



**Baptist University
Of Florida**

TITLE IX POLICY AND PROCEDURE MANUAL

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Baptist University of Florida

Title IX Policy and Procedure Manual

Revised: January 2026

INTRODUCTION

In compliance with federal law, including provisions of Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, and the recent amendments to the Violence Against Women Act (VAWA), and the Department of Education’s 2020 Final Rule, Baptist University of Florida (the “University”) does not illegally discriminate on the basis of race, sex, color, national or ethnic origin, age, disability, or military service in its administration of education policies, programs, or activities, admissions policies, or employment. Under federal law, the University may discriminate on the basis of religion in order to fulfill its purposes.

The implementing regulation at 34 C.R.F.§106.12(a) provides that Title IX does not apply to an educational institution controlled by a religious organization to the extent that application of Title IX would be inconsistent with the controlling organization’s religious tenets. Since Baptist University of Florida is a cooperating ministry of the Florida Baptist Convention, the University is exempt from these provisions to the extent that they prohibit discrimination on the basis of marital status, sex outside of marriage, sexual orientation, gender identity, pregnancy, or abortion and compliance would conflict with the controlling organization’s religious tenets.

Ref: Letter dated December 22, 2014
United States Department of Education
Catherine E. Lhamon
Assistant Secretary for Civil Rights

UNIVERSITY POLICY STATEMENT

The University is committed to providing its students, faculty, and staff with an environment free from implicit and explicit coercive behavior used to control, influence, or affect the well-being of any member of the university community. The University prohibits any harassment of any person, especially when it is related to a person’s race, sex, religion, national origin, age or physical condition. Harassment or sexual harassment of any person is inappropriate, unacceptable, and contrary to the standards of conduct expected of all members of the University community including students, faculty, and staff.

The University harassment and sexual harassment policies, including a description of disciplinary action, can be found in the Baptist University of Florida Student Handbook, the Baptist University of Florida Personnel Policy and Practice Manual, and the Baptist University of Florida Faculty and Adjunct Faculty Handbooks.

Baptist University of Florida prohibits retaliation (in the form of intimidation, threats, coercion, or discrimination) against individuals reporting or providing information for Title IX investigations. Such behavior will be addressed by the Title IX coordinator and may be subject to disciplinary action as determined by the Presiding Officer appointed by the Baptist University of Florida President.

REPORTING/COMPLAINT PROCEDURE

Inquiries or complaints should be directed to the Title IX Coordinator. The Title IX Coordinator is responsible for responding to inquiries and complaints.

The Baptist University of Florida Title IX Coordinator is not a confidential source of support. Complaints will be addressed and investigated with sensitivity, and information will be kept as private as possible.

The Title IX Coordinator, as appointed by the President of Baptist University of Florida, is Hannah Strickland. Mrs. Strickland can be reached during normal working hours from 8:00 a.m. to 5:00 p.m., Monday through Thursday, (850) 263-3261 Ext. 437 Central Time Zone. Mrs. Strickland is in the Kinchen Center of the Graceville campus of the University.

This policy addresses sexual misconduct complaints:

In addition to the Title IX Coordinator, reports relating to sexual misconduct may be reported to the appropriate representative offices as outlined in the Student Handbook, Personnel Manual, and Faculty/Adjunct Faculty Handbook. Sexual misconduct may also constitute a criminal violation which is reportable to local law enforcement agencies and to individuals designated by the University as Campus Security Authorities (CSAs).

The University encourages students, faculty, and staff to report all incidents of sexual misconduct. The University is obligated under federal law to investigate reports of sexual misconduct to eliminate sexual harassment, discrimination, assault, and prevent reoccurrence.

Title IX inquiries and complaints will be processed taking into consideration certain rights afforded the Complainant(s) and Respondent student(s).

1. Written notification of the alleged violation.
2. Disclosure of the source of any allegation.
3. Policy violated within the Code of Conduct.
4. Investigation results/sanctions and/or disciplinary results (administrative disciplinary actions such as suspension or expulsion, interim suspension, sanctions such as warnings, probation, loss of privileges, restrictions, community service or other forms of restitution, or no contact) will be determined by the Presiding Officer appointed by the Baptist University of Florida President.
5. Provided an opportunity to respond/or refrain from making statements.

6. Appeal (both the Complainant and Respondent have the right to an appeal). A written appeal or submission must be submitted to the University Hearing Officer within 5 days following receipt of the investigation results including any administrative disciplinary action, if required. The decision of the University Hearing Officer on appeals is final unless the President chooses to review the matter.

Understanding Options Before Reporting

The University offers off campus counseling services by request through the Provost's office (800)328-2660 x. 416.

Reporting a Concern

Complainants may report directly to the Title IX Coordinator. Anyone can report a potential violation to the Title IX Coordinator, and anonymous reports are permitted. Upon receiving a report of sexual harassment, the Title IX Coordinator will contact the victim to offer supportive measures.

