature of the violation is so problematic and/or harmful to the campus community that a warning or a suspension is not appropriate, the University's recommendation will be to terminate employment.
       vi. Other sanctions, corrective actions, or educational outcomes that the hearing panel may deem appropriate.

14. **Notice of Outcome**
    a. Following deliberation, the decision-maker will draft a written notice of outcome.
       i. This written notice will include:
          1. Identification of the allegation(s),
          2. A description of the procedural steps taken from the receipt of the formal complaint through the determination of responsibility,
          3. Findings of fact supporting the determination,
4. Conclusions regarding the application of those facts to the relevant portions of this Policy,
5. The decision-maker’s determination of responsibility regarding each allegation,
6. Sanctions assigned to Respondent, if applicable,
7. The rationale for this determination(s),
8. A statement that remedies were provided to Complainant, if applicable, and
9. Instructions for submitting an appeal.
b. Each party will be provided with simultaneous written notice of outcome.

15. Appeals
a. Any party may appeal the dismissal of a formal complaint or the decision-maker’s decision regarding responsibility to the appropriate appellate official.
b. Appellate Officials
   i. The appropriate appellate official is determined by the status of Respondent.
      1. If Respondent is a student, the appellate official will be the Vice President for Student Affairs or designee.
      2. If Respondent is a staff member, the appellate official will be the Associate Vice President of Human Resources or designee.
      3. If Respondent is a faculty member, the appellate official will be the Provost and Vice President for Academic Affairs or designee.
   ii. Should the appellate official be the Respondent or for any other reason be disqualified to act in a case, the President or designee will appoint another individual to assume the appellate official’s role for that case.
   iii. Any individual serving as an appellate official must be appropriately trained to decide appeals of cases involving sexual misconduct.
c. Appeal Submission
   i. All appeals must be submitted in writing to the appropriate appellate official within five (5) business days of the delivery of written notice of outcome.
   ii. The appeal must include an explanation of the grounds for appeal.
      1. Grounds for appeal are limited to the following
         a. Procedural error that significantly impacted the outcome of the case,
         b. Availability of new information that could significantly impact the outcome of the case, and/or
            i. This information must not have been available at any point during the process prior to the time of appeal.
         c. Conflict of interest or bias on the part of the Title IX Coordinator, investigator, or hearing panel.
            i. This includes bias for or against Complainants or Respondents generally, or for or against a specific Complainant or Respondent in the matter.
      2. Disagreement with the decision to dismiss, determination of responsibility, and/or sanction(s) assigned do not constitute permissible grounds for appeal.
d. **Notice of Appeal**
   i. The appellate official will notify each party of receipt of an appeal within one (1) business day.

e. **Determination of Appellate Outcome**
   i. The appellate official will first review the appeal and determine whether it is:
      1. Timely, and
      2. Based on one or more of the grounds listed above.
   ii. If the appeal is not timely and/or not based on one or more of permissible grounds listed above, the appellate official will dismiss the appeal.
      1. Each party will be notified in writing of this dismissal.
   iii. This initial determination will be made within five (5) business days of receipt of an appeal.
   iv. If any portion of the appeal moves forward, the appellate official will make a decision on appellate outcome based on the merits of the appeal.
      1. Prior to the determination of appellate outcome, the other party will be provided the opportunity to review the appeal and submit a written response to both the appeal and the decision to dismiss or determination of outcome.
         a. A response must be submitted to the appellate official within five (5) business days of the delivery of notice of the initial appellate determination.
         b. If a party chooses not to submit a response, the appeal will move forward without the benefit of their participation.
      2. At the conclusion of the five-day response period, the appellate official will make a determination of the appellate outcome.
         a. The appellate official will confine their analysis to review of the written documentation related to the case, recording of the hearing (if applicable), and information contained in the appeal and any response(s) to the appeal.
         b. Appeals are not intended to be a full rehearing of the case.
            i. The appellate official will not substitute their own evaluation of the facts of the case for that of the decision-maker(s).
            ii. The determination of appellate outcome will be based solely on one or more of the grounds listed above.
      c. The appellate official may select one of the following outcomes:
         i. Uphold the dismissal of the formal complaint,
         ii. Set aside the dismissal of the formal complaint,
            1. In such circumstances, the Administrative Investigation and Adjudication Process will resume at the point it left off at the time of the dismissal.
         iii. Uphold the original finding of responsibility and/or original assignment of sanction(s), or
         iv. Set aside the original finding and send the case back to an investigator or decision-maker(s) for further review.
            1. The appellate official may choose to send the case back to the same investigator or decision-
maker(s), or may direct the Title IX Coordinator to appoint a new investigator or convene a new hearing before a new decision-maker(s).

3. The appellate official will provide notice of appellate outcome to each party in writing within ten (10) business days after the conclusion of the five-day response period.

16. **Withdrawal or Resignation while a Case is Pending**
   
a. **Students**
   
i. Should a student Respondent choose to withdraw from the University while a case is pending, the University has the discretion to select one of the following options:
   
   1. The case may continue
   
   a. Respondent may continue to participate in the case. If they choose not to participate, the case will proceed without the benefit of their participation.
   
   i. All requirements regarding submission to questioning by the other party and consideration of Respondent’s statements will apply.
   
   b. Respondent’s ability to return to the University will depend on the outcome of the case.
   
   i. In cases where there is a responsible finding and the standing sanction assigned is dismissal, Respondent will not be permitted to return.
   
   ii. In cases where there is a responsible finding and the standing sanction is anything less than dismissal, Respondent will not be permitted to return unless all sanctions have been satisfied.
   
   iii. In cases where there is a not responsible finding, Respondent may return whenever they wish, provided they meet the requirements of all other University policies and procedures.
   