Reporting to the University

To report a concern, contact the Title IX Coordinator at:

Hannah Strickland
Title IX Coordinator
Kinchen Center, Graceville Campus
Office Hours: Monday through Thursday 8:00 a.m. to 5:00 p.m. Central Time Zone
(850) 263-3261 Ext. 437
hstrickland@buf.edu

Direct Report to the University from Complainant

The Title IX Coordinator will ask for the following information from a Complainant:

1. Name of Complainant
2. Name of Responding Party
3. Date of the incident
4. Date of report
5. To whom the report was made
6. Location of the incident
7. Time of the incident
8. Nature of the conduct

Report from Any Official of the University

When any official of the University who has authority to institute corrective measures on behalf of the University is made aware of a Title IX concern, he or she is required promptly to report the concern to the Title IX Coordinator. The Title IX Coordinator is obligated to review the

concern and follow up appropriately. When a report is made by a University official, the Title IX Coordinator will ask for the information described above and additionally request:

1. The name of the University Official
2. Who reported the incident to the University Official
3. Date of the report to the University Official

Reporting to Law Enforcement

Sexual misconduct may also constitute a criminal violation which may be reportable to local law enforcement agencies.

Direct Report from Complainant

For conduct that could also constitute a crime under Florida law, a Complainant is encouraged, but not required, to contact the police by dialing 9-1-1.

Report from a Campus Security Authority

When the allegations described could be a crime under Florida law, University officials and staff members designated as Campus Security Authorities are also required by the Clery Act to notify the Office of Campus Safety.

Confidentiality

As noted previously, the Baptist University of Florida Title IX Coordinator is not a confidential source of support. While complaints will be addressed and investigated with sensitivity, and information will be kept as private as possible.

Request for Confidentiality

Should the University become aware of a concern that Prohibited Conduct is alleged to have occurred, the Title IX Coordinator has an obligation to review the available information and determine whether to proceed to an investigation. The Complainant may ask the University not to disclose the Complainant's identity to the Responding Student. Should a Complainant make such a request for confidentiality, the Title IX Coordinator will inform the Complainant that the University's ability to respond to the allegations and investigate may be limited if the request is granted. A Complainant who initially requests confidentiality is not prohibited from later waiving confidentiality and requesting that the University conduct a full investigation.

No Guarantee of Confidentiality

The Title IX Coordinator will inform the Complainant that due to various federal and state laws, it is not always possible to guarantee confidentiality regarding incidents of Prohibited Conduct. Under those laws, the University's decision to share information with others is subject to a balancing test that requires the University to consider a range of factors when a Complainant's

request for confidentiality would preclude a meaningful investigation or potential discipline of the Responding Student.

These factors include, but are not limited to:

1. multiple reports of Prohibited Conduct relating to a single Responding Student;
2. a report that Prohibited Conduct involved a weapon, physical restraints, or battery;
3. the age of the Complainant; and
4. the availability of other University means to obtain relevant evidence.

Granting Confidentiality

If a request for confidentiality is granted, the Title IX Coordinator will retain information regarding the report, including the name of the Responding Student (if known), noting that the report was not fully investigated.

Denying a Request for Confidentiality

If the Title IX Coordinator determines that the University cannot honor the request for confidentiality and must disclose the Complainant's identity to the Responding Student and pursue an investigation, the Title IX Coordinator will inform the Complainant before making this disclosure and put in place Interim Measures as necessary to protect the Complainant and the University community.

Decision to Undertake an Investigation and Scope of Investigation

Except for matters in which a request for confidentiality is granted, the University investigates those concerns brought to the Title IX Coordinator in which the Title IX Coordinator determines that the allegations are plausible under the totality of the circumstances and, if true, would constitute Prohibited Conduct. Where the Title IX Coordinator determines that an allegation of Prohibited Conduct includes one or more Complainants and more than one Responding Student, the Title IX Coordinator may investigate the events together as a single matter and institute a single hearing process for the resolution of all the concerns. Similarly, where the Title IX Coordinator determines that there are multiple allegations of Prohibited Conduct involving one Responding Student by more than one Complainant, the Title IX Coordinator may investigate the events together as a single matter and institute a single hearing process for the resolution of all the concerns.

Interim Measures

Once an individual has come forward with a concern of Prohibited Conduct or the Title IX Coordinator is otherwise made aware of such a concern, the University will promptly take steps to ensure that the Complainant has equal access to the University's educational programs and activities and to protect the Complainant as necessary, including taking Interim Measures before the final outcome of an investigation. Interim Measures are determined on a case-by-case basis and may include housing accommodations, counseling services, academic accommodations, no-

contact directives, stayaway letters/campus bans, escorts, limitations on extracurricular or athletic activities, and removal from the University community. For more information on Interim Measures, see Appendix C: Support Resources, Interim Measures & Remedies.

Support During the Investigation and Hearing Process

Once the University determines that it will undertake an investigation, the parties will be notified and resources described below will be available to the parties.

Support Person

Parties may seek the help of a Support Person during this process. The Support Person serves as an advisor to the party. While an advisor may offer guidance to a party, each party is expected to submit his or her own work, which should be signed by the party. The Support Person may ask relevant questions and cross-examine the other party and witnesses. Only one Support Person will be allowed to accompany a party into the hearing room.

Attorney

Each party may elect to identify a privately retained attorney to serve as his or her Support Person, and to accompany him or her in the hearing room. Such an individual is obligated to follow the requirements for Support Persons stated above. While a Support Person may be an attorney, the attorney has no different role in the process and serves as a Support Person in the same capacity as a non-attorney.

Responsibilities and Rights of the Parties and Witnesses

During an investigation and hearing under this process, the parties and witnesses have the following responsibilities and rights.

Responsibilities of Parties and Witnesses

1. The responsibility to be truthful, to cooperate with the process, and to follow the directions of University staff and agents responsible for administering this process.
2. The responsibility not to retaliate against or intimidate any individual who has reported a Title IX concern or who has participated as a party or witness in the process.
3. The responsibility to keep confidential (by not disseminating beyond Support Persons or advisors) documents and materials received from the University during this process and, as part of this responsibility, to destroy, when so directed by the University, all documents provided by the University, except for Outcome Letters.

Rights of Parties and Witnesses

1. The right to be reasonably protected from retaliation and intimidation where one has reported a Title IX concern or participated as a party or witness in the process.

2. The right not to be disciplined pursuant to other Code of Conduct offenses in connection with the reported incident that do not place the health or safety of any other person at risk.

Rights of Parties

1. The right to a support person to advise the party, as described above under the heading *Support During the Investigation and Hearing Process*.
2. The right for an equal opportunity to present witnesses.
3. The right to receive a written Notice of Concern that provides sufficient detail about the allegations and the applicable University policies for the Responding Student to be able to respond and for both parties to understand the scope of the investigation.
4. The right to decline to give a statement about the allegations or attend a hearing.
5. The right to participate in the investigation, including by identifying witnesses and identifying or providing relevant information to the investigator.
6. The right to receive a written Notice of Charge or a no charge decision.
7. The right to review the evidence and respond to such evidence.
8. The right to receive an investigative report for review and response.
9. The right to have a Support Person ask relevant questions and cross-examine the other party and witnesses during a hearing. Cross-examination may not be conducted by a party personally.
10. The right to have a Support Person provided by the University to conduct the cross-examination.
11. The right to have, at the request of either party, cross-examination to occur with the parties located in separate rooms.
12. The right to have statements disallowed by the University where such statements are made by a party or witness who does not submit to cross-examination .
13. The right to have an audio recording or transcript created by the University made available to the parties.
14. The right to receive an Outcome Letter.
15. The right to appeal the outcome.
16. The right to receive an Appeal Outcome Letter.

Formal Investigation

The formal investigation phase is the period during which the Investigator gathers information about the allegations and it begins when the Title IX Coordinator issues a Notice of Concern. This period of time is the parties' opportunity to provide input regarding the collection of evidence. New evidence and/or rebuttal evidence may be provided by the parties after the issuance of a Charge Letter only when it meets the standard for new and/or rebuttal evidence set forth in the Section *Pre-Hearing Process: Use of Evidence* and "*New*" *Evidence and/or Rebuttal Evidence* below.

Notice of Concern

If the University determines that it will investigate a concern, the parties will receive a written Notice of Concern from the Title IX Coordinator.

Within 48 hours of receiving the Notice of Concern, both the Complainant and the Responding Student will be asked to identify any academic or other significant conflicts that would affect the timing of the investigation and potential hearing. The Presiding Officer will consider this input in finalizing a Hearing Schedule.

Method of Information Gathering

After the Notice of Concern is issued, the Title IX Coordinator will assign an Investigator to the matter. The Investigator may gather information in multiple ways. The Investigator may collect documents and other information and may also interview parties and/or witnesses. In addition, a Complainant or Responding Student may:

1. Submit documentary information to the investigator;
2. Submit a list of witnesses to be interviewed by the investigator; and/or,
3. Request that the investigator attempt to collect documents and other information that are not accessible to the requesting party.

The investigator may decline to gather information if:

1. The request seeks information about the Complainant's past sexual history with anyone other than the Responding Student;
2. The request seeks information about the Responding Student's past sexual history with anyone other than the Complainant, unless such information could prove or disprove a pattern of conduct or knowledge of wrongdoing;
3. The request seeks information that is unreasonably duplicative;
4. The request is unlikely to yield relevant evidence;
5. The request seeks information that the requesting party could obtain from another source with greater convenience or less burden;
6. The request unreasonably invades the privacy interests of a party or witness or seeks information protected by federal or state law; and/or,
7. The burden of complying with the request is likely to substantially outweigh the benefit of the information as relevant evidence in the hearing.

Potential Outcomes of Investigation: No Charge Decision, Non-Hearing Resolution, or Charge Decision, Withdrawal of Complaint

Following an investigation, or possibly during the investigation in the event of a Non-Hearing Resolution or withdrawal of the complaint, the Title IX Coordinator will adopt one of the following options:

1. No Charge Decision

If the Title IX Coordinator concludes that a reasonable Presiding Officer could not find by a preponderance of the evidence that the alleged Prohibited Conduct occurred, no charge will issue, and the Title IX Coordinator will issue an Outcome Letter. The Outcome Letter can be appealed.