   2. The case may be dismissed, following the procedures listed above under Dismissal of Formal Complaints.

ii. Should a student Complainant withdraw from the University while a case is pending, the University has discretion to select one of the following options:

   1. The case may continue
   
   a. Complainant may continue to participate in the case. If they choose not to participate, the case will proceed without the benefit of their participation.
   
   i. All requirements regarding submission to questioning by the other party and consideration of Complainant’s statements will apply.
   
   2. The case may be dismissed, following the procedures listed above under Dismissal of Formal Complaints.
b. Employees  
i. Should an employee Respondent choose to withdraw from the University while a case is pending, the University has the discretion to select one of the following options:  
   1. The case may continue  
      a. Respondent may continue to participate in the case. If they choose not to participate, the case will proceed without the benefit of their participation.  
         i. All requirements regarding submission to questioning by the other party and consideration of Respondent’s statements will apply.  
      b. Respondent’s ability to return to the University will depend on the outcome of the case.  
         i. In cases where there is a responsible finding and the standing sanction assigned is termination of employment, Respondent will not be permitted to return.  
         ii. In cases where there is a responsible finding and the standing sanction is anything less than termination, Respondent will not be permitted to return unless all sanctions have been satisfied.  
         iii. In cases where there is a not responsible finding, Respondent may return whenever they wish, provided they meet the requirements of all other University policies and procedures.  
   2. The case may be dismissed, following the procedures listed above under Dismissal of Formal Complaints.  

ii. Should an employee Complainant resign while a case is pending, the University has discretion to select one of the following options:  
   1. The case may continue  
      a. Complainant may continue to participate in the case. If they choose not to participate, the case will proceed without the benefit of their participation.  
         i. All requirements regarding submission to questioning by the other party and consideration of Complainant’s statements will apply.  
   2. The case may be dismissed, following the procedures listed above under Dismissal of Formal Complaints.

F. INFORMAL RESOLUTION  
  1. Informal resolution is available at any point prior to a determination of responsibility through the Administrative Investigation and Adjudication Process.  

  2. Requirements for an informal resolution:  
     a. A formal complaint must be filed, and  
     b. Each party must give their written, voluntary consent to informal resolution.  
        i. No party is required to consent to an informal resolution. If any party chooses not to consent to an informal resolution, the Administrative Investigation and Adjudication Process will continue.
3. Informal resolution is **not available** in cases involving an employee Respondent and a student Complainant.

4. Several options for informal resolution are available, including mediation.
   a. **Mediation**
      i. Mediation is a voluntary process. The Title IX Coordinator will determine if mediation is appropriate based on the conduct at issue and the agreement of Complainant and Respondent.
      ii. The Title IX Coordinator will appoint a mediator to speak with each party about possible resolution and remedies.
      iii. Mediation does not require the parties to be in the same room at the same time working to resolve the report. Rather, the mediator may work with each party separately toward a mutually agreeable resolution.
      iv. Anyone participating in mediation can stop that process at any time and request an Administrative Investigation and Adjudication Process.
         a. Should a mediation process end and an Administrative Investigation and Adjudication Process resume, the mediator may not serve as a witness in the process, nor may information shared in the mediation process be used in the Administrative Investigation and Adjudication Process.
      v. The Title IX Coordinator will maintain the record of any mediation resolution agreement in the file on the case.
      vi. Failure to abide by a mediation resolution agreement may result in disciplinary action.
   b. **Agreement to Outcome**
      i. Where the facts are not in dispute, the parties may choose to agree to an outcome in the matter—i.e., a responsible or not responsible finding for Respondent and any applicable sanctions.
         a. This is not the same as a finding of responsibility by the University at the conclusion of the Administrative Investigation and Adjudication Process.
         b. Applicable sanctions may include any of the sanctions listed under Determination of Outcome, above.
      ii. The Title IX Coordinator will facilitate this agreement, but it is the parties who come to the determination of outcome.
      iii. The Title IX Coordinator will maintain the record of any resolution agreement in the file on the case.
         a. Outcome agreements that involve a responsible finding for a Respondent will be maintained in that Respondent’s student conduct file. This means that this information could be shared with other institutions of higher education, employers, or others conducting prior misconduct checks with the University.
            i. Such information would be shared in compliance with all federal and state laws and applicable University policies.
         iv. Failure to abide by an outcome resolution agreement may result in disciplinary action.
c. **Other forms of informal resolution**
   i. Any party may consult with the Title IX Coordinator regarding other options for informal resolution.

5. The Title IX Coordinator retains discretion to determine whether an informal resolution option is appropriate for a given case.

6. Each party has the right to withdraw from an informal resolution process and request that the Administrative Investigation and Adjudication Process resume at any time prior to the signing of an informal resolution agreement, including a mediation agreement.
   a. Should a party request a resumption of the Administrative Investigation and Adjudication Process, the process will resume at the point at which it left off prior to the beginning of the informal resolution process.

G. **RECORDS**
   In implementing this Policy, records of all reports of sexual misconduct will be maintained by the Title IX Coordinator. Decisions finding a student responsible for violations of this Policy will also be noted in their student conduct file. Decisions findings an employee responsible for violations of this Policy will also be noted in their personnel file. All records will be kept for at least seven (7) years.

**HISTORY/REVISION DATES**

| Board of Trustees Approval | June 9, 2017 |
| Revision | August 14, 2020 |