2. Non-Hearing Resolution

If the Title IX Coordinator concludes that a reasonable Presiding Officer could find by a preponderance of the evidence that the alleged Prohibited Conduct occurred, but there is not a significant dispute among the parties and the Title IX Coordinator about the proper outcome of the matter (including administrative remedies and disciplinary sanctions), the Title IX Coordinator may suggest to the parties a resolution without a hearing. In no case shall the parties be required to engage in discussions together regarding a proposed resolution.

- A. Non-Hearing resolution is not available if a party objects to such a resolution.
- B. Non-Hearing resolutions will result in an Outcome Letter.
- C. The administrative remedies and disciplinary sanctions will have the same force and effect as though they were imposed following a hearing.
- D. Non-Hearing Resolutions cannot be appealed.

3. Charge Decision

If the Title IX Coordinator concludes that a reasonable Presiding Officer could find by a preponderance of the evidence that the alleged Prohibited Conduct occurred and that a Non-Hearing Resolution option is not appropriate, the Title IX Coordinator will notify both the Complainant and the Responding Student in writing that the matter has been charged and referred to the Presiding Officer to decide the matter.

The Charge Letter will consist of a summary of the investigation sufficient to support the referral to a hearing and will not contain any conclusions or findings regarding responsibility. Specifically, the Charge Letter will contain (1) the specific allegations of Prohibited Conduct; and (2) the applicable University policy.

Shortly after receipt of the Charge Letter, the parties will receive access to view the Hearing File prepared by the Investigator. Additionally, the parties will receive a log of evidence that was collected as part of the investigation but redacted or excluded from the Hearing File, as well as the rationale for these redactions and exclusions. The log will be sufficiently detailed such that the parties can bring forward any evidentiary concerns to the Evidentiary Specialist.

4. Withdrawal of a Complaint

A Complainant may notify the Title IX Coordinator at any time that the Complainant does not wish to proceed with the investigation and/or hearing process. If such a request is received, the

Title IX Coordinator will inform the Complainant that the University's ability to respond to the allegation may be limited if the allegations are withdrawn.

The Title IX Coordinator will consider the factors in the Section *Confidentiality* above in reaching a determination as to whether to terminate the investigation and/or hearing process. In the event that the Title IX Coordinator determines that the investigation will continue, the Title IX Coordinator will notify the Complainant of that determination. The Title IX Coordinator will include in that notification a statement that the Complainant is not required to participate in the investigation and/or hearing process, but that the process will continue.

Timing of Matters Proceeding to a Hearing

Hearing Schedule

Generally, the University will seek to either reach a Non-Hearing Resolution or to complete a hearing within 60 business days from the date of issuance of the Notice of Concern, although the University will not compromise a thorough and fair process in order to meet the 60-day guideline. Additionally, the University will seek to conclude any post-hearing appeal and to issue the Appeal Outcome Letter within 15 business days after receipt of all appeal materials from the parties. These timelines may be extended for University breaks or other reasonable delays, such as extensions granted to the parties upon a showing of good cause. If a deadline falls on a weekend or holiday, there will be an automatic extension to the next business day.

The University will strive to complete an investigation and make a charging decision within 20 business days from the date of the formal complaint. The Investigator will then create the initial Hearing File in five business days. However, in more complex cases involving, for instance, multiple allegations and/or witnesses, the investigation may take longer. The parties will be notified in writing of any changes to this timing.

At the time a case is charged, the Presiding Officer will issue a timetable that schedules all key dates for the matter (Hearing Schedule) that takes into consideration the academic and other conflicts identified in response to the Notice of Concern. Unless an extension is granted based on a showing of good cause, the parties are obligated to follow the Hearing Schedule. Except as provided in the Section *Appeal* below, the Hearing Schedule will be case-specific but generally will use the following timeframes as guidelines:

1. Five business days for parties to bring forward evidentiary concerns regarding the Hearing File to the Evidentiary Specialist, if any, and to offer new evidence and/or rebuttal evidence, if any.
2. Five business days for the Evidentiary Specialist to provide a written response to the evidentiary concerns.
3. Following the finalization of the Hearing File by the Evidentiary Specialist, five business days for the parties to provide a written response to the Hearing File.
4. Two business days for the Presiding Officer (working with the investigator and/or Evidentiary Specialist as necessary) to redact any information from the written response that does not comport with the evidentiary decisions in the matter.

5. Hearing and deliberation.
6. Following a finding that a Responding Student is responsible, two business days to provide a sanction statement within the outcome letter.
7. Following the Sanction Phase and receipt of the Outcome Letter, ten business days to file an appeal.
8. Following the receipt of the other party's appeal (if any), seven business days to respond.
9. The appeal decision will be issued within 15 business days.

Extensions

Extensions are only granted for good cause. A request for an extension must be made, in writing and with reasons provided, to the Presiding Officer. The Presiding Officer will endeavor to respond to an extension request promptly, in writing, ideally within one business day.

Pre-Hearing Process

Once a matter is charged, the matter goes through the following pre-hearing steps.

Use of Evidence

During the investigation phase, the Investigator gathers information relating to the matter. During the pre-hearing process, the Investigator reviews this information and identifies that portion of the materials that meet the following evidentiary guidelines based on the charges that were issued. This evidence is then placed into the Hearing File, which contains the material that will be reviewed by the Presiding Officer for deciding a case.

In general, evidence may be presented during a hearing if it is relevant, not unduly repetitious, and the sort of information a reasonable person would find reliable. Evidence is relevant if (1) it makes a fact that is of consequence in determining the action more or less likely than it would be without the evidence; or (2) it reflects on the credibility of a testifying party or witness in a material way and the value of this evidence is not outweighed by its prejudicial effect.

Information gathered during the investigation that is not relevant to the charged conduct will not be placed into the Hearing File; irrelevant information appearing within a witness statement or other evidence will be redacted. As noted previously, parties will receive a log describing gathered evidence that was not included in the Hearing File.

“New” Evidence and/or Rebuttal Evidence

“New” evidence is evidence that was not available at the time of the charge decision, could not have been available based on reasonable and diligent inquiry, and is relevant to the matter.

Rebuttal evidence is evidence presented to contradict other evidence in the Hearing File, which could not have been reasonably anticipated by a party to be relevant information at the time of the investigation.

This section is not intended to permit a party who has declined to give a statement about the incident during the investigation to give such a statement for the first time after the Hearing File has been created. This section is intended to be invoked in rare instances to allow for the inclusion of information that was not available during the investigation or that could not have been reasonably anticipated to be relevant to rebut an issue that came to light.

Evidentiary Review Process

If a party objects to evidence included or excluded from the Hearing File, or if a party wants to submit new evidence and/or rebuttal evidence after the parties have viewed the file, the party may make a written request of no more than 1,500 words in length (excluding the submission of proposed new or rebuttal evidence) for a review by the Evidentiary Specialist. New evidence and/or rebuttal evidence, if any, should be attached to the written request.

In order to consider the objections to the Hearing File, the Evidentiary Specialist will have access to all materials gathered by the Investigator during the investigation. The parties must submit the objections by the date set in the Hearing Schedule, generally five calendar days from the date the Hearing File is made available to the parties. The Evidentiary Specialist will make a decision based on the standards described in the Section *Pre-Hearing Process* above and will provide a written decision that will be binding. The Evidentiary Specialist has the authority to make all evidentiary decisions relating to what information is relevant; that is, what information should be included or excluded from the Hearing File. The Evidentiary Specialist will work with the Presiding Officer to complete the finalized Hearing File.

During the hearing, parties and witnesses must comply with the evidentiary decisions that have been made by the Evidentiary Specialist.

Objections to the inclusion or exclusion of evidence that were, or could have been, resolved through the Evidentiary Review before the hearing cannot be the basis for an appeal, unless the appealing student demonstrates that the evidentiary decision was clearly erroneous and substantially affected the reviewing panel's decision to the detriment of the appealing student.

Response Statement to Hearing File

After the Hearing File has been finalized, each party may submit a written statement of his or her position to the Presiding Officer that is no more than 1,500 words in length.

1. This statement is each party's opportunity to respond to the Hearing File and the charges made and to provide a statement to the panelists about what the party believes the evidence shows.
2. No attachments will be accepted; references to evidence should be made to material in the existing Hearing File.
3. No new and/or rebuttal evidence may be submitted.
4. No information may be submitted that goes beyond the scope of the matter that is charged.

The parties must submit this statement by the date set in the Hearing Schedule, generally five calendar days after the Hearing File is finalized.

The Presiding Officer, in consultation with the Investigator and Evidentiary Specialist as necessary, will remove information from a position statement that goes beyond the scope of the charge or that violates the evidentiary guidelines provided above in Section Pre-Hearing Process: Use of Evidence.

Hearing Process

Presiding Officer

Each case will be heard by the Presiding Officer. The name of the Presiding Officer will be provided to the parties in advance of the hearing. No person who has a conflict of interest may serve as the Presiding Officer. A conflict of interest exists if the Presiding Officer has prior involvement in or knowledge of the allegations at issue in the case, has a personal relationship with one of the parties or witnesses, or has some other source of bias. Either party may assert, in writing, that the Presiding Officer, has a conflict of interest. The Title IX Coordinator will determine if such a conflict exists. A request to recuse a Presiding Officer based on a conflict must be submitted to the Title IX Coordinator within 24 hours of receipt of his or her name. If the Title IX Coordinator determines that a Presiding Officer has a conflict of interest, that Presiding Officer will be replaced by an alternate.

Hearing

The Investigator will attend and observe the hearing and will be available to answer any questions from the Presiding Officer about the investigation. The Presiding Officer will meet with the parties and witnesses for the purpose of making findings of fact. The parties and witnesses may not speak to matters beyond the scope of the Hearing File (for example, by raising potential misconduct allegations that go beyond the scope of the charged conduct). Parties and witnesses must not disclose or reference information to the Presiding Officer that was excluded by the Investigator and/or Evidentiary Specialist. The Presiding Officer is expected to ask questions of the parties and/or witnesses.

1. **Parties' Participation.** Parties can choose to appear in person, by telephone, or by Zoom (or similar technology). The parties will not be in the same room at the same time with each other. If the party is available to meet with the Presiding Officer in person, each party will do that in person while the other party listens in by telephone (or similar technology). Each party may be accompanied in the hearing room by one Support Person.
2. **Witness' Participation.** Parties are permitted to listen to witnesses as they are speaking to the Presiding Officer. The Presiding Officer is not obligated to speak to all witnesses; the Presiding Officer may choose not to meet with a witness if the witness' statement is sufficient and the credibility of the witness is not at issue.
3. **Questions from the Parties.** At the conclusion of a party's or witness' session with the Presiding Officer, the Support Person for both parties are allowed to ask relevant questions and to cross-examine the other party and witnesses, following these guidelines:

- A. Cross-examination may not be conducted by a party personally.
- B. Only relevant cross-examination and other questions may be asked of a party or witness, as determined by the Presiding Officer, who must explain any decision to exclude a question.
- C. Cross-examination may not include questions about a Complainant's sexual behavior or disposition, unless evidence of such behavior is offered to establish consent or to demonstrate that another party is responsible for committing the violation.
- D. Statements made by a party or witness who does not submit to cross-examination will not be relied upon by the University.

Deliberation

Using a preponderance of the evidence standard, the Presiding Officer will determine responsibility based on the contents of the Hearing File and the parties' and witnesses' statements and responses to questions. The finding of responsibility will occur after a reasonable time for deliberation, but generally no more than 12 hours after the end of the hearing.

Sanction Phase

Upon a finding of responsibility, the process will move to the "Sanction Phase." The parties may submit a statement regarding discipline that is no more than 1,500 words in length. This document is the opportunity for the parties to suggest disciplinary outcomes and to provide aggravating or mitigating circumstances for the Presiding Officer to consider. The Presiding Officer, in consultation with the Investigator and Evidentiary Specialist, will remove information or speculation from these statements that would not be relied upon by reasonable people in making sanction determinations. Parties must submit this statement by the date determined by the Presiding Officer, generally two calendar days after the finding of responsibility.

The Presiding Officer will set a date for the Sanction Phase. The parties do not meet with the Presiding Officer during this phase. At the Sanction Phase, the Presiding Officer will carefully review the following:

1. The sanction statements.
2. Notice of the Interim Measures that were in place during the process.
3. Notice of any disciplinary history of the Responding Student.

Based on a careful review of the foregoing information, the Presiding Officer will impose sanctions using the guidelines provided in Appendix B. The sanction determination will be provided to the Title IX Coordinator who will determine the remedies appropriate for the matter, as set forth in Appendix C. The Title IX Coordinator will then issue written Outcome Letters to the parties that will include a description of the sanctions and the remedies. The Title IX Coordinator will file copies of the Outcome Letters for the purpose of maintaining a disciplinary record for the responsible student.

The Presiding Officer and the Title IX Coordinator respectively must explain decisions on responsibility and sanctions (if applicable) and remedies with enough specificity for the parties to be able to file meaningful appeals.

The consideration of whether remedies and sanctions go into immediate effect or are held in abeyance pending appeal or some combination thereof, will be determined on a case-by-case basis by the Title IX Coordinator based on considerations provided in Appendix C Section *Interim Measures*.

Appeal

Parties' Right to Appeal

The parties may appeal the Outcome Letter. Each party may submit a written appeal of up to 6,000 words in length, which will be shared with the other party. The parties must submit the appeal by the date determined by the Presiding Officer, generally ten calendar days from the receipt of the Outcome Letter.

The grounds for appeal are limited to the following:

1. Were there any procedural irregularities that substantially affected the outcome of the matter to the detriment of the appealing party?
2. Was there any substantive new evidence that was not available at the time of the no charge decision or hearing and that could not have been available based on reasonable and diligent inquiry that would substantially affect the outcome of the decision?
3. Was there any bias or conflict of interest among either the Title IX Coordinator, investigator, or Presiding Officer that affected the outcome of the determination?

In composing appeals, parties should format their responses following these aforementioned three grounds as the organizational structure.

Upon receipt of a party's appeal, the Presiding Officer will share it with the other party. Each party may submit a response to the other party's appeal (no more than 3,000 words). Each party must submit this response by the date determined by the Presiding Officer, generally seven calendar days after the other party's appeal has been shared. The appealing party will have access to the other party's response to the appeal, but no further responses will be permitted.

Appeal Decision

The University Hearing Officer will serve as the Appeal Officer. The Appeal Officer will provide the final appeal decision no later than 15 calendar days after receipt of all appeal documents. As needed, the Appeal Officer will consult with the Title IX Coordinator regarding the management of ongoing remedies. The Appeal Officer may reject the appeal in whole or in part, issue a new decision regarding responsibility, issue new or revised sanctions and remedies, or refer the matter to a new panel.

Presidential Review of Expulsion

For matters in which the decision of the Appeal Officer is to uphold a determination to expel a student, the President will have the final review of the matter. Both the Responding Student and Complainant are permitted to write a letter to the President of no more than 3,000 words in opposition to or support of the expulsion.

Ongoing Management

If there is a finding of responsibility, the Presiding Officer will provide a copy of all key documents to the Office of Campus Safety. The Title IX Coordinator will have ongoing responsibilities to monitor the sanctions imposed and to administer and adjust safety and administrative remedies for the parties.

Expedited Process for Violations of University Directives and Court Orders

During this process and after a Responding Student has been found responsible for engaging in Prohibited Conduct, if there is a new allegation that the Responding Student has engaged in a Court Order Violation or University Directive Violation relating to the matter, the Title IX Coordinator will expeditiously investigate the concern. The Title IX Coordinator may shorten the minimum times to respond under Section *Timing of Matters Proceeding to a Hearing: Hearing Schedule* provided above, in order to bring such a matter to a hearing on an expedited basis.

This expedited process is only available for Responding Students following a final determination of responsibility through a hearing or Non-Hearing Resolution. Reports of allegations of University Directive Violations or Court Order Violations prior to a final determination either will be incorporated into the pending matter or referred separately through this process.

Appendix A: Definitions

Appeal Officer: a faculty or staff member designated to hear appeals of matters pursuant to this process. The University Hearing Officer will serve as the Appeal Officer.

Appeal Outcome Letter: a written letter describing the Appeal Officer's final determination of a matter brought forward on appeal.

Campus Security Authorities (CSAs): Campus Security Authorities are University administration, faculty, staff, and student employees who have authority over other students.

Charge Letter: the formal notification issued by the Title IX Coordinator following an investigation and after the Title IX Office has found information that a reasonable Presiding Officer could find by a preponderance of the evidence that the alleged Prohibited Conduct occurred.

Complainant: the party to the process who has allegedly experienced the alleged Prohibited Conduct at issue. Use of this term does not necessarily indicate that this person either reported the conduct or requested that the University pursue the matter.

Concern: an allegation that a student has engaged in Prohibited Conduct.

Confidential University Resource: a person who by law is exempted from the obligation to report an allegation of Prohibited Conduct to any entity, including the University's Title IX Coordinator or law enforcement in circumstances in which the reported conduct could be a crime (except, as to law enforcement, if the Complainant is a minor or if there is a belief that there is an imminent threat of harm to self or others).

Evidentiary Review: the process managed by the Evidentiary Specialist, where a party objects to the inclusion or exclusion of evidence in the Hearing File, to finalize the Hearing File that will be considered by the Presiding Officer using the evidentiary process described in Sections *Pre-Hearing Process: Use of Evidence* and *Evidentiary Review Process*.

Evidentiary Specialist: a person with specialized knowledge in evidence (such as a person with legal training) retained by the University, in the event of an objection to the inclusion or exclusion of evidence in the Hearing File, to resolve evidentiary concerns and finalize the Hearing File.

Hearing File: the information collected during the investigation that is deemed relevant to be considered by the Presiding Officer.

Hearing Schedule: a time-table specific to each matter that schedules key dates for the matter after it has been charged.

Interim Measures: When the University has notice of an allegation of Prohibited Conduct, a qualified University Faculty or Staff Member may impose interim accommodations or safety measures, which will generally remain in effect throughout the duration of the University investigation.

Investigator: The Title IX Coordinator or the person assigned by the Title IX Coordinator to investigate allegations of Prohibited Conduct. The Investigator(s) shall have been trained on all elements of an investigation as required by federal and state law.

Non-Hearing Resolution: a resolution to a concern that does not involve a hearing.

Notice of Concern: a written communication issued from the Title IX Coordinator to the Responding Student indicating that a concern has been raised that the Responding Student may have engaged in Prohibited Conduct and that the University has decided to investigate the allegations.

Outcome Letter: a written letter describing the outcome in a matter and the rationale for the outcome.

Office of Campus Safety: the office that manages student discipline and retains disciplinary files.

Parties: the term used to refer collectively to Complainant(s) and Responding Student(s).

Presiding Officer: The trained member of the University's community that will consider allegations and determine, applying a preponderance of the evidence standard, whether the Responding Student has violated University policy relating to Prohibited Conduct. This person manages the hearings under this process. The Provost will serve as the Presiding Officer.

Prohibited Conduct: Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking, in addition to Retaliation, intimidation, and violation of University or court-ordered directives related to these allegations.

Responding Student: a student in a degree-granting program alleged to have engaged in Prohibited Conduct on campus or off campus under circumstances in which the alleged Prohibited Conduct either occurred in a University program or activity or had the effect of creating a hostile environment on campus for the Complainant(s).

Responsible Employee (who must report Prohibited Conduct to Title IX): Except for University-recognized confidential resources, the following University faculty and staff members (including student staff members) with knowledge of unreported concerns relating to Prohibited Conduct are required to report such allegations to the Title IX Coordinator: (1) faculty members; (2) staff designated as Campus Security Authorities by the Clery Act, and (iii) staff who have responsibility for working with students in the following capacities: supervising; teaching; advising; coaching or mentoring. Reporting by these individuals is required regardless of whether impacted party has or has indicated they will contact the appropriate office.

Retaliation: Direct or indirect intimidation, threats, coercion, harassment, or other forms of discrimination against any individual who has brought forward a concern or participated in the University's Title IX process.

Sexual Harassment: The Department of Education, in its final Title IX Regulations, expanded its definition of sexual harassment from unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature by an employee, by another student, or by a third party, that is so severe, pervasive, and objectionably offensive, to also include the definition of Sexual Assault under the Clery Act and additionally incorporates the definitions of dating violence, domestic violence, and stalking in the Clery Act as amended by VAWA. Therefore, *Sexual Harassment*, by definition, also includes these four Clery Act/VAWA offenses:

1. *Dating Violence:* Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with the consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
2. *Domestic Violence:* Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
3. *Sexual Assault:* An offense that meets the definition of rape, fondling, incest or statutory rape as used in the Federal Bureau of Investigation's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
4. *Stalking:* Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional stress.

Support Person: an advisor to the party.

Title IX Coordinator: the individual responsible for overseeing the University's compliance with Title IX, and Violence Against Women Act amendments to the Clery Act.

University Directive Violation or Court Order Violation: Violation of any directive issued by the University that restricts the activities of an individual in connection with an allegation or finding of Prohibited Conduct; or violation of any formal order issued by a state or federal court or authorized police officer, that restricts a student's access to another community member, such as an emergency, temporary, or permanent restraining order.

Witness: a person asked to give information or a statement in a matter under this process.

Appendix B: Sanction Guidelines

Expulsion is the expected sanction for a finding of Sexual Harassment. The Presiding Officer must impose sanctions that reflect the seriousness of the incident and the harm caused to the Complainant and, as relevant, the University community. Beyond Sexual Harassment, expulsion may be the appropriate outcome in other matters considered under this process and every sanction deliberation should begin with consideration of expulsion. Sexual misconduct is extremely serious and (in instances in which expulsion is not warranted) separation from the University for some period of time is expected.

Sanctions other than expulsion can be imposed if the Presiding Officer, in consultation with the Title IX Coordinator, so decides.

Sanctions include the following:

1. Expulsion—permanent separation from the University without the option to re-enroll in any future degree-granting program.
2. Suspension from the University for a period of up to three academic years.
3. Delay in conferral of degree.
4. Probation with a suspension.
5. Probation.

Appendix C: Support Resources, Interim Measures & Remedies

Support Resources

The following resources are available to students who believe they have been the victim of Prohibited Conduct regardless of whether there is an investigation or finding under this process. These resources are also available to Complainants following a finding of no-responsibility in a hearing.

1. Access to counseling provided through the Office of the Provost (800) 328-2660 Ext. 416.
2. Academic assistance from the Office of the Provost to notify faculty that a student is experiencing a period of personal hardship (800) 328-2660 Ext. 416.
3. Safety measures or support services, including in the areas of academics, housing, and extracurricular activities.

Interim Measures

In addition to the support resources described above, the following interim measures may be implemented by the Title IX Coordinator while an investigation is pending.

1. Housing accommodations, including the possibility of removal of the Responding Student from a current assignment
2. Academic accommodations, including the possibility of removal of the Responding Student from a course
3. No contact directives, stay-away letters, or campus bans
4. Safety escorts
5. Limiting the Responding Student's extracurricular or athletic activities
6. Removal of the Responding Student from the University community while the investigation is pending
7. Other safety measures or accommodations as appropriate for the particular matter.

When implementing Interim Measures, the Title IX Coordinator will consider a number of factors in determining which measures should be put in place, such as the following:

1. The safety of the community
2. The safety of the Complainant
3. The severity of the allegations
4. The education and living environments of the parties
5. Any academic or other University-related programs and activities with which the parties are involved.

Pursuant to guidance from the U.S. Department of Education, when adopting Interim Measures, the Title IX Coordinator will minimize the burden on the Complainant. To the extent not inconsistent with the obligations above, the University will take into account the Responding Student's academic, living, and extracurricular activities during the process of setting interim

accommodations, including circumstances in which the Responding Student might have priority to attend a class or event.

The Title IX Coordinator will provide written notification of Interim Measures to both parties, although a measure affecting only one party will not be shared with the other party. The Title IX Coordinator may adjust the Interim Measures as necessary.

Remedies

If the Presiding Officer finds the Responding Student responsible and determines the sanction, the Title IX Coordinator must then implement remedies with the goal of enabling the Complainant to reasonably obtain the educational benefits available to students while remaining free from unreasonable interaction with the Responding Student on campus for a reasonable period of time